

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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BILL DRAFT 2015-TQz-40 [v.8] (03/15)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
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Short Title: Amend APA/Sunset Occupational Licensing Bds.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PLACE VARIOUS RESTRICTIONS ON THE ADOPTION OF CERTAIN RULES; TO SUNSET CERTAIN OCCUPATIONAL LICENSING BOARDS AND ELIMINATE LICENSING REQUIREMENTS; TO SUNSET CERTAIN OTHER OCCUPATIONAL LICENSING BOARDS AND TRANSFER THEIR LICENSING REQUIREMENTS TO OTHER OCCUPATIONAL LICENSING BOARDS; TO DIRECT EACH OCCUPATIONAL LICENSING BOARD TO CONSOLIDATE ITS LICENSES INTO A SINGLE LICENSE; AND TO DIRECT CERTAIN STUDIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

PART I. REQUIREMENTS ON RULES WITH SUBSTANTIAL FINANCIAL IMPACTS

SECTION 1. Chapter 150B of the General Statutes is amended by adding a new section to read:

"§ 150B-19.4. Requirements on rules with substantial financial impacts.

(a) Prohibition. – Notwithstanding any authority given to an agency to adopt a rule, an agency may not adopt a permanent rule or set of rules with a projected aggregate financial impact on all persons affected equal to or greater than one hundred million dollars (\$100,000,000) during any five-year period. The agency's determination of the projected aggregate financial impact of a permanent rule or set of rules shall comply with the requirements of G.S. 150B-21.4(b1).

(b) Limitation. – If an agency determines that a proposed permanent rule or set of rules will have a projected aggregate financial impact on all persons affected equal to or greater than ten million dollars (\$10,000,000) during any five-year period, the adoption of the permanent rule or set of rules must comply with the following:

- (1) If the agency is a board, a commission, a council, or other similar unit of government, a certification that the adoption of the rule or set of rules must be approved by at least sixty percent (60%) of those voting on the rule or set of rules.
- (2) For an agency headed by a member of the Council of State, the adoption of the rule or set of rules must be accompanied by a certification signed by the member of the Council of State, indicating the member's review and support of the rule or set or rules.



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1 (3) For all other agencies, the adoption of the rule or set of rules must be
2 accompanied by a certification signed by the Governor indicating the
3 Governor's review and support of the rule or set of rules.

4 (c) Legislative review. – A permanent rule or set of rules subject to the limitation of
5 subsection (b) of this section shall be subject to the provisions of G.S. 150B-21.3(b1) as if,
6 pursuant to G.S. 150B-21.3(b2), the rule or set of rules received written objections from 10 or
7 more persons and a bill specifically disapproving the rule or set of rules was introduced in a house
8 of the General Assembly before the thirty-first legislative day."

9 **SECTION 2.** G.S. 150B-21.6 reads as rewritten:

10 "**§ 150B-21.6. Incorporating material in a rule by reference.**

11 An agency may incorporate the following material by reference in a rule without repeating the
12 text of the referenced material:

- 13 (1) Another rule or part of a rule adopted by the agency.
- 14 (2) All or part of a code, standard, or regulation adopted by another ~~agency, the~~
15 ~~federal government,~~ agency or a generally recognized organization or
16 association.
- 17 (3) Repealed by Session Laws 1997-34, s. 5.
- 18 (4) All or part of a code, standard, or regulation adopted by the federal government
19 if the agency establishes a procedure by which any change by the federal
20 government is reviewed and approved by the agency within 30 days of the
21 change.

22 In incorporating material by reference, the agency must designate in the rule whether or not the
23 incorporation includes subsequent amendments and editions of the referenced material. The
24 agency can change this designation only by a subsequent rule-making proceeding. The agency
25 must have copies of the incorporated material available for inspection and must specify in the rule
26 both where copies of the material can be obtained and the cost on the date the rule is adopted of a
27 copy of the material.

28 A statement in a rule that a rule incorporates material by reference in accordance with former
29 G.S. 150B-14(b) is a statement that the rule does not include subsequent amendments and editions
30 of the referenced material. A statement in a rule that a rule incorporates material by reference in
31 accordance with former G.S. 150B-14(c) is a statement that the rule includes subsequent
32 amendments and editions of the referenced material."

33 **SECTION 3.** G.S. 150B-19.3(a) reads as rewritten:

34 "(a) An agency authorized to implement and enforce State and federal environmental laws
35 may not adopt a permanent rule for the protection of the environment or natural resources that
36 imposes a more restrictive standard, limitation, or requirement than those imposed by federal law
37 or rule, if a federal law or rule pertaining to the same subject matter has been adopted, unless
38 adoption of the rule is required by one of the subdivisions of this subsection. A permanent rule
39 required by a serious and unforeseen threat to the public health, safety, or welfare shall be subject
40 to the limitation and legislative review provisions of G.S. 150B-19.4(b) and (c). A permanent rule
41 required by one of the following subdivisions of this subsection shall be subject to the provisions
42 of G.S. 150B-21.3(b1) as if the rule received written objections from 10 or more persons under
43 G.S. 150B-21.3(b2):

- 44 (1) ~~A serious and unforeseen threat to the public health, safety, or welfare.~~
- 45 (2) An act of the General Assembly or United States Congress that expressly
46 requires the agency to adopt rules.
- 47 (3) A change in federal or State budgetary policy.
- 48 (4) A federal regulation required by an act of the United States Congress to be
49 adopted or administered by the State.
- 50 (5) A court order."

51 **SECTION 4.** G.S. 150B-21.3A reads as rewritten:

1 "...

2 (e) ~~Rules to Conform to or Implement Federal Law.~~ Rules adopted to conform to or
3 implement federal law shall not expire as provided by this section. The Commission shall report
4 annually to the Committee on any rules that do not expire pursuant to this subsection.

5 (e1) ~~Rules to Protect Inchoate or Accrued Rights of Retirement Systems Members.~~ Rules
6 deemed by the Boards of Trustees established under G.S. 128-28 and G.S. 135-6 to protect
7 inchoate or accrued rights of members of the Retirement Systems administered by the State
8 Treasurer shall not expire as provided by this section. The Commission shall report annually to the
9 Committee on any rules that do not expire pursuant to this subsection. Exclusions. – The
10 Commission shall report annually to the Committee on any rules that do not expire pursuant to this
11 subsection. The following rules shall not expire as provided in this section:

12 (1) Rules adopted to conform to or implement federal law.

13 (2) Rules deemed by the Boards of Trustees established under G.S. 128-28 and
14 G.S. 135-6 to protect inchoate or accrued rights of members of the Retirement
15 Systems administered by the State Treasurer.

16"

17
18 **PART II. CHANGE NAME OF THE STATE BOARD OF ENVIRONMENTAL HEALTH**
19 **SPECIALIST EXAMINERS TO THE NORTH CAROLINA BOARD OF REGISTERED**
20 **PUBLIC HEALTH INSPECTORS**

21
22 **SECTION 5.(a)** Article 4 of Chapter 90A of the General Statutes reads as rewritten:

23 "Article 4.

