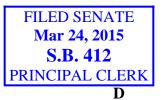
## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015



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## SENATE DRS45189-MM-29A (02/03)

Sponsors: Senators McKissick, Bingham, and Daniel (Primary Sponsors).	
Referred to:	
A BILL TO BE ENTITLED AN ACT TO LIMIT THE USE OF SECRECY ORDERS AND CONFIDENTIAL	ITY
3 AGREEMENTS IN CERTAIN CIVIL ACTIONS.	
4 The General Assembly of North Carolina enacts:	
5 SECTION 1. The General Statutes are amended by adding a new Chapter to rea	ıd:
6 " <u>Chapter 7C.</u>	
7 "Concealment of Public Hazards.	
8 " <u>§ 7C-1. Definitions.</u>	
9 <u>As used in this Chapter:</u>	
10 (1) Confidentiality agreement. – Any terms in a court order or a print	
11 <u>agreement settling, concluding, or terminating a claim involving a pu</u>	
12 hazard, whether those terms are integrated in the order or private agree	nent
13 <u>or written separately.</u>	
14 (2) <u>Final protective order. – An order of any court of competent jurisdic</u>	
15 determining that a particular document or documents shall be protected to	rom
16 <u>public disclosure.</u>	
17 (3) Public hazard. – A release or threatened release of any substance that pos	
18 threat to public health or safety by presenting a present or future dange	
19 <u>death, bodily injury, or physical or emotional disability to persons other</u>	than
20 parties to the confidentiality agreement exposed to any such substance.	
21 " <u>§ 7C-2. Concealment of certain public hazards prohibited.</u>	
22 In actions alleging personal injury, wrongful death, or monetary or property dam	
23 <u>caused by a public hazard, no confidentiality agreement may be entered into or enforced by</u> 24 court unless a final protective order regarding that information is entered. Prior to enteri	
24 <u>court unless a final protective order regarding that information is entered. Prior to enteril</u> 25 <u>final protective order, the court must find that the confidentiality agreement is in the pro- tection of the second seco</u>	-
26 interest. In determining the public interest, the court shall balance the right of the public	
27 information regarding the alleged risk to the public hazard against the right of the public	
28 protect the confidentiality of trade secrets and other confidential research or development	
29 <u>commercial information concerning products or business methods.</u>	
30 "§ 7C-3. Appeal of final protective order.	
31 Any interested party may appeal the grant or denial of a final protective order to the c	ourt
32 of appeals, in accordance with the North Carolina Rules of Appellate Procedure. For purp	
33 of the appeal, the grant or denial of a final protective order shall be considered a	
34 judgment. The appellate court shall conduct de novo review of the motion and documents	
35 which a final protective order has been sought.	
36 " <u>§ 7C-4. Exclusions.</u>	



	General Assembly of North Carolina Session 2015
1	(a) Nothing in this section shall be deemed to limit a court's authority or discretion to
2	prohibit the enforcement of a part or all of any confidentiality agreement, settlement agreement,
3	stipulated agreement, or protective order in any other cases.
4	(b) Nothing in this section shall be deemed to prohibit or compel the disclosure of the
5	monetary amount of the settlement agreement or the entry of an enforcement order of that part
6	of a confidentiality agreement, settlement agreement, or stipulated agreement between the
7	parties which requires the nondisclosure of the amount of any money paid in settlement of a
8	<u>claim.</u> "
9	SECTION 2. This act becomes effective October 1, 2015, and applies to court
10	orders and private agreements entered into on or after that date.