

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS15335-SYz-39A* (05/09)

Short Title: Child Lead Poisoning/DENR Authority. (Public)

Sponsors: Senator Albertson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-4(c) reads as rewritten:

"(c) The Secretary of Environment and Natural Resources shall administer and enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this Chapter and the rules of the Commission."

SECTION 2. G.S. 130A-12 reads as rewritten:

"§ 130A-12. Confidentiality of records.

All records containing privileged patient medical ~~information~~ information, information protected under 45 ~~C.F.R. Code of Federal Regulations~~ Code of Federal Regulations Parts 160 and ~~164~~ 164, and information collected under the authority of Part 4 of Article 5 of this Chapter that are in the possession of the Department of Health and Human Services, the Department of Environment and Natural Resources, or local health departments shall be confidential and shall not be public records pursuant to G.S. 132-1. Information contained in the records may be disclosed only when disclosure is authorized or required by State or federal law. Notwithstanding G.S. 8-53 or G.S. 130A-143, the information contained in the records may be disclosed for purposes of treatment, payment, or health care operations. For purposes of this section, the terms "treatment," "payment," and "health care operations" have the meanings given those terms in 45 ~~C.F.R. Code of Federal Regulations~~ Code of Federal Regulations § 164.501."

SECTION 3. G.S. 130A-17(b) reads as rewritten:

1 "(b) The Secretary of Environment and Natural Resources and a local health
2 director shall have the same rights enumerated in subsection (a) of this section to
3 enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this
4 Chapter."

5 **SECTION 4.** G.S. 130A-18(b) reads as rewritten:

6 "(b) The Secretary of Environment and Natural Resources and a local health
7 director shall have the same rights enumerated in subsection (a) of this section to
8 enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this
9 Chapter."

10 **SECTION 5.** G.S. 130A-19(b) reads as rewritten:

11 "(b) The Secretary of Environment and Natural Resources and a local health
12 director shall have the same rights enumerated in subsection (a) of this section to
13 enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this
14 Chapter."

15 **SECTION 6.** G.S. 130A-20(b) reads as rewritten:

16 "(b) The Secretary of Environment and Natural Resources and a local health
17 director shall have the same rights enumerated in subsection (a) of this section to
18 enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this
19 Chapter."

20 **SECTION 7.** This act is effective when it becomes law.