24 Registrations of ~~Environmental Health Specialists~~Public Health Inspectors.

25 **§ 90A-50. State Board of ~~Environmental Health Specialist Examiners.~~Registered Public**
26 **Health Inspectors.**

27 (a) There is hereby created a State Board of ~~Environmental Health Specialist~~
28 ~~Examiners~~Registered Public Health Inspectors to register qualified ~~environmental health~~
29 ~~specialists~~public health inspectors to practice within the State. Each registered sanitarian and
30 registered sanitarian intern shall be a registered ~~environmental health specialist~~public health
31 inspector or a registered ~~environmental health specialist~~public health inspector intern as
32 applicable.

33 (b) It is the sole purpose of this Article to safeguard the health, safety, and general welfare
34 of the public from adverse environmental factors and to register those environmental health
35 professionals practicing as registered ~~environmental health specialists~~public health inspectors or
36 registered ~~environmental health specialist~~public health inspector interns who are qualified by
37 education, training, and experience to work in the public sector in the field of environmental
38 health within the scope of practice as defined in this Article.

39 **§ 90A-51. Definitions.**

40 The words and phrases defined below shall when used in this Article have the following
41 meaning unless the context clearly indicates otherwise:

42 (1) "Board" means the State Board of ~~Environmental Health Specialist~~
43 ~~Examiners.~~Registered Public Health Inspectors.

44 (2) "Certificate of registration" means a document issued by the Board as evidence
45 of registration and qualification to practice as a registered ~~environmental health~~
46 ~~specialist~~public health inspector or a registered ~~environmental health~~
47 ~~specialist~~public health inspector intern under this Article. The certificate shall
48 bear the designation "Registered ~~Environmental Health Specialist~~Public
49 ~~Health Inspector~~" or "Registered ~~Environmental Health Specialist~~Public Health
50 ~~Inspector~~ Intern" and show the name of the person, date of issue, serial number,
51 seal, and signatures of the members of the Board.

1 (2a) "Environmental health practice" means the provision of environmental health
 2 services, including administration, organization, management, education,
 3 enforcement, and consultation regarding environmental health services
 4 provided to or for the public. These services are offered to prevent
 5 environmental hazards and promote and protect the health of the public in the
 6 following areas: food, lodging, and institutional sanitation; on-site wastewater
 7 treatment and disposal; public swimming pool sanitation; childhood lead
 8 poisoning prevention; well permitting and inspection; tattoo parlor sanitation;
 9 and all other areas of environmental health requiring the delegation of authority
 10 by the Division of Public Health of the Department of Health and Human
 11 Services to State and local environmental health professionals to enforce rules
 12 adopted by the Commission for Public Health. The definition also includes
 13 local environmental health professionals enforcing rules of local boards of
 14 health for on-site wastewater systems and wells.

15 (2b) ~~"Environmental health specialist"~~ "Public health inspector" means a public
 16 health professional who meets the educational requirements under this Article
 17 and has attained specialized training and acceptable environmental health field
 18 experience effectively to plan, organize, manage, provide, execute, and evaluate
 19 one or more of the many diverse elements comprising the field of
 20 environmental health practice.

21 (3) Repealed by Session Laws 2009-443, s. 2, effective August 7, 2009.

22 (4) ~~"Registered environmental health specialist"~~ "public health inspector" means ~~an~~
 23 ~~environmental health specialist~~ public health inspector registered in
 24 accordance with the provisions of this Article.

25 For purposes of this Article the following are not included within the
 26 definition of ~~"registered environmental health specialist"~~ "public health
 27 inspector" unless the person is working as ~~an environmental health specialist;~~
 28 public health specialist:

- 29 a. A person teaching, lecturing, or engaging in research.
- 30 b. A person who is a sanitary engineer, public health engineer, public
 31 health engineering assistant, registered professional engineer, industrial
 32 hygienist, health physicist, chemist, epidemiologist, toxicologist,
 33 geologist, hydrogeologist, waste management specialist, or soil scientist.
- 34 c. A public health officer or public health department director.
- 35 d. A person who holds a North Carolina license to practice medicine,
 36 veterinary medicine, or nursing.
- 37 e. Laboratory personnel when performing or supervising the performance
 38 of sanitation related laboratory functions.

39 (5) ~~"Registered environmental health specialist"~~ "public health inspector intern"
 40 means a person who possesses the necessary educational qualifications as
 41 prescribed in G.S. 90A-53, but who has not completed the experience and
 42 specialized training requirements in the field of public health sanitation as
 43 required for registration.

44 **§ 90A-52. Practice without certificate unlawful.**

45 (a) In order to safeguard life, health and the environment, it shall be unlawful for any
 46 person to practice as ~~an environmental health specialist~~ a public health inspector or ~~an~~
 47 ~~environmental health specialist~~ a public health inspector intern in the State of North Carolina or
 48 use the title ~~"registered environmental health specialist"~~ "public health inspector" or ~~"registered~~
 49 ~~environmental health specialist"~~ "public health inspector intern" unless the person shall have
 50 obtained a certificate of registration from the Board. No person shall offer services as a registered
 51 ~~environmental health specialist~~ public health inspector or registered ~~environmental health~~

1 ~~specialist~~public health inspector intern or use, assume or advertise in any way any title or
2 description tending to convey the impression that the person is a registered ~~environmental health~~
3 ~~specialist~~public health inspector or registered ~~environmental health specialist~~public health
4 inspector intern unless the person is the holder of a current certificate of registration issued by the
5 Board.

6 (b) Notwithstanding the provisions of subsection (a) of this section, a person may practice
7 as an ~~environmental health specialist~~ a public health inspector intern for a period not to exceed
8 three years from the date of the initial registration, provided the person has obtained a temporary
9 certificate of registration from the Board.

10 **§ 90A-53. Qualifications and examination for registration as an ~~environmental health~~**
11 **~~specialist~~ a public health inspector or ~~environmental health specialist~~ public health**
12 **inspector intern.**

13 (a) The Board shall issue a certificate to a qualified person as a registered ~~environmental~~
14 ~~health specialist~~ public health inspector or a registered ~~environmental health specialist~~ public
15 health inspector intern. A certificate as a registered ~~environmental health specialist~~ public health
16 inspector or a registered ~~environmental health specialist~~ public health inspector intern shall be
17 issued to any person upon the Board's determination that the person:

- 18 (1) Has made application to the Board on a form prescribed by the Board and paid
19 a fee not to exceed one hundred dollars (\$100.00);
- 20 (2) Is of good moral and ethical character and has signed an agreement to adhere to
21 the Code of Ethics adopted by the Board;
- 22 (3) Meets any of the following combinations of education and practice experience
23 standards:
 - 24 a. Graduated from a baccalaureate or postgraduate degree program that is
25 accredited by the National Environmental Health Science and Protection
26 Accreditation Council (EHAC) and has one or more years of experience
27 in the field of environmental health practice; or
 - 28 b. Graduated from a baccalaureate or postgraduate degree program that is
29 accredited by an accrediting organization recognized by the United
30 States Department of Education, Council for Higher Education
31 Accreditation (CHEA) and meets both of the following:
 - 32 1. Earned a minimum of 30 semester hours or its equivalent in the
33 physical or biological sciences; and
 - 34 2. Has two or more years of experience in the field of
35 environmental health practice.
 - 36 c. Graduated from a baccalaureate program rated as acceptable by the
37 Board and meets both of the following:
 - 38 1. Earned a minimum of 30 semester hours or its equivalent in the
39 physical or biological sciences; and
 - 40 2. Has two or more years of experience in the field of
41 environmental health practice.
- 42 (4) Has satisfactorily completed a course in specialized instruction and training
43 approved by the Board in the practice of environmental health;
- 44 (5) Repealed by Session Laws 2009-443, s. 4, effective August 7, 2009.
- 45 (6) Has passed an examination administered by the Board designed to test for
46 competence in the subject matters of environmental health sanitation. The
47 examination shall be in a form prescribed by the Board and may be oral,
48 written, or both. The examination for applicants shall be held annually or more
49 frequently as the Board may by rule prescribe, at a time and place to be
50 determined by the Board. A person shall not be registered if such person fails to
51 meet the minimum grade requirements for examination specified by the Board.

