

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 557
Apr 3, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10278-NBf-112A

Short Title: North Carolina Healing Arts Commission. (Public)

Sponsors: Representative Warren.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA HEALING ARTS COMMISSION AND
3 TO CREATE LICENSURE PROCESSES FOR REFLEXOLOGISTS, NATUROPATHIC
4 DOCTORS, AND MUSIC THERAPISTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Chapter 90 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 44.

9 "Healing Arts.

10 "Part 1. North Carolina Healing Arts Commission.

11 "**§ 90-730.1. Title and purpose.**

12 (a) This Article shall be known and may be cited as the "North Carolina Healing Arts
13 Act."

14 (b) The North Carolina Healing Arts Act is established to safeguard the public health,
15 safety, and welfare; to protect the public from being harmed by unqualified persons; to assure
16 the highest degree of professional services and conduct on the part of practitioners of the healing
17 arts; to provide for the establishment of licensure requirements; and to ensure the availability of
18 healing arts services of high quality to persons in need of such services.

19 "**§ 90-730.2. Definitions.**

20 The following definitions apply in this Article:

21 (1) Advisory committee. – A committee charged with supervising the day-to-day
22 regulation of a healing arts profession. Advisory committees shall screen
23 applicants for licensure and conduct all investigations necessary to give
24 directions to the Commission.

25 (2) Commission. – The North Carolina Healing Arts Commission, as established
26 pursuant to G.S. 90-730.3.

27 (3) Healing arts. – The use of allopathic, complementary, or alternative
28 approaches to the art and science of medicine for the prevention, diagnosis,
29 and treatment of human physical or mental conditions, diseases, ailments,
30 illnesses, infirmities, pain, defects, or injuries and the promotion and
31 restoration of health and wellness.

32 (4) Healing arts profession. – Any of the professions listed in G.S. 90-730.8.

33 (5) North Carolina Healing Arts License. – A license in a healing arts profession
34 issued pursuant to this Article.

35 "**§ 90-730.3. North Carolina Healing Arts Commission; composition; terms; compensation.**



* D R H 1 0 2 7 8 - N B F - 1 1 2 A *

1 (a) The North Carolina Healing Arts Commission is hereby created. The Commission
2 shall consist of the following members: three members of the public and two members of each
3 healing arts profession. The initial Commission members shall be appointed on or before January
4 1, 2024, as follows:

5 (1) The General Assembly, upon the recommendation of the President Pro
6 Tempore of the Senate, shall appoint one reflexologist to serve an initial term
7 of three years.

8 (2) The General Assembly, upon the recommendation of the Speaker of the House
9 of Representatives, shall appoint one music therapist to serve an initial term
10 of two years.

11 (3) The General Assembly, upon the recommendation of the Speaker of the House
12 of Representatives, shall appoint one naturopathic doctor to serve an initial
13 term of two years.

14 (4) The Governor shall appoint one reflexologist to serve an initial term of two
15 years.

16 (5) The Governor shall appoint one music therapist to serve an initial term of three
17 years.

18 (6) The Governor shall appoint one naturopathic doctor who shall serve an initial
19 term of one year.

20 (7) The Governor shall appoint one member of the public who shall serve an
21 initial term of three years.

22 (b) Once the initial terms described in subsection (a) of this section expire, the appointing
23 authorities shall appoint members to the Commission for terms of three years. Any healing arts
24 professions created after January 1, 2024, shall have two members on the Commission, both of
25 whom shall serve three-year terms. One of these members shall be appointed by the Governor.
26 The second member shall be appointed by the General Assembly. The Speaker of the House of
27 Representatives shall make a recommendation to be approved by the General Assembly for the
28 first term, and the President Pro Tempore of the Senate shall make a recommendation to be
29 approved by the General Assembly for the second term. The Speaker of the House of
30 Representatives and the President Pro Tempore of the Senate shall thereafter alternate
31 recommendations for subsequent terms. After the expiration of the initial term of the member of
32 the public appointed by the General Assembly, the Speaker of the House of Representatives and
33 the President Pro Tempore of the Senate shall thereafter alternate recommendations for
34 subsequent terms of the member of the public.

35 (c) Any vacancies on the Commission shall be filled by the appointing authority initially
36 filling that position, except that any vacancy in appointments by the General Assembly shall be
37 filled in accordance with G.S. 120-122. Individuals appointed to fill vacancies shall serve until
38 the normal expiration of the term they were appointed to fill.

