

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

SESSION LAW 2009-501
HOUSE BILL 1002

AN ACT TO AMEND PUBLIC HEALTH-RELATED LAWS TO CLARIFY PROCEDURES
FOR INVESTIGATING AND CONTROLLING COMMUNICABLE DISEASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-534.3 reads as rewritten:

"§ 15A-534.3. **Detention for communicable diseases.**

If a judicial official conducting an initial appearance or first appearance hearing finds probable cause that an individual ~~was exposed~~ had a nonsexual exposure to the defendant in a manner that poses a significant risk of transmission of the AIDS virus or Hepatitis B by such defendant, the judicial official shall order the defendant to be detained for a reasonable period of time, not to exceed 24 hours, for investigation by public health officials and for testing for AIDS virus infection and Hepatitis B infection if required by public health officials pursuant to G.S. 130A-144 and G.S. 130A-148."

SECTION 2. G.S. 130A-144(b) reads as rewritten:

"(b) ~~Physicians and~~ Physicians, persons in charge of medical facilities or laboratories, laboratories, and other persons shall, upon request and proper identification, permit a local health director or the State Health Director to examine, review, and obtain a copy of medical or other records in their possession or under their control which the State Health Director or a local health director determines pertain to the (i) diagnosis, treatment, or prevention of a communicable disease or communicable condition for a person infected, exposed, or reasonably suspected of being infected or exposed to such a disease or condition, or (ii) the investigation of a known or reasonably suspected outbreak of a communicable disease or communicable condition."

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 11th day of August, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 3:12 p.m. this 26th day of August, 2009