1 Failure to pass an examination shall not prohibit such person from being
2 examined at subsequent times and places as specified by the Board; and

- 3 (7) Has paid a fee set by the Board not to exceed the cost of purchasing the
4 examination and an administrative fee not to exceed one hundred fifty dollars
5 (\$150.00).

6 (b) The Board may issue a certificate to a person serving as a registered ~~environmental~~
7 ~~health specialist~~public health inspector intern without the person meeting the full requirements for
8 experience of a registered ~~environmental health specialist~~public health inspector for a period not to
9 exceed three years from the date of initial registration as a registered ~~environmental health~~
10 ~~specialist~~public health inspector intern, provided, the person meets the educational requirements in
11 G.S. 90A-53 and is in the field of environmental health practice.

12 **§ 90A-54:** Repealed by Session Laws 2009-443, s. 5, effective August 7, 2009.

13 **§ 90A-55. State Board of ~~Environmental Health Specialist Examiners~~; Registered Public**
14 **Health Inspectors; appointment and term of office.**

15 (a) Board Membership. – The Board shall consist of 12 members who shall serve
16 staggered terms: the Secretary of Health and Human Services, or the Secretary's duly authorized
17 representative, one public-spirited citizen, one environmental sanitation educator from an
18 accredited college or university, one local health director, a representative of the Division of
19 Public Health of the Department of Health and Human Services, and seven practicing
20 ~~environmental health specialists~~public health inspectors who qualify by education and experience
21 for registration under this Article, six of whom shall represent the Western, Piedmont, and Eastern
22 Regions of the State as described more specifically in the rules adopted by the Board.

23 (b) Term of Office. – Each member of the State Board of ~~Environmental Health Specialist~~
24 ~~Examiners~~Registered Public Health Inspectors shall be appointed by the Governor for a term of
25 four years. As the term of each current member expires, the Governor shall appoint a successor in
26 accordance with the provisions of this section. If a vacancy occurs on the Board for any other
27 reason than the expiration of a member's term, the Governor shall appoint a successor for the
28 remainder of the unexpired term. No person shall serve as a member of the Board for more than
29 two consecutive four-year terms.

30 (c) The Environmental Health Section of the North Carolina Public Health Association,
31 Inc., shall submit a recommended list of Board member candidates to the Governor for the
32 Governor's consideration in appointments, except for the two representatives of the Department of
33 Health and Human Services recommended by the Secretary of Health and Human Services and the
34 local health director recommended by the North Carolina Local Health Directors Association.

35 (d) The Governor may remove an appointee member for misconduct in office,
36 incompetency, neglect of duty, or other sufficient cause.

37 **§ 90A-56. Compensation of Board members; expenses; employees.**

38 Members of the Board may receive compensation and be reimbursed for travel expenses in
39 accordance with G.S. 93B-5. Notwithstanding G.S. 93B-5(a), the per diem for eligible Board
40 members shall not exceed fifty dollars (\$50.00). The Board may employ necessary personnel for
41 the performance of its functions and fix the compensation therefor, within the limits of funds
42 available to the Board. The total expenses of the administration of this Article shall not exceed the
43 total income therefrom and none of the expenses of said Board or the compensation or expenses of
44 any officer thereof or any employee shall ever be paid or payable out of the treasury of the State of
45 North Carolina; and neither the Board nor any officer or employee thereof shall have any power or
46 authority to make or incur any expense, debt, or other financial obligation binding upon the State
47 of North Carolina.

48 **§ 90A-57. Election of officers; meetings; regulations.**

49 (a) The Board shall annually elect a chair, vice-chair, and a secretary-treasurer from
50 among its membership. The officers may serve more than one term. The Board shall meet
51 annually in the City of Raleigh, at a time set by the Board, and it may hold additional meetings

1 and conduct business at any place in the State. Seven members of the Board shall constitute a
2 quorum to do business. The Board may designate any member to conduct any proceeding, hearing,
3 or investigation necessary to its purpose, but any final action requires a quorum of the Board. The
4 Board is authorized to adopt such rules and regulations as may be necessary for the efficient
5 operation of the Board.

6 (b) The Board shall have an official seal and each member shall be empowered to
7 administer oaths in taking of testimony upon any matters pertaining to the function of the Board.

8 **§ 90A-58. Applicability of Chapter 93B.**

9 The Board shall be subject to the provisions of Chapter 93B of the General Statutes of North
10 Carolina.

11 **§ 90A-59. Record of proceedings; register of applications; registry of registered**
12 **~~environmental health specialists~~public health inspectors and ~~environmental health~~**
13 **~~specialist~~public health inspector interns.**

14 (a) The Board shall keep a record of its proceedings.

15 (b) The Board shall maintain records for registration, which shall include:

16 (1) The place of residence, name and age of each applicant;

17 (2) The name and address of the employer of each applicant;

18 (3) The date of application;

19 (3a) The date of employment;

20 (4) Complete information of educational and experience qualifications;

21 (4a) A signed Code of Ethics;

22 (5) The action taken by the Board;

23 (6) The serial number of the certificate of registration issued to the applicant;

24 (7) The date on which the Board reviewed and acted upon the application;

25 (7a) Information on continuing education required to maintain registration; and

26 (8) Such other pertinent information as may be deemed necessary by the Board.

27 (c) The Board shall maintain a current registry of all ~~environmental health~~
28 ~~specialists~~public health inspectors and ~~environmental health specialist~~public health inspector
29 interns in the State of North Carolina that have been registered in accordance with the provisions
30 of this Article.

31 (d) Records of the Board are public records as defined in Chapter 132 of the General
32 Statutes of North Carolina. However, college transcripts, examinations, and medical information
33 submitted to the Board shall not be considered public records.

34 **§ 90A-60:** Repealed by Session Laws 2009-443, s. 10, effective August 7, 2009.

35 **§ 90A-61:** Repealed by Session Laws 2009-443, s. 10, effective August 7, 2009.

36 **§ 90A-62. Certification and registration of ~~environmental health specialists~~public health**
37 **inspectors registered in other states.**

38 The Board may, without examination, grant a certificate as a registered ~~environmental health~~
39 ~~specialist~~public health inspector to any person who at the time of application, is registered as a
40 registered ~~environmental health specialist~~public health inspector by a similar board of another
41 state, district or territory whose standards are determined to be acceptable to the Board and comply
42 with rules adopted by the Board. A fee to be determined by the Board and not to exceed one
43 hundred dollars (\$100.00) shall be paid by the applicant to the Board for the issuance of a
44 certificate under the provisions of this section.