39 (d) Members of the Commission shall be citizens of the United States, residents of the
40 State of North Carolina, and hold a North Carolina Healing Arts License in their respective
41 healing arts profession under this Article. The initial reflexologist appointee shall have been a
42 North Carolina resident for at least two years prior to appointment, certified by a national entity
43 that certifies reflexologists, and eligible for licensure under G.S. 90-730.14. Upon appointment,
44 the reflexologist appointee must immediately seek to obtain a North Carolina Healing Arts
45 License in reflexology under this Article and shall remain in good standing with the Commission
46 during the appointee's term. The initial music therapist appointee shall have been a North
47 Carolina resident for at least two years prior to appointment, certified by a national entity that
48 certifies music therapists, and eligible for licensure under G.S. 90-730.24. Upon appointment,
49 the initial music therapist appointee must immediately seek to obtain a North Carolina Healing
50 Arts License in music therapy under this Article and shall remain in good standing with the
51 Commission during the appointee's term. Initial appointees for healing arts professions created

1 after January 1, 2024, shall be North Carolina residents for at least two years prior to
2 appointment, certified by a national entity that certifies the appointee's healing arts profession,
3 eligible for licensure under this Article, immediately seek to obtain a North Carolina Healing
4 Arts License in their respective profession under this Article, and remain in good standing for
5 the duration of their terms. Public members of the Committee shall not be:

6 (1) An agent or employee trained or experienced in the practice of healing arts.

7 (2) An agent or employee of a person engaged in the practice of healing arts.

8 (3) A spouse of an individual licensed pursuant to this Article.

9 (4) Any person with significant financial interest in a health service or profession.

10 (e) The Commission may remove any of its members for neglect of duty, incompetence,
11 or unprofessional conduct. A member subject to disciplinary proceedings as a licensed healing
12 arts professional shall be disqualified from participating in the official business of the
13 Commission until the charges have been resolved.

14 (f) Any member of the Commission may be removed from office by the Governor for
15 good cause shown.

16 (g) A Commission member may not receive compensation but may receive
17 reimbursement as provided in G.S. 93B-5. The officers of the Commission shall include a chair,
18 a secretary, and any other officers deemed necessary by the Commission to carry out the purposes
19 of this Article. All officers shall be elected annually by the Commission at its first meeting held
20 after appointments to the Commission are made. The Commission shall hold a meeting within
21 45 days after the appointment of new Commission members. All officers shall serve one-year
22 terms and shall serve until their successors are elected and qualified. No person shall chair the
23 Commission for more than five consecutive years. The Commission may adopt rules governing
24 the calling, holding, and conducting of regular and special meetings. A majority of Commission
25 members present and voting constitutes a quorum, and no action may be taken without a quorum.

26 **"§ 90-730.4. Powers of the Commission.**

27 (a) The Commission shall administer and enforce the provisions of this Article.

28 (b) The Commission shall have the power to adopt, amend, or repeal rules necessary to
29 conduct its business, carry out its duties, and administer this Article.

30 (c) The Commission shall appoint and maintain advisory committees to fulfill the daily
31 regulation of healing arts professions.

32 (d) When directed by an advisory committee to do so, the Commission shall issue a North
33 Carolina Healing Arts License to practice the healing art governed by the advisory committee
34 directing the issuance of the North Carolina Healing Arts License.

35 (e) When directed by an advisory committee to do so, the Commission shall deny,
36 suspend, or revoke North Carolina Healing Arts Licenses; order probation; issue reprimands; or
37 conduct any disciplinary actions authorized by this Article.

38 (f) The Commission may authorize expenditures deemed necessary to carry out the
39 provisions of this Article from fees paid to the Commission pursuant to this Article.

40 (g) The Commission shall remit to advisory committees funds sufficient for those
41 advisory committees to carry out their duties.

42 (h) The Commission shall conduct any administrative hearings necessary for the
43 administration of this Article, including disciplinary hearings to enforce the provisions of this
44 Article.

45 (i) The Commission shall establish fees as necessary for the administration of this
46 Article.

47 **"§ 90-730.5. Expenses and fees.**

48 (a) All fees shall be payable to and deposited in the name of the Commission in financial
49 institutions designated by the Commission as official depositories. These fees shall be used to
50 carry out the purposes of this Article.

