

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS35094-TK-4 (02/26)

Short Title: PM2.5 Studies on Humans Unlawful. (Public)

Sponsors: Senators Rabon, Wade, and Barefoot (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE RESEARCH STUDIES ON HUMANS USING FINE PARTICULATE
3 MATTER, KNOWN AS PM2.5, UNLAWFUL AND TO DIRECT THE COMMISSION
4 FOR PUBLIC HEALTH TO STUDY AND MAKE RECOMMENDATIONS TO THE
5 GENERAL ASSEMBLY REGARDING RESEARCH INVOLVING HUMAN
6 SUBJECTS.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 8 of Chapter 14 of the General Statutes is amended by adding
9 a new section to read:

10 "§ 14-34.4A. Human research studies involving intentional exposure to fine particulate
11 matter.

12 (a) It is unlawful for any person to conduct research studies that intentionally expose
13 human subjects to fine particulate matter at a concentration higher than 12 micrograms per
14 cubic meter or the primary annual health national ambient air quality standard, as defined by
15 the United States Environmental Protection Agency, whichever is lower. For purposes of this
16 section, "fine particulate matter" shall be defined as airborne particles with a diameter of 2.5
17 micrometers or less, commonly known as PM2.5.

18 (b) Any person who violates this section is guilty of a Class F felony."

19 SECTION 2.(a) The Commission for Public Health (Commission) shall study and
20 make recommendations to the General Assembly regarding exposure of human subjects to
21 harmful or potentially harmful substances during the course of research. As part of its study,
22 the Commission shall specifically consider the following:

- 23 (1) Risk factors of human involvement in studies involving exposure to harmful
24 or potentially harmful substances.
- 25 (2) Concerns and interests of the scientific community.
- 26 (3) Ensuring informed consent in all research studies with appropriate disclosure
27 of all risks to an individual's health, including future side effects of exposure.
- 28 (4) Potential legal remedies for exposure to toxins by human subjects, including
29 issues involving access to such remedies.
- 30 (5) Any other relevant issues.

31 SECTION 2.(b) For the purpose of conducting the study described in Section 2(a)
32 of this act, the Commission may exercise all powers provided for under G.S. 120-19 and
33 G.S. 120-19.1 through G.S. 120-19.4. Privileged medical information or protected health
34 information received by the Commission pursuant to the study described in Section 2(a) shall
35 be confidential and is not a public record under G.S. 132-1.



1 **SECTION 2.(c)** The Commission shall report its findings and recommendations to
2 the Joint Legislative Oversight Committee on Health and Human Services by January 1, 2015.

3 **SECTION 3.** Section 1 of this act becomes effective July 1, 2013, and applies to
4 offenses committed on or after that date. The remainder of this act is effective when it becomes
5 law.