45 **§ 90A-63. Renewal of certificates.**

46 (a) A certificate as a registered ~~environmental health specialist~~public health inspector or
47 registered ~~environmental health specialist~~public health inspector intern issued pursuant to the
48 provisions of this Article will expire on the thirty-first day of December of the current year and
49 must be renewed annually on or before the first day of January. Each application for renewal must
50 be accompanied by a renewal fee to be determined by the Board, but not to exceed one hundred

1 twenty-five dollars (\$125.00). However, for renewals postmarked before January 1 of each year,
2 the renewal fee shall not exceed one hundred dollars (\$100.00).

3 (b) Registrations expired for failure to pay renewal fees may be reinstated under the rules
4 and regulations adopted by the Board.

5 (c) A registered ~~environmental health specialist~~public health inspector shall complete any
6 continuing education requirements specified by the Board for renewal of a certificate.

7 **§ 90A-64. Suspensions and revocations of certificates.**

8 (a) The Board shall have the power to refuse to grant, or may suspend or revoke, any
9 certificate issued under provisions of this Article for any of the causes hereafter enumerated, as
10 determined by the Board:

- 11 (1) Fraud, deceit, or perjury in obtaining registration under the provisions of this
12 Article;
- 13 (2) Inability to practice with reasonable skill and safety due to drunkenness or
14 excessive use of alcohol, drugs, or chemicals;
- 15 (3) Unprofessional conduct, including a material departure from or failure to
16 conform to the standards of acceptable and prevailing practice or the ethics of
17 the profession;
- 18 (4) Defrauding the public or attempting to do so;
- 19 (5) Failing to renew certificate as required;
- 20 (6) Dishonesty;
- 21 (7) Incompetency;
- 22 (8) Inexcusable neglect of duty;
- 23 (9) Conviction in any court of a crime involving moral turpitude or conviction of a
24 felony;
- 25 (10) Failing to adhere to the Code of Ethics; or
- 26 (11) Failing to meet qualifications for renewal.

27 (a1) A registered ~~environmental health specialist~~public health inspector or registered
28 ~~environmental health specialist~~public health inspector intern who is convicted of a felony or a
29 crime of moral turpitude shall report the conviction to the Board within 30 days from the date of
30 the conviction. A felony conviction shall result in the automatic suspension of a certificate issued
31 by the Board for 60 days until further action is taken by the Board. The Board shall immediately
32 begin the hearing process in accordance with Article 3A of Chapter 150B of the General Statutes.
33 Nothing in this section shall preclude the Board from taking further action.

34 (b) The procedure to be followed by the Board when refusing to allow an applicant to take
35 an examination, or revoking or suspending a certificate issued under the provisions of this Article,
36 shall be in accordance with the provisions of Chapter 150B of the General Statutes of North
37 Carolina.

38 (c) The Board may conduct investigations for any complaints alleged or upon its own
39 motion for any allegations or causes for disciplinary action under subsection (a) of this section.
40 The Board may subpoena individuals and records to determine if action is necessary to enforce
41 this Article.

42 (d) The Board and its members, individually, or its staff shall not be held liable for any
43 civil or criminal proceeding when exercising in good faith its powers and duties authorized under
44 the provisions of this Article.

45 **§ 90A-65. Representing oneself as a registered ~~environmental health specialist~~public health**
46 **inspector or registered ~~environmental health specialist~~public health inspector**
47 **intern.**

48 A holder of a current certificate of registration may append to his or her name the letters,
49 "R.E.H.S." "R.P.H.I." or "R.E.H.S.I." "R.P.H.I.I."

50 **§ 90A-66. Violations; penalty; injunction.**

1 Any person violating any of the provisions of this Article or of the rules and regulations
2 adopted by the Board shall be guilty of a Class 1 misdemeanor. The Board may appear in its own
3 name in the superior courts in an action for injunctive relief to prevent violation of this Article and
4 the superior courts shall have power to grant such injunctions regardless of whether criminal
5 prosecution has been or may be instituted as a result of such violations. Actions under this section
6 shall be commenced in the superior court district or set of districts as defined in G.S. 7A-41.1 in
7 which the respondent resides or has his principal place of business or in which the alleged acts
8 occurred.

9 **§ 90A-67. Code of Ethics.**

10 The Board shall prepare and adopt, by rule, a Code of Ethics to be made available in writing to
11 all registered ~~environmental health specialists~~public health inspectors and registered
12 ~~environmental health specialist~~public health inspector interns and each applicant for registration
13 under this Article. All registered ~~environmental health specialists~~public health inspectors and
14 registered ~~environmental health specialist~~public health inspector interns shall adhere to the Code
15 of Ethics adopted by the Board. Publication of the Code of Ethics shall serve as due notice to all
16 certificate holders of its contents."

17 **SECTION 5.(b)** G.S. 90A-73 reads as rewritten:

18 **"§ 90A-73. Creation and membership of the Board.**

19 (a) Creation and Appointments. – There is created the North Carolina On-Site Wastewater
20 Contractors and Inspectors Certification Board. The Board shall consist of nine members
21 appointed to three-year terms as follows:

- 22 (1) One member appointed by the Governor who, at the time of appointment, is
23 engaged in the construction, installation, repair, or inspection of on-site
24 wastewater systems, to a term that expires on 1 July of years that precede by
25 one year those years that are evenly divisible by three.
- 26 (2) One member appointed by the Governor who, at the time of appointment, is a
27 certified water pollution control system operator pursuant to Article 3 of this
28 Chapter, to a term that expires on 1 July of years evenly divisible by three.
- 29 (3) One member appointed by the Governor who is a registered professional
30 engineer licensed under Chapter 89C of the General Statutes and whose work
31 experience includes the design of on-site wastewater systems to a term that
32 expires on 1 July of years that follow by one year those years that are evenly
33 divisible by three.
- 34 (4) One member appointed by the General Assembly upon recommendation of the
35 President Pro Tempore of the Senate who, at the time of appointment, is
36 engaged in the construction, installation, repair, or inspection of on-site
37 wastewater systems, to a term that expires on 1 July of years that follow by one
38 year those years that are evenly divisible by three.
- 39 (5) One member appointed by the General Assembly upon recommendation of the
40 President Pro Tempore of the Senate who, at the time of appointment, is
41 engaged in the business of inspecting on-site wastewater systems, to a term that
42 expires on 1 July of years that precede by one year those years that are evenly
43 divisible by three.
- 44 (6) One member appointed by the General Assembly upon recommendation of the
45 President Pro Tempore of the Senate upon the recommendation of the North
46 Carolina Home Builders Association, to a term that expires on 1 July of years
47 evenly divisible by three.
- 48 (7) One member appointed by the General Assembly upon recommendation of the
49 Speaker of the House of Representatives who, at the time of appointment, is
50 engaged in the construction, installation, repair, or inspection of on-site