(b) All salaries, compensation, and expenses incurred or allowed to carry out the purposes of this Article shall be paid by the Commission exclusively out of the fees received by the Commission as authorized by this Article or funds received from other sources. In no case shall any salary, expense, or other obligation authorized by this Article be charged against the State treasury.

(c) The Commission shall establish fees for healing arts professions not exceeding the following amounts:

- (1) Issuance of a North Carolina Healing Arts License..... \$300.00
- (2) North Carolina Healing Arts License renewal (annually)..... \$350.00
- (3) Late renewal \$200.00.

"§ 90-730.6. Violations.

(a) Any person violating any provision of this Article shall be punished as follows:

- (1) For the first violation, the individual shall receive a written warning.
- (2) For the second violation, the individual shall be subject to a civil penalty of no more than two hundred dollars (\$200.00).
- (3) For the third and each subsequent violation, the individual shall be subject to civil penalty of no more than two hundred dollars (\$200.00) for each violation and shall be guilty of a Class 1 misdemeanor.

(b) The clear proceeds of the civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

"§ 90-730.7. Injunction.

As an additional remedy, the Commission may proceed in superior court to enjoin and restrain any person from violating the prohibitions of this Article. The Commission shall not be required to post bond when seeking an injunction pursuant to this section.

"§ 90-730.8. Healing arts professions.

The following are the healing arts professions subject to this Article:

- (1) Reflexologists.
- (2) Music therapists.
- (3) Naturopathic physicians.

"Part 2. Reflexology.

"§ 90-730.10. Reflexology as a healing arts profession.

It is the policy of this State that the practice of reflexology shall be considered a healing arts profession.

"§ 90-730.11. Definitions.

The following definitions apply in this Part:

- (1) Certifying entity. – The American Reflexology Certification Board or its successor.
- (2) Committee. – The North Carolina Reflexology Advisory Committee.
- (3) National certification. – A determination by the certifying entity that an individual has passed the certifying entity's national exam and that the individual has an active status with the certifying entity.
- (4) North Carolina Licensed Reflexologist. – An individual that (i) is certified by the certifying entity as a certified reflexologist and (ii) has been issued a North Carolina Healing Arts License in reflexology by the Commission.
- (5) Reflexology. – A protocol of manual techniques, including thumb- and finger-walking, hook and backup, and rotating-on-a-point, that are applied to specific reflex areas predominantly on the feet and hands and that stimulate the complex neural pathways linking body systems and support the body's efforts to function optimally. The practice of reflexology is not massage and bodywork therapy as defined in Article 36 of this Chapter.

"§ 90-730.12. North Carolina Reflexology Advisory Committee.

1 (a) Establishment. – The North Carolina Reflexology Advisory Committee is created.
2 The Committee consists of three members serving staggered terms. The initial Committee
3 members shall be appointed on or before January 1, 2024, as follows:

4 (1) The Commission shall appoint from a list of names submitted by the North
5 Carolina Reflexology Association or its successor two reflexologists eligible
6 for licensure under this Article. One member shall serve an initial term of three
7 years, and one member shall serve an initial term of two years.

8 (2) The Commission shall appoint one public member who shall serve an initial
9 term of one year.

10 Upon the expiration of the terms of the initial Committee members, each subsequent member
11 shall be appointed for a term of three years. The term of a member shall begin on January 1 of
12 each year. A member shall serve until the member's successor is appointed. No member shall
13 serve on the Committee for more than two consecutive terms.

14 (b) Qualifications. – The initial reflexologist appointees shall be citizens of the United
15 States and North Carolina residents for at least two years prior to appointment, certified by the
16 certifying entity as a reflexologist, and eligible to obtain a North Carolina Healing Arts License
17 in reflexology under G.S. 90-730.14. Upon appointment, each initial reflexologist appointee
18 must immediately seek to obtain a North Carolina Healing Arts License in reflexology under this
19 Article and shall remain in good standing with the Committee during the appointee's term.
20 Subsequent reflexologist appointees shall be citizens of the United States, residents of North
21 Carolina, North Carolina Licensed Reflexologists, and appointed by the Commission from a list
22 of names supplied by the North Carolina Reflexology Association or its successor. Public
23 members of the Committee shall not be:

24 (1) An agent or employee trained or experienced in the practice of reflexology.

