

## Article 1A.

### Commission for Public Health.

#### **§ 130A-29. Commission for Public Health – Creation, powers and duties.**

(a) The Commission for Public Health is created with the authority and duty to adopt rules to protect and promote the public health.

(b) The Commission is authorized to adopt rules necessary to implement the public health programs administered by the Department as provided in this Chapter.

(c) The Commission shall adopt rules:

- (1) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1022, s. 5.
- (2) Establishing standards for approving sewage-treatment devices and holding tanks for marine toilets as provided in G.S. 75A-6(o).
- (3) Establishing specifications for sanitary privies for schools where water-carried sewage facilities are unavailable as provided in G.S. 115C-522.
- (4) Establishing requirements for the sanitation of local confinement facilities as provided in Part 2 of Article 10 of Chapter 153A of the General Statutes.
- (5) Repealed by Session Laws 1989 (Regular Session, 1990), c. 1075, s. 1.
- (5a) Establishing eligibility standards for participation in Department reimbursement programs.
- (6) Repealed by Session Laws 2014-122, s. 11(a), effective September 20, 2014.
- (7) Establishing statewide health outcome objectives and delivery standards.
- (8) Establishing permit requirements for the sanitation of premises, utensils, equipment, and procedures to be used by a person engaged in tattooing, as provided in Part 11 of Article 8 of this Chapter.
- (9) Implementing immunization requirements for adult care homes as provided in G.S. 131D-9 and for nursing homes as provided in G.S. 131E-113.
- (10) Pertaining to the biological agents registry in accordance with G.S. 130A-479.
- (11) For matters within its jurisdiction that allow for and regulate horizontal drilling and hydraulic fracturing for the purpose of oil and gas exploration and development.

(d) The Commission is authorized to create:

- (1) Metropolitan water districts as provided in G.S. 162A-33;
- (2) Sanitary districts as provided in Part 2 of Article 2 of this Chapter; and
- (3) Mosquito control districts as provided in Part 2 of Article 12 of this Chapter.

(e) Rules adopted by the Commission shall be enforced by the Department. (1973, c. 476, s. 123; 1975, c. 19, s. 57; c. 694, s. 6; 1979, c. 41, s. 1; 1981, c. 614, s. 9; 1983, c. 891, s. 15; 1983 (Reg. Sess., 1984), c. 1022, s. 5; 1989, c. 727, ss. 175, 176; 1989 (Reg. Sess., 1990), c. 1004, s. 50; c. 1075, s. 1; 1991, c. 548, s. 2; 1993, c. 321, s. 274; 1993 (Reg. Sess., 1994), c. 670, s. 3; 2000-112, s. 6; 2001-469, s. 2; 2002-179, s. 2(b); 2007-182, s. 2; 2012-143, s. 2(i); 2014-122, s. 11(a).)

#### **§ 130A-30. Commission for Public Health – Members; selection; quorum; compensation.**

(a) Composition. – The Commission for Public Health shall consist of the following 13 members:

- (1) Four elected by the North Carolina Medical Society.
- (2) Four at-large members appointed by the General Assembly in accordance with G.S. 120-121, two upon the recommendation of the President Pro Tempore of

the Senate and two upon the recommendation of the Speaker of the House of Representatives.

(3) Five appointed by the Governor.

(b) Qualifications of Members Appointed by the Governor. – One of the members appointed by the Governor shall be a licensed pharmacist, one a licensed veterinarian, one a licensed optometrist, one a licensed dentist, and one a registered nurse.

(b1) Length of Terms. – Members appointed to the Commission shall serve for a term of four years. At the end of the respective terms of office of members of the Commission, their successors shall be appointed for terms of four years. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be filled by the appointing authority for the balance of the unexpired term. As used in this section, the term "appointing authority" means the North Carolina Medical Society in the case of members elected by the Medical Society, the General Assembly in the case of members appointed by the General Assembly, and the Governor in the case of members appointed by the Governor.

(c) Removal of Members. – Each appointing authority may remove any member appointed by that appointing authority for misfeasance, malfeasance, or nonfeasance.

(c1) Filling of Vacancies. – Vacancies on the Commission among the membership elected by the North Carolina Medical Society shall be filled by the executive committee of the Medical Society until the next meeting of the Medical Society, when the Medical Society shall fill the vacancy for the unexpired term. Vacancies on the Commission among the membership appointed by the General Assembly shall be filled by the General Assembly as provided in subdivision (a)(2) of this section for the unexpired term. Vacancies on the Commission among the membership appointed by the Governor shall be filled by the Governor for the unexpired term.

(d) Quorum. – A majority of the members of the Commission constitutes a quorum for the transaction of business.

(e) Per Diem and Expenses. – The members of the Commission shall receive per diem and necessary traveling and subsistence expenses in accordance with the provisions of G.S. 138-5. (1973, c. 476, s. 124; c. 1367, ss. 1, 2; 1981, c. 553; 1989, c. 727, ss. 175, 177; 1989 (Reg. Sess., 1990), c. 1004, s. 51; 1995, c. 507, s. 26.8(d); 2007-182, s. 2; 2023-136, s. 3.1(a).)

### **§ 130A-31. Commission for Public Health – Officers.**

The Commission for Public Health shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term. (1973, c. 476, s. 125; 1989, c. 727, s. 175; 2007-182, s. 2.)

### **§ 130A-32. Commission for Public Health – Election meetings.**

The meeting of the Commission for Public Health for the election of vice-chairman shall be at the first regular meeting after the joint session of the Commission for Public Health and the North Carolina Medical Society at the annual meeting of the North Carolina Medical Society each odd-numbered year. (1973, c. 476, s. 126; 1989, c. 727, s. 175; 2007-182, s. 2.)

### **§ 130A-33. Commission for Public Health – Regular and special meetings.**

Each year there shall be four regular meetings of the Commission for Public Health, one of which shall be held conjointly with a general session of the annual meeting of the North Carolina

Medical Society. The State Health Director shall submit an annual report on public health at this meeting. The other three meetings shall be at such times and places as the chairman of the Commission shall designate. Special meetings of the Commission may be called by the chairman, or by a majority of the members of the Commission. (1973, c. 476, s. 127; 1989, c. 727, ss. 175, 178; 1993, c. 513, s. 6; 2007-182, s. 2.)

**§ 130A-33.1: Reserved for future codification purposes.**

**§ 130A-33.2: Reserved for future codification purposes.**

**§ 130A-33.3: Reserved for future codification purposes.**

**§ 130A-33.4: Reserved for future codification purposes.**

**§ 130A-33.5: Reserved for future codification purposes.**

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