- 1 wastewater systems, to a term that expires on 1 July of years evenly divisible by
2 three.
- 3 (8) One member appointed by the General Assembly upon recommendation of the
4 Speaker of the House of Representatives who, at the time of appointment, is (i)
5 employed as ~~an environmental health specialist~~, a public health inspector and
6 (ii) engaged primarily in the inspection and permitting of on-site wastewater
7 systems, to a term that expires on 1 July of years that follow by one year those
8 years that are evenly divisible by three.
- 9 (9) One member appointed by the General Assembly upon recommendation of the
10 Speaker of the House of Representatives who, at the time of appointment, is (i)
11 employed by the North Carolina Cooperative Extension Service, and (ii) is
12 knowledgeable in the area of on-site wastewater systems, to a term that expires
13 on 1 July of years that precede by one year those years that are evenly divisible
14 by three.
- 15 (b) Vacancies. – An appointment to fill a vacancy on the Commission created by the
16 resignation, dismissal, disability, or death of a member shall be for the balance of the unexpired
17 term. Vacancies in appointments made by the General Assembly shall be filled as provided in G.S.
18 120-122.
- 19 (c), (d) Repealed by Session Laws 2010-31, s. 13.2(h), effective July 1, 2010.
- 20 (e) Officers. – The Board shall elect a Chair from among its members. The Chair shall
21 serve from the time of election until 30 June of the following year, or until a successor is elected.
- 22 (f) Compensation. – Board members who are State employees shall receive no per diem
23 compensation for serving on the Board but shall be reimbursed for their expenses in accordance
24 with G.S. 138-6. All other Board members shall receive per diem compensation and
25 reimbursement in accordance with the compensation rate established in G.S. 93B-5.
- 26 (g) Quorum. – A majority of the members of the Board constitutes a quorum for the
27 transaction of business.
- 28 (h) Meetings. – The Board shall meet at least twice each year and may hold special
29 meetings at the call of the Chair or a majority of the members of the Board.
- 30 (i) Repealed by Session Laws 2010-31, s. 13.2(h), effective July 1, 2010."

31 **SECTION 5.(c)** G.S. 130A-21 reads as rewritten:

32 **"§ 130A-21. Embargo.**

33 (a) In addition to the authority of the Department of Agriculture and Consumer Services
34 pursuant to G.S. 106-125, the Secretary or a local health director has authority to exercise embargo
35 authority concerning food or drink pursuant to G.S. 106-125(a), (b) and (c) when the food or drink
36 is in an establishment that is subject to regulation by the Department of Health and Human
37 Services pursuant to this Chapter, that is subject to rules adopted by the Commission, or that is the
38 subject of an investigation pursuant to G.S. 130A-144; however, no such action shall be taken in
39 any establishment or part of an establishment that is under inspection or otherwise regulated by the
40 Department of Agriculture and Consumer Services or the United States Department of Agriculture
41 other than the part of the establishment that is subject to regulation by the Department of Health
42 and Human Services pursuant to this Chapter. Any action under this section shall only be taken
43 by, or after consultation with, Department of Health and Human Services regional environmental
44 health specialists, or the Director of the Division of Public Health or the Director's designee, in
45 programs regulating food and drink pursuant to this Chapter or in programs regulating food and
46 drink that are subject to rules adopted by the Commission. Authority under this section shall not
47 be delegated to individual environmental health specialists in local health departments otherwise
48 authorized and carrying out laws and rules pursuant to G.S. 130A-4. When any action is taken
49 pursuant to this section, the Department of Health and Human Services or the local health director
50 shall immediately notify the Department of Agriculture and Consumer Services. For the purposes
51 of this subsection, all duties and procedures in G.S. 106-125 shall be carried out by the Secretary

1 of Health and Human Services or the local health director and shall not be required to be carried
2 out by the Department of Agriculture and Consumer Services. It shall be unlawful for any person
3 to remove or dispose of the food or drink by sale or otherwise without the permission of a
4 Department of Health and Human Services regional ~~environmental health specialist, public health~~
5 inspector, the Director of the Division of Public Health or the Director's designee, the local health
6 director, or a duly authorized agent of the Department of Agriculture and Consumer Services, or
7 by the court in accordance with the provisions of G.S. 106-125.

8 (b) Recodified as G.S. 106-266.36 by Session Laws 2011-145, s. 13.3(s), effective July 1,
9 2011.

10 (c) Recodified as G.S. 113-221.4 by Session Laws 2011-145, s. 13.3(ttt), effective July 1,
11 2011.

12 (d) Nothing in this section is intended to limit the embargo authority of the Department of
13 Agriculture and Consumer Services. The Department of Health and Human Services and the
14 Department of Agriculture and Consumer Services are authorized to enter agreements respecting
15 the duties and responsibilities of each agency in the exercise of their embargo authority.

16 (e) For the purpose of this section, a food or drink is adulterated if the food or drink is
17 deemed adulterated under G.S. 106-129; and food or drink is misbranded if it is deemed
18 misbranded under G.S. 106-130."
19

20 **PART III. SUNSET OCCUPATIONAL LICENSING BOARDS AND ELIMINATE** 21 **LICENSING REQUIREMENTS AND SUNSET CERTAIN ADVISORY COMMITTEES** 22 **AND CERTIFICATION REQUIREMENTS** 23

24 **SUNSET BOARD OF ELECTROLYSIS EXAMINERS AND ELIMINATE THE** 25 **LICENSING REQUIREMENTS FOR ELECTROLOGISTS AND LASER HAIR** 26 **PRACTITIONERS** 27

28 **SECTION 6.(a)** Chapter 88A of the General Statutes (Electrolysis Practice Act) is
29 repealed effective May 1, 2017.

30 **SECTION 6.(b)** The Revisor of Statutes shall make all changes to the General
31 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
32 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
33 conform with the provisions of this section.

34 **SECTION 6.(c)** This section is effective when it becomes law.
35

36 **SUNSET BOARD OF EXAMINERS OF FEE-BASED PRACTICING PASTORAL** 37 **COUNSELORS AND ELIMINATE THE LICENSING REQUIREMENTS FOR FEE-** 38 **BASED PRACTICING PASTORAL COUNSELORS** 39

40 **SECTION 7.(a)** Article 26 of Chapter 90 of the General Statutes (Fee-Based
41 Practicing Pastoral Counselors) is repealed effective May 1, 2017.

42 **SECTION 7.(b)** The Revisor of Statutes shall make all changes to the General
43 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
44 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
45 conform with the provisions of this section.

46 **SECTION 7.(c)** This section is effective when it becomes law.
47

48 **SUNSET NORTH CAROLINA INTERPRETER AND TRANSLITERATOR LICENSING** 49 **BOARD AND ELIMINATE THE LICENSING REQUIREMENTS FOR INTERPRETERS** 50 **AND TRANSLITERATORS** 51

1 **SECTION 8.(a)** Chapter 90D of the General Statutes (Interpreters and Translitterators)
2 is repealed effective May 1, 2017.

3 **SECTION 8.(b)** The Revisor of Statutes shall make all changes to the General
4 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
5 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
6 conform with the provisions of this section.

7 **SECTION 8.(c)** This section is effective when it becomes law.

