

# State of North Carolina

**ROY COOPER**

**GOVERNOR**

September 26, 2018

**EXECUTIVE ORDER NO. 65**

## **SUSPENDING CERTAIN SCHOOL HEALTH ASSESSMENT, IMMUNIZATION, AND REPORTING REQUIREMENTS DUE TO IMPACTS OF HURRICANE FLORENCE**

**WHEREAS**, Hurricane Florence (“Hurricane”) made landfall off the coast of North Carolina on or about 14 September 2018; and

**WHEREAS**, the Hurricane has claimed the lives of thirty-six people in North Carolina; and

**WHEREAS**, the Hurricane has generated catastrophic flooding and tropical storm force winds that have caused severe damage to public and private property and disrupted essential infrastructure; and

**WHEREAS**, the impacts of the Hurricane constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(1); and

**WHEREAS**, the undersigned issued Executive Order No. 51, declaring a State of Emergency on 7 September 2018, to provide for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of State of Emergency”); and

**WHEREAS**, Executive Order No. 51 invoked the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b) authorizes and empowers the Governor to make and amend orders, rules and regulations within the limits of the authority conferred upon the Governor in the North Carolina Emergency Management Act; and

**WHEREAS**, N.C. Gen. Stat. §§ 130A-152 – 130A-157 require every child present in the State of North Carolina and every person attending a North Carolina public, private, or religious college or university to be immunized against diphtheria, tetanus, whooping cough, poliomyelitis, red measles (rubeola) and rubella; and

**WHEREAS**, 10A N.C. Admin. Code 41A .0401 specifies the dosage and timing of these immunizations; authorizes the State Health Director (“SHD”) to suspend these immunization requirements due to emergency conditions; and directs the SHD to give written notice to all local health departments and other providers receiving vaccines from the North Carolina Department of Health and Human Services (“DHHS”); and

**WHEREAS**, N.C. Gen. Stat. § 130A-440(a) requires each child in North Carolina entering kindergarten or a higher grade for the first time in public schools to receive a health assessment; and

**WHEREAS**, N.C. Gen. Stat. § 130A-440(a) requires health assessment results to be submitted to school principals by the parent, guardian, or person standing in loco parentis, or the health care provider if authorized, on DHHS and North Carolina Department of Public Instruction (“DPI”) developed medical transmittal forms; and

**WHEREAS**, N.C. Gen. Stat § 130A-441(c) specifically requires the principal of each school to file a health assessment status report with DHHS within sixty (60) calendar days after the commencement of the school year on a DHHS and DPI developed form; and

**WHEREAS**, N.C. Gen. Stat. § 130A-155 requires each child or adult attending a public, private, or religious school (pre-kindergarten through twelfth grade) or a child care facility as defined by N.C. Gen. Stat. § 110-86(3), to submit a certificate of immunization; and

**WHEREAS**, N.C. Gen. Stat. § 130A-155(c) specifically requires each school or child care facility to file an annual immunization report with DHHS by November 1 of each year on a DHHS prepared form; and

**WHEREAS**, N.C. Gen. Stat. § 130A-155.1 requires each person attending a public, private, or religious college or university to submit a certificate of immunization; and

**WHEREAS**, N.C. Gen. Stat. § 130A-155.1(c) specifically requires each college or university to file an immunization report with DHHS within sixty (60) calendar days after the commencement of the school year on a DHHS prepared form; and

**WHEREAS**, many families, as a result of the Hurricane, continue to face barriers complying with these immunization, health assessment, and reporting requirements; and

**WHEREAS**, on or about 24 September 2018, consistent with 10A N.C. Admin. Code 41A .0401(c), the SHD issued a written memorandum to North Carolina schools, child care facilities, colleges, and universities temporarily suspending the immunization requirements set forth in 10A N.C. Admin. Code 41A .0401(a) and (b), which was signed into effect 21 September 2018 until 1 November 2018 (“the Memo”); and

**WHEREAS**, further action is necessary to support families facing barriers complying with existing immunization, health assessment, and reporting requirements while also supporting public health goals of ensuring children are appropriately immunized from harmful and contagious diseases.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

#### Section 1.

- a. This Order ratifies the Memo and directs the SHD to suspend enforcement of the immunization requirements set forth in 10A N.C. Admin. Code 41A .0401(a) and (b).
- b. The enforcement of N.C. Gen. Stat. § 130A-155(a) shall be suspended. The SHD will not count the time period from the start of the temporary suspension until its end towards the thirty (30) calendar days following the child’s first date of attendance, during which a parent, guardian, or responsible person must submit a certificate of immunization to fulfill requirements for public, private, or religious schools (pre-kindergarten through twelfth grade) or child care facilities as defined by N.C. Gen. Stat. § 110-86(3)).
- c. This temporary suspension of enforcement of 10A N.C. Admin. Code 41A .0401(a) and (b), along with Section 1.b of this Executive Order, also applies to individuals attending North Carolina public, private, or religious colleges and universities, as described in N.C. Gen. Stat. § 130A-155.1(a).

#### Section 2.

DHHS shall suspend enforcement of the requirements, outlined in N.C. Gen. Stat. § 130A-440(a), that each child in North Carolina entering kindergarten or a higher grade for the first time in public schools must receive a health assessment.

#### Section 3.

DHHS shall suspend enforcement of the requirements, outlined in N.C. Gen. Stat § 130A-441(c), that the principal of each school must file a health assessment status report with DHHS within sixty (60) calendar days after the commencement of the school year.

Section 4.

DHHS shall suspend enforcement of the requirements, outlined in N.C. Gen. Stat. § 130A-155(c), that each public, private, or religious school (pre-kindergarten through twelfth grade) and child care facility, as defined by N.C. Gen. Stat. § 110-86(3), must file an annual immunization report with DHHS by November 1 of each year.

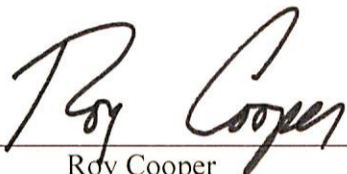
Section 5.

DHHS shall suspend enforcement of the requirements, outlined in N.C. Gen. Stat. § 130A-155.1(c), that each college or university must file an annual immunization report with DHHS within sixty (60) calendar days after the commencement of the school year.

Section 6.

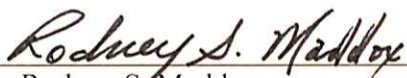
Sections 1 and 2 of this Executive are effective 21 September 2018 and shall remain in effect until 1 November 2018, or until amended. Sections 3 through 5 of this Executive Order are effective 21 September 2018 and shall remain in effect until 1 December 2018, or until amended. An Executive Order rescinding the Declaration of State of Emergency will automatically rescind this Executive Order in its entirety. The required health assessment status reports and annual immunization reports must be submitted to DHHS at which point this Order is rescinded.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 26<sup>th</sup> day of September in the year of our Lord two thousand and eighteen.



Roy Cooper  
Governor

ATTEST:



Rodney S. Maddox  
Chief Deputy Secretary of State

