

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1386

Short Title: Childhood Vaccines/Phase Out Preservatives. (Public)

Sponsors: Representatives Dollar, Goforth (Primary Sponsors); and Wray.

Referred to: Health, if favorable, Judiciary III.

April 13, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT PERTAINING TO THE ADMINISTRATION OF THIMEROSAL-FREE  
3 VACCINES TO CERTAIN-AGED CHILDREN AND PREGNANT WOMEN.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 130A-152 reads as rewritten:

6 "**§ 130A-152. Immunization required.**

7 (a) Every child present in this State shall be immunized against diphtheria, tetanus,  
8 whooping cough, poliomyelitis, red measles (rubeola) and rubella. In addition, every child  
9 present in this State shall be immunized against any other disease upon a determination by the  
10 Commission that the immunization is in the interest of the public health. Every parent,  
11 guardian, person in loco parentis and person or agency, whether governmental or private, with  
12 legal custody of a child shall have the responsibility to ensure that the child has received the  
13 required immunization at the age required by the Commission. If a child has not received the  
14 required immunizations by the specified age, the responsible person shall obtain the required  
15 immunization for the child as soon as possible after the lack of the required immunization is  
16 determined.

17 (b) Repealed by Session Laws 2002-179, s. 10, effective October 1, 2002.

18 (c) The Commission shall adopt and the Department shall enforce rules concerning the  
19 implementation of the immunization program. The rules shall provide for:

20 (1) The child's age at administration of each vaccine;

21 (2) The number of doses of each vaccine;

22 (3) Exemptions from the immunization requirements where medical practice  
23 suggests that immunization would not be in the best health interests of a  
24 specific category of children;

25 (4) The procedures and practices for administering the vaccine; and

26 (5) Redistribution of vaccines provided to local health departments.

27 (c1) The Commission for Health Services shall, pursuant to G.S. 130A-152 and  
28 G.S. 130A-433, adopt rules establishing reasonable fees for the administration of vaccines and  
29 rules limiting the requirements that can be placed on children, their parents, guardians, or  
30 custodians as a condition for receiving vaccines provided by the State. These rules shall  
31 become effective January 1, 1994.

32 (d) Only vaccine preparations which meet the standards of the United States Food and  
33 Drug Administration or its successor in licensing vaccines and are approved for use by the  
34 Commission may be used. Vaccines, containing the preservative thimerosal, administered to  
35 children under the age of eight years shall not contain more than 0.5 micrograms of mercury  
36 per 0.5 milliliter dose.



1 (e) When the Commission requires immunization against a disease not listed in  
2 paragraph (a) of this section, or requires an additional dose of a vaccine, the Commission is  
3 authorized to exempt from the new requirement children who are or who have been enrolled in  
4 school (K-12) on or before the effective date of the new requirement."

5 **SECTION 2.** The Department of Health and Human Services shall study and  
6 determine the feasibility of requiring that all vaccinations used to carry out the provisions of  
7 G.S. 130A-152(a) shall be free of the preservative thimerosal. The Department shall submit a  
8 written report of its findings, including a timetable for implementation, to the 2009 General  
9 Assembly, Regular Session 2010, upon its convening. The Department shall also provide a  
10 copy of the report to the House of Representatives Appropriations Subcommittee on Health and  
11 Human Services, the Senate Appropriations Committee on Health and Human Services, and the  
12 Fiscal Research Division.

13 **SECTION 3.** Section 1 of this act becomes effective July 1, 2010. The remainder  
14 of this act is effective when it becomes law.