8
9 **SUNSET NORTH CAROLINA IRRIGATION CONTRACTORS' LICENSING BOARD**
10 **AND ELIMINATE THE LICENSING REQUIREMENTS FOR IRRIGATION**
11 **CONTRACTORS**

12
13 **SECTION 9.(a)** Chapter 89G of the General Statutes (Irrigation Contractors) is
14 repealed effective May 1, 2017.

15 **SECTION 9.(b)** The Revisor of Statutes shall make all changes to the General
16 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
17 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
18 conform with the provisions of this section.

19 **SECTION 9.(c)** This section is effective when it becomes law.

20
21 **SUNSET NORTH CAROLINA RECREATIONAL THERAPY LICENSING BOARD AND**
22 **ELIMINATE THE LICENSING REQUIREMENTS FOR RECREATIONAL**
23 **THERAPISTS AND RECREATIONAL THERAPY ASSISTANTS**

24
25 **SECTION 10.(a)** Chapter 90C of the General Statutes (North Carolina Recreational
26 Therapy Licensure Act) is repealed effective May 1, 2017.

27 **SECTION 10.(b)** The Revisor of Statutes shall make all changes to the General
28 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
29 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
30 conform with the provisions of this section.

31 **SECTION 10.(c)** This section is effective when it becomes law.

32
33 **SUNSET ACUPUNCTURE LICENSING BOARD AND ELIMINATE THE LICENSING**
34 **REQUIREMENTS FOR ACUPUNCTURISTS**

35
36 **SECTION 11.(a)** Article 30 of Chapter 90 of the General Statutes (Practice of
37 Acupuncture) is repealed effective May 1, 2017.

38 **SECTION 11.(b)** The Revisor of Statutes shall make all changes to the General
39 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
40 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
41 conform with the provisions of this section.

42 **SECTION 11.(c)** This section is effective when it becomes law.

43
44 **SUNSET NORTH CAROLINA BOARD OF ATHLETIC TRAINER EXAMINERS AND**
45 **ELIMINATE THE LICENSING REQUIREMENTS FOR ATHLETIC TRAINERS**

46
47 **SECTION 12.(a)** Article 34 of Chapter 90 of the General Statutes (Athletic Trainers
48 Licensing Act) is repealed effective May 1, 2017.

49 **SECTION 12.(b)** The Revisor of Statutes shall make all changes to the General
50 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-

1 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
2 conform with the provisions of this section.

3 **SECTION 12.(c)** This section is effective when it becomes law.
4

5 **SUNSET STATE BOARD OF REGISTRATION FOR FORESTERS AND ELIMINATE**
6 **THE LICENSING REQUIREMENTS FOR FORESTERS**
7

8 **SECTION 13.(a)** Chapter 89B of the General Statutes (Foresters) is repealed effective
9 May 1, 2017.

10 **SECTION 13.(b)** The Revisor of Statutes shall make all changes to the General
11 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
12 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
13 conform with the provisions of this section.

14 **SECTION 13.(c)** This section is effective when it becomes law.
15

16 **SUNSET NORTH CAROLINA LOCKSMITH LICENSING BOARD AND ELIMINATE**
17 **THE LICENSING REQUIREMENTS FOR LOCKSMITHS AND LOCKSMITH**
18 **APPRENTICES**
19

20 **SECTION 14.(a)** Chapter 74F of the General Statutes (Locksmith Licensing Act) is
21 repealed effective May 1, 2017.

22 **SECTION 14.(b)** The Revisor of Statutes shall make all changes to the General
23 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
24 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
25 conform with the provisions of this section.

26 **SECTION 14.(c)** This section is effective when it becomes law.
27

28 **SUNSET NORTH CAROLINA BOARD OF PODIATRY EXAMINERS AND ELIMINATE**
29 **THE LICENSING REQUIREMENTS FOR PODIATRISTS**
30

31 **SECTION 15.(a)** Article 12A of Chapter 90 of the General Statutes (Podiatrists) is
32 repealed effective May 1, 2017.

33 **SECTION 15.(b)** The Revisor of Statutes shall make all changes to the General
34 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
35 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
36 conform with the provisions of this section.

37 **SECTION 15.(c)** This section is effective when it becomes law.
38

39 **SUNSET ALARM SYSTEMS LICENSING BOARD AND ELIMINATE THE LICENSING**
40 **REQUIREMENTS FOR ENGAGING IN ALARM SYSTEMS BUSINESS**
41

42 **SECTION 16.(a)** Chapter 74D of the General Statutes (Alarm System Licensing Act)
43 is repealed effective May 1, 2017.

44 **SECTION 16.(b)** G.S. 143B-601 reads as rewritten:

45 **"§ 143B-601. Powers and duties of the Department of Public Safety.**

46 **(a)** It shall be the duty of the Department of Public Safety to do all of the following:

- 47 (1) Provide assigned law enforcement and emergency services to protect the public
48 against crime and against natural and man-made disasters.
49 (2) To plan and direct a coordinated effort by the law enforcement agencies of
50 State government and to ensure maximum cooperation between State and local
51 law enforcement agencies in the fight against crime.

- 1 (3) To prepare annually, in consultation with the Judicial Department and the
2 Department of Justice, a State plan for the State's criminal justice system.
- 3 (4) To serve as the State's chief coordinating agency to control crime, to ensure the
4 safety of the public, and to ensure an effective and efficient State criminal
5 justice system.
- 6 (5) To have charge of investigations of criminal matters particularly set forth in this
7 Article and of such other crimes and areas of concern in the criminal justice
8 system as the Governor may direct.
- 9 (6) To regularly patrol the highways of the State and enforce all laws and
10 regulations respecting travel and the use of vehicles upon the highways of the
11 State and all laws for the protection of the highways of the State.
- 12 (7) To provide North Carolina National Guard troops trained by the State to federal
13 standards.
- 14 (8) To ensure the preparation, coordination, and currency of military and civil
15 preparedness plans and the effective conduct of emergency operations by all
16 participating agencies to sustain life and prevent, minimize, or remedy injury to
17 persons and damage to property resulting from disasters caused by enemy
18 attack or other hostile actions or from disasters due to natural or man-made
19 causes.
- 20 (9) To develop a plan for a coordinated and integrated electronic communications
21 system for State government and cooperating local agencies, including
22 coordination and integration of existing electronic communications systems.
- 23 (10) To carry out the relevant provisions of Part 2 of this Article, Chapter 148 of the
24 General Statutes, Chapter 15 of the General Statutes, Chapter 15A of the
25 General Statutes, and other provisions of the General Statutes governing the
26 provision of necessary custody, supervision, and treatment to control and
27 rehabilitate criminal offenders and thereby reduce the rate and cost of crime and
28 delinquency.
- 29 (11) To carry out the relevant provisions of Part 3 of this Article, Chapter 7B of the
30 General Statutes, and other provisions of the General Statutes governing
31 juvenile justice and the prevention of delinquent acts by juveniles.
- 32 (12) To provide central storage and management of evidence according to the
33 provisions of Article 13 of Chapter 15A of the General Statutes and create and
34 maintain a databank of statewide storage locations of postconviction evidence
35 or other similar programs.
- 36 (13) To provide central storage and management of rape kits according to the federal
37 Violence Against Women and Department of Justice Reauthorization Act of
38 2005 with specific protections against release of names of victims providing
39 anonymous or "Jane Doe" rape kits without victim consent.
- 40 (14) To provide for the storage and management of evidence.
- 41 (b) The Department may require registration of alarm system installers."

