



HOUSE BILL 98: Medical Freedom Act.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 26, 2023
Introduced by:	Reps. Biggs, Hardister, N. Jackson, Lambeth	Prepared by:	Brad Krehely
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *House Bill 98 would:*

- *Prohibit State agencies, local governments, and political subdivisions from discriminating against individuals based on their refusal to provide proof of, or to submit to, a COVID-19 vaccination, unless the vaccine is required for employees in a facility certified by federal Centers for Medicare and Medicaid Services (CMS), is required for employees as a condition of an entity receiving federal funding, or is required for employees of the Department of Health and Human Services, Division of State Operated Healthcare Facilities.*
- *Prohibit the Commission for Public Health, public school units, community colleges, and constituent institutions of The University of North Carolina from requiring a student to provide proof of a COVID-19 vaccination or to submit to a COVID-19 vaccination or series of vaccinations unless the requirement for vaccination or proof of vaccination is required for participation in a program of study, or fulfilling education requirements that requires working, volunteering, or training, in a facility certified by the Centers for Medicare and Medicaid Services.*

[As introduced, this bill was identical to S121, as introduced by Sens. Moffitt, Lazzara, Hanig, which is currently in Senate Rules and Operations of the Senate.]

BILL ANALYSIS: House Bill 98 would define "COVID-19" as the coronavirus disease of 2019.

Section 1 would amend Article 10 of Chapter 143 which pertains to the various powers and duties of State departments. It would prohibit a State agency, city, county, or political subdivision of the State, from denying or refusing employment, or from discharging from employment, a person who refuses to provide proof of a COVID-19 vaccination, or the person's refusal to submit to a COVID-19 vaccination or series of vaccinations unless an exemption applies. It also would prohibit discrimination or taking retaliatory action against an employee who: files or threatens to file a complaint; initiates an action; or testifies or provides information on these matters unless an exception applies.

Section 2 would amend Part 2 of Article 6 of 130A which pertains to public health immunizations. This section would prohibit a State or local public health agency or State or local public health official from requiring any person, including an applicant for employment, or an employee, from providing proof of a COVID-19 vaccination or submitting to a COVID-19 vaccination or series of vaccinations, unless an exemption applies.

Section 3 would amend Article 23 of Chapter 153A which pertains to counties. This section would prohibit a county from requiring any person, including an applicant for employment, or an employee, from

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providing proof of a COVID-19 vaccination or submitting to a COVID-19 vaccination or series of vaccinations, unless an exemption applies.

Section 4 would amend Article 21 of Chapter 160A which pertains to cities and towns. This section would prohibit a city or town from requiring any person, including an applicant for employment, or an employee, from providing proof of a COVID-19 vaccination or submitting to a COVID-19 vaccination or series of vaccinations, unless an exemption applies.

Exemption - For Sections 1-4 of the bill, the following exemptions would apply:

- (1) Any employee, vendor, volunteer, trainee, or student, that is required by a facility certified by the Centers for Medicare and Medicaid Services to show proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination or COVID-19 series of vaccinations.
- (2) An employee employed by any entity that receives federal funding if complying with the vaccine prohibition would result in the loss of that federal funding.
- (3) An employee employed by the Department of Health and Human Services in the Division of State Operated Healthcare Facilities if the Department requires the COVID-19 vaccination or series of vaccinations for that employee.

Section 5 would amend the public health law requiring immunizations for each child in the State. This section would prohibit the Commission for Public Health, public school units, community colleges, and constituent institutions of The University of North Carolina from requiring a student to provide proof of vaccination against COVID-19, or requiring a student to submit to a COVID-19 vaccination or series of COVID-19 vaccinations unless the requirement for vaccination or proof of vaccination is required for participating in a program of study, or fulfilling education requirements for a program, that requires working, volunteering, or training in a facility certified by the Centers for Medicare and Medicaid Services.

EFFECTIVE DATE: Section 1 would become effective January 1, 2024, and would apply to employments actions taken on or after that date. The remainder of the bill would become effective January 1, 2024.

Theresa Matula, Legislative Analyst for the Legislative Analysis Division, contributed substantially to this summary.