

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 773

Short Title: Fracking-Public Disclosure/Drilling Fluids. (Public)

Sponsors: Representatives Salmon and Reives (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE PUBLIC'S RIGHT TO KNOW REGARDING THE
COMPOSITION AND CONTENTS OF CHEMICALS INJECTED INTO THE EARTH
BY OIL AND GAS DEVELOPERS USING HYDRAULIC FRACTURING
TREATMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-391.1(b) reads as rewritten:

"(b) Determination and Treatment of Confidential Information. – Information obtained by the Commission and the Department pursuant to this Article, and rules adopted thereunder, shall be available to the public except that, upon a showing satisfactory to the Commission by any person that information to which the Commission and Department has access, if made public, would divulge methods or processes entitled to protection as confidential information pursuant to G.S. 132-1.2, the Commission shall consider the information confidential. Notwithstanding any other provision of law, an oil and gas developer or operator shall disclose to the Commission and the Department the identity of each chemical used in hydraulic fracturing fluid 15 calendar days before the initiation of a hydraulic fracturing treatment, and this information shall constitute public information under Chapter 132 of the General Statutes. The Commission and the Department may, however, consider information concerning the actual or maximum concentration of each chemical contained in the hydraulic fracturing fluid confidential if that information would divulge methods or processes entitled to protection as confidential information pursuant to G.S. 132-1.2. In accordance with subsection (b1) of G.S. 113-391, the State Geologist shall serve as the custodian of the confidential information and shall ensure that it is maintained securely as provided in G.S. 132-7. The State Geologist, or the Geologist's designee, shall:

...."

SECTION 2. G.S. 113-391.1(d) reads as rewritten:

"(d) Penalties for Unlawful Disclosure. – Except as provided in subsection (c) of this section or as otherwise provided by law, any person who has access to confidential information pursuant to this section and who knowingly and willfully discloses it to any person not authorized to receive it shall be guilty of a Class 1 misdemeanor and shall be subject to civil action for damages and injunction by the owner of the confidential information, including, without limitation, actions under Article 24 of Chapter 66 of the General Statutes. Penalties for unlawful disclosure of confidential information established by this subsection shall not apply to disclosure of confidential information that concerns chemicals used in the hydraulic fracturing process."



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1 **SECTION 3.** Section 2 of this act becomes effective December 1, 2015. The
2 remainder of this act is effective when it becomes law.