42 **SECTION 16.(c)** The Revisor of Statutes shall make all changes to the General
43 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
44 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
45 conform with the provisions of this section.

46 **SECTION 16.(d)** This section is effective when it becomes law.

47
48 **REPEAL THE DEPARTMENT OF INSURANCE'S CONTINUING EDUCATION**
49 **ADVISORY COMMITTEES FOR FIRE AND CASUALTY INSURANCE LICENSEES**
50 **AND LIFE AND HEALTH INSURANCE LICENSEES**
51

1 **SECTION 17.(a)** G.S. 58-33-135 is repealed.

2 **SECTION 17.(b)** The Revisor of Statutes shall make all changes to the General
3 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
4 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
5 conform with the provisions of this section.

6 **SECTION 17.(c)** This section is effective when it becomes law.

7
8 **SUNSET BOARD OF EMPLOYEE ASSISTANCE PROFESSIONALS AND ELIMINATE**
9 **THE LICENSING REQUIREMENTS FOR EMPLOYEE ASSISTANCE**
10 **PROFESSIONALS**

11
12 **SECTION 18.(a)** Article 32 of Chapter 90 of the General Statutes (Employee
13 Assistance Professionals) is repealed effective May 1, 2017.

14 **SECTION 18.(b)** The Revisor of Statutes shall make all changes to the General
15 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
16 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
17 conform with the provisions of this section.

18 **SECTION 18.(c)** This section is effective when it becomes law.

19
20 **SUNSET PERFUSIONIST ADVISORY COMMITTEE OF THE NORTH CAROLINA**
21 **MEDICAL BOARD AND ELIMINATE THE LICENSING REQUIREMENTS FOR**
22 **CERTIFIED CLINICAL PERFUSIONISTS**

23
24 **SECTION 19.(a)** Article 40 of Chapter 90 of the General Statutes (Perfusionist
25 Licensure Act) is repealed effective May 1, 2017.

26 **SECTION 19.(b)** G.S. 90-5.1 reads as rewritten:

27 **"§ 90-5.1. Powers and duties of the Board.**

28 (a) The Board shall:

- 29 (1) Administer this Article.
30 (2) Issue interpretations of this Article.
31 (3) Adopt, amend, or repeal rules as may be necessary to carry out and enforce the
32 provisions of this Article.
33 (4) Require an applicant or licensee to submit to the Board evidence of the
34 applicant's or licensee's continuing competence in the practice of medicine.
35 (5) Regulate the retention and disposition of medical records, whether in the
36 possession of a licensee or nonlicensee. In the case of the death of a licensee,
37 the rules may provide for the disposition of the medical records by the estate of
38 the licensee. This subsection shall not apply to records created or maintained by
39 persons licensed under other Articles of this Chapter or to medical records
40 maintained in the normal course of business by licensed health care institutions.
41 (6) Appoint a temporary or permanent custodian for medical records abandoned by
42 a licensee.
43 (7) Develop educational programs to facilitate licensee awareness of provisions
44 contained in this Article and public awareness of the role and function of the
45 Board.
46 (8) Develop and implement methods to identify dyscompetent physicians and
47 physicians who fail to meet acceptable standards of care.
48 (9) Develop and implement methods to assess and improve physician practice.
49 (10) Develop and implement methods to ensure the ongoing competence of
50 licensees.

1 (b) Nothing in subsection (a) of this section shall restrict or otherwise limit powers and
2 duties conferred on the Board in other sections of this Article.

3 (c) The Board may establish technical advisory subcommittees, including a perfusionist
4 technical advisory subcommittee."

5 **SECTION 19.(c)** The Revisor of Statutes shall make all changes to the General
6 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
7 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
8 conform with the provisions of this section.

9 **SECTION 19.(d)** This section is effective when it becomes law.

10
11 **SUNSET PUBLIC LIBRARIAN CERTIFICATION COMMISSION AND ELIMINATE**
12 **THE CERTIFICATION REQUIREMENTS FOR PUBLIC LIBRARIANS**

13
14 **SECTION 20.(a)** Part 6 of Article 2 of Chapter 143B of the General Statutes (Public
15 Librarian Certification Commission) is repealed effective May 1, 2017.

16 **SECTION 20.(b)** The Revisor of Statutes shall make all changes to the General
17 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
18 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
19 conform with the provisions of this section.

20 **SECTION 20.(c)** This section is effective when it becomes law.

21
22 **PART IV. SUNSET OCCUPATIONAL LICENSING BOARDS AND TRANSFER**
23 **LICENSING REQUIREMENTS TO OTHER OCCUPATIONAL LICENSING BOARDS**

24
25 **SUNSET BOARD OF OPTICIANS AND TRANSFER THE LICENSING**
26 **REQUIREMENTS FOR OPTICIANS TO THE STATE BOARD OF EXAMINERS IN**
27 **OPTOMETRY**

28
29 **SECTION 21.(a)** Article 17 of Chapter 90 of the General Statutes (Dispensing
30 Opticians) is repealed and the licensing requirements for opticians are transferred to the State
31 Board of Examiners in Optometry effective May 1, 2017.

32 **SECTION 21.(b)** The Revisor of Statutes shall make all changes to the General
33 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
34 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
35 conform with the provisions of this section. The State Board of Examiners in Optometry shall
36 review the rules transferred from the Board of Opticians and amend or repeal the rules that the
37 State Board of Examiners in Optometry determines are redundant, unnecessary, confusing, or
38 outdated.

39 **SECTION 21.(c)** This section is effective when it becomes law.

40
41 **SUNSET MIDWIFERY JOINT COMMITTEE AND TRANSFER THE LICENSING**
42 **REQUIREMENTS FOR MIDWIVES TO THE NORTH CAROLINA BOARD OF**
43 **NURSING**

44
45 **SECTION 22.(a)** Article 10A of Chapter 90 of the General Statutes (Midwifery
46 Practice Act) is repealed and the licensing requirements for midwives are transferred to the North
47 Carolina Board of Nursing effective May 1, 2017.

48 **SECTION 22.(b)** The Revisor of Statutes shall make all changes to the General
49 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
50 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
51 conform with the provisions of this section. The Board of Nursing shall review the rules

1 transferred from the Midwifery Joint Committee and amend or repeal the rules that the Board of
2 Nursing determines are redundant, unnecessary, confusing, or outdated.

3 **SECTION 22.(c)** This section is effective when it becomes law.
4

5 **SUNSET NORTH CAROLINA RESPIRATORY CARE BOARD AND TRANSFER THE**
6 **LICENSING REQUIREMENTS FOR RESPIRATORY CARE PRACTITIONERS TO**
7 **THE NORTH CAROLINA MEDICAL BOARD**

8
9 **SECTION 23.(a)** Article 38 of Chapter 90 of the General Statutes (Respiratory Care
10 Practice Act) is repealed and the licensing requirements for respiratory care practitioners are
11 transferred to the North Carolina Medical Board effective May 1, 2017.