25 (2) An agent or employee of a person engaged in the practice of reflexology.

26 (3) A member of a healing arts profession or a person enrolled in a program to
27 become a member of a healing arts profession.

28 (4) A spouse of an individual licensed under this Article.

29 (5) Any person with significant financial interest in a health service or profession.

30 (c) Meetings. – The Committee shall elect annually a chair and other officers as it deems
31 necessary to carry out the purposes of this Article. The Committee may hold additional meetings
32 upon the call of the chair or any two board members. A majority of the Committee shall constitute
33 a quorum.

34 (d) Compensation of Members; Expenses; Employees. – Members of the Committee
35 shall receive no compensation for their services but shall receive per diem and necessary travel
36 and subsistence expenses as provided in G.S. 138-5 and G.S. 138-6. In no event shall the State
37 of North Carolina be liable for expenses incurred by the Committee in excess of the income
38 derived from this Article.

39 **"§ 90-730.13. Powers and duties of Committee.**

40 The Committee shall have the following powers and duties:

41 (1) Administer, coordinate, and enforce the provisions of this Part.

42 (2) Direct the Commission to adopt, amend, or repeal rules to administer and
43 enforce this Part.

44 (3) Establish and determine qualification and fitness of applicants for a North
45 Carolina Healing Arts License in reflexology under this Part.

46 (4) Direct the Commission to issue, renew, deny, suspend, revoke, or refuse to
47 issue or renew North Carolina Healing Arts License in reflexology under this
48 Article.

49 (5) Direct the Commission to discipline North Carolina Licensed Reflexologists.

50 (6) Direct the Commission to seek civil and criminal penalties against
51 nonlicensed individuals engaged in the practice of reflexology.

- 1 (7) Provide all North Carolina Licensed Reflexologists with a wallet-sized card
2 identifying the bearer as a North Carolina Licensed Reflexologist.
3 (8) The Committee shall maintain a list of all reflexologists in the State who hold
4 a national certification.

5 **"§ 90-730.14. Healing arts licensure in reflexology application and requirements.**

6 Each individual desiring to obtain a North Carolina Healing Arts License in reflexology under
7 this Article shall apply to the Committee in accordance with the procedures and rules prescribed
8 by the Commission. The Committee shall direct the Commission to issue a North Carolina
9 Healing Arts License in reflexology to any applicant who furnishes evidence satisfactory to the
10 Committee that the applicant meets all of the following criteria:

- 11 (1) The applicant is at least 18 years of age.
12 (2) The applicant is of good moral character as determined by the Committee.
13 (3) The applicant holds a national certification issued by the certifying entity.
14 (4) The applicant has paid an application or renewal fee to the Commission as
15 specified in G.S. 90-730.5.

16 **"§ 90-730.15. License renewal.**

17 Every North Carolina Healing Arts License in reflexology issued by the Commission shall
18 be renewed on or before January 1 every year. The Committee shall direct the Commission to
19 renew the North Carolina Healing Arts License in reflexology of any individual who files a
20 renewal application with the committee and who meets the criteria set forth in G.S. 90-730.14.

21 **"§ 90-730.16. Compensation for reflexology services.**

22 (a) Compensation may be received for reflexology services only when those services are
23 performed by an individual holding a national certification. Nonlicensed individuals who provide
24 reflexology services or who engage in the practice of reflexology are subject to the penalties in
25 G.S. 90-730.6 or an injunction under G.S. 90-730.7 unless any of the following applies:

- 26 (1) The individual is a reflexology student working to obtain a certification of
27 completion from a nationally recognized reflexology education program.
28 (2) The individual holds a certification of completion from a nationally
29 recognized reflexology education program, and that program was completed
30 no more than six months prior to that individual receiving compensation for
31 reflexology services.

32 (b) Unless all reflexology services are performed by individuals holding a national
33 certification, a place of business where reflexology services are offered for compensation shall
34 be subject to a civil penalty of no more than five hundred dollars (\$500.00) for each violation
35 and a suspension of any license to operate the business for no more than 90 days. The clear
36 proceeds of the civil penalty assessed under this section shall be remitted to the Civil Penalty and
37 Forfeiture Fund in accordance with G.S. 115C-457.2. The Commission shall enforce the
38 provisions of this subsection at the direction of the Committee.