12 **SECTION 23.(b)** The Revisor of Statutes shall make all changes to the General
13 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
14 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
15 conform with the provisions of this section. The Medical Board shall review the rules transferred
16 from the Respiratory Care Board and amend or repeal the rules that the Medical Board determines
17 are redundant, unnecessary, confusing, or outdated.

18 **SECTION 23.(c)** This section is effective when it becomes law.
19

20 **SUNSET NORTH CAROLINA MARRIAGE AND FAMILY THERAPY LICENSURE**
21 **BOARD AND NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE**
22 **BOARD AND TRANSFER THE LICENSING REQUIREMENTS FOR MARRIAGE AND**
23 **FAMILY THERAPISTS AND SUBSTANCE ABUSE PROFESSIONALS TO THE NORTH**
24 **CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS**

25
26 **SECTION 24.(a)** Article 18C of Chapter 90 of the General Statutes (Marriage and
27 Family Therapy Licensure Act) is repealed and the licensing requirements for marriage and family
28 therapists and marriage and family therapy associates are transferred to the North Carolina Board
29 of Licensed Professional Counselors effective May 1, 2017.

30 **SECTION 24.(b)** Article 5C of Chapter 90 of the General Statutes (North Carolina
31 Substance Abuse Professional Practice Act) is repealed and the licensing requirements for
32 substance abuse professionals are transferred to the North Carolina Board of Licensed Professional
33 Counselors effective May 1, 2017.

34 **SECTION 24.(c)** The Revisor of Statutes shall make all changes to the General
35 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
36 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
37 conform with the provisions of this section. The Board of Licensed Professional Counselors shall
38 review the rules transferred from the Marriage and Family Therapy Licensure Board and the
39 Substance Abuse Professional Practice Board and amend or repeal the rules that the Board of
40 Licensed Professional Counselors determines are redundant, unnecessary, confusing, or outdated.

41 **SECTION 24.(d)** This section is effective when it becomes law.
42

43 **SUNSET CAPE FEAR RIVER NAVIGATION AND PILOTAGE COMMISSION AND**
44 **MOREHEAD CITY NAVIGATION AND PILOTAGE COMMISSION AND TRANSFER**
45 **THE LICENSING REQUIREMENTS FOR CAPE FEAR RIVER PILOTS AND**
46 **MOREHEAD CITY HARBOR AND BEAUFORT BAR PILOTS TO THE NORTH**
47 **CAROLINA PORTS AUTHORITY**

48 **SECTION 25.(a)** Chapter 76A of the General Statutes (Navigation and Pilotage
49 Commissions) is repealed.

1 **SECTION 25.(b)** The North Carolina Ports Authority shall adopt rules to provide for
2 the licensure and regulation of Cape Fear River pilots and Morehead City Harbor and Beaufort
3 Bar pilots.

4 **SECTION 25.(c)** The Revisor of Statutes shall make all changes to the General
5 Statutes necessary to conform with the provisions of this section. In accordance with G.S. 150B-
6 21.7, the Codifier of Rules shall make all changes to the Administrative Code necessary to
7 conform with the provisions of this section. The Ports Authority shall review the rules transferred
8 from the Cape Fear River Navigation and Pilotage Commission and Morehead City Navigation
9 and Pilotage Commission and amend or repeal the rules that the Ports Authority determines are
10 redundant, unnecessary, confusing, or outdated.

11 **SECTION 25.(d)** This section is effective when it becomes law.

12
13 **PART V. DIRECT EACH OCCUPATIONAL LICENSING BOARD TO CONSOLIDATE**
14 **ALL LICENSES ISSUED BY THE BOARD INTO A SINGLE LICENSE**

15
16 **SECTION 26.(a)** Chapter 93B of the General Statutes is amended by adding a new
17 section to read:

18 **"§ 93B-17. Consolidate licenses.**

19 Each occupational licensing board, including boards housed within agencies and agencies that
20 issue occupational licenses, shall consolidate all of the licenses issued by the board or agency into
21 a single license. A board or agency may provide for license endorsements or sub-specialty
22 licensure."

23 **SECTION 26.(b)** If compliance with G.S. 93B.17, as enacted by Section 26.(a) of this
24 act, would require statutory changes, the board or agency shall report to the Joint Legislative
25 Administrative Procedure Oversight Committee on the required statutory changes no later than
26 October 1, 2016.

27 **SECTION 26.(c)** Section 26.(a) of this Section is effective May 1, 2017. The
28 remainder of this section is effective when it becomes law.

29
30 **PART VI. DIRECT THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE**
31 **OVERSIGHT COMMITTEE TO CONTINUE TO STUDY THE ELIMINATION AND**
32 **CONSOLIDATION OF OCCUPATIONAL LICENSING BOARDS AND TO STUDY THE**
33 **DEREGULATION OF OCCUPATIONS REGULATED BY THE STATE**

34
35 **SECTION 27.(a)** The Joint Legislative Administrative Procedure Oversight
36 Committee shall continue to study the elimination and consolidation of occupational licensing
37 boards, including boards housed within agencies and agencies that issue occupational licenses, and
38 shall study the deregulation of occupations regulated by the State. The Committee shall
39 specifically consider all of the following:

- 40 (1) Whether certain occupational licensing boards should be eliminated,
41 consolidated with other boards or agencies, or have their licensing authority
42 repealed.
- 43 (2) Whether the membership of certain occupational licensing boards should be
44 reduced or adjusted.
- 45 (3) Licensing fees.
- 46 (4) The process by which the public may make complaints against licensees.
- 47 (5) Any other issues the Committee finds necessary for the efficient and effective
48 operation of occupational licensing boards.

49 **SECTION 27.(b)** The Joint Legislative Administrative Procedure Oversight
50 Committee shall report the findings of the study required by this section to the 2017 Regular
51 Session of the 2017 General Assembly.

1
2 **PART VII. DIRECT THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND**
3 **THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE**
4 **CONSOLIDATION OF THE WATER TREATMENT FACILITY OPERATORS BOARD**
5 **OF CERTIFICATION, THE ON-SITE WASTEWATER CONTRACTORS AND**
6 **INSPECTORS CERTIFICATION BOARD, AND THE WATER POLLUTION CONTROL**
7 **SYSTEM OPERATORS CERTIFICATION COMMISSION**

8
9 **SECTION 28.** It is the intent of the General Assembly to consolidate the Water
10 Treatment Facility Operators Board of Certification, the On-Site Wastewater Contractors and
11 Inspectors Certification Board, and the Water Pollution Control System Operators Certification
12 Commission during the 2017-2018 General Assembly. The Department of Environmental Quality
13 and the Department of Health and Human Services shall jointly study how to consolidate the
14 Water Treatment Facility Operators Board of Certification, the On-Site Wastewater Contractors
15 and Inspectors Certification Board, and the Water Pollution Control System Operators
16 Certification Commission, including the membership and powers and duties of a single board .
17 The Departments shall jointly report the results of its study, including any recommendations, to
18 the Joint Legislative Administrative Procedure Oversight Committee no later than December 1,
19 2016.

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21 **PART VIII. EFFECTIVE DATE**

22 **SECTION 29.** Except as otherwise provided, this act is effective when it becomes
23 law. Sections 1, 3, and 4 apply to rules adopted or undergoing the review process on or after that
24 date.