39 **"§ 90-730.17. License to be displayed; advertising.**

40 (a) At all places of business in which compensated reflexology services are offered, a
41 valid and up-to-date license issued by the certifying entity for all individuals offering
42 compensated reflexology services shall be displayed in a prominent place.

43 (b) If an individual with a national certification performs reflexology services for
44 compensation at a location outside of the reflexologist's main place of business, the reflexologist
45 shall have on his or her person a valid, up-to-date certification card issued by the certifying entity
46 at the time the services are performed.

47 (c) All public advertising designed to attract clients for reflexology services shall identify
48 that the services will be performed by an individual holding a national certification and shall
49 include the name of the certifying entity.

50 (d) No individual shall use the title "North Carolina Licensed Reflexologist" unless that
51 individual holds a valid North Carolina Healing Arts License in reflexology issued by the

1 Commission. Individuals holding themselves out as North Carolina Licensed Reflexologists shall
2 carry the identification card described in G.S. 90-730.13(7) at all times when providing
3 reflexology services. Individuals in violation of this subsection are subject to the penalties in
4 G.S. 90-730.6 or an injunction under G.S. 90-730.7.

5 **"§ 90-730.18. Reciprocity.**

6 The Committee may direct the Commission to grant, upon application and payment of proper
7 fees, a North Carolina Healing Arts License in reflexology to a person who has been licensed or
8 certified to practice reflexology in another state or territory of the United States whose standards
9 of competency are substantially equivalent to the requirements for licensure provided in this
10 Article.

11 **"§ 90-730.19. Exemptions.**

12 This Part shall not apply to an individual who may apply pressure to the reflex areas on the
13 hands, feet, and outer ears in the regular course of that individual's work, so long as (i) the
14 individual is licensed by this State as a massage therapist, physician, chiropractor, acupuncturist,
15 physical therapist, cosmetologist, registered nurse, or as a member of other professions licensed
16 by the State and (ii) this application of pressure to the reflex areas on the hands, feet, and outer
17 ears accounts for no more than twenty-five percent (25%) of that individual's work.

18 "Part 3. Music Therapy.

19 **"§ 90-730.20. Music therapy as a healing arts profession.**

20 It is the policy of this State that the practice of music therapy shall be considered a healing
21 arts profession.

22 **"§ 90-730.21. Definitions.**

23 The following definitions apply in this Part:

- 24 (1) Certifying entity. – The Certification Board for Music Therapists.
- 25 (2) Committee. – The North Carolina Music Therapy Advisory Committee.
- 26 (3) Music therapy. – The clinical and evidence-based use of music interventions
27 to accomplish individualized goals within a therapeutic relationship by a
28 credentialed professional who has completed an approved music therapy
29 program, including (i) assessment of a client's emotional, physical, and
30 spiritual health; social functioning; communication abilities; and cognitive
31 skills through the client's history and observation and interaction of the client
32 in music and nonmusic settings, (ii) development and implementation of
33 treatment plans, based on a client's assessed needs, using music interventions,
34 including music improvisation, receptive music listening, song writing, lyric
35 discussion, music and imagery, music performance, learning through music,
36 and movement to music, and (iii) evaluation and documentation of the client's
37 response to treatment.
- 38 (4) Music therapy services. – The provision of services to accomplish music
39 therapy goals, including (i) conducting an individualized assessment for the
40 purpose of collecting systematic, comprehensive, and accurate data necessary
41 to determine the course of action subsequent to the individualized treatment
42 plan, (ii) planning and developing the individualized music therapy treatment
43 plan that identifies an individual's goals, objectives, and potential treatment
44 intervention strategies, (iii) implementing the individualized music therapy
45 treatment plan consistent with the individual's overall treatment program, (iv)
46 systematically evaluating and comparing the individual's response to the
47 individualized music therapy treatment plan and suggesting modifications, as
48 appropriate, (v) developing a discharge plan in collaboration with the
49 individual, the individual's family, treatment team, and other identified
50 support networks, when appropriate, (vi) minimizing the impact of
51 environmental constraints as a barrier to participation in least restrictive

1 environments for individuals engaging in music therapy, (vii) collaborating
2 with and educating the individual, family, caregiver, and others to foster an
3 environment responsive to the developmental needs of the individual as
4 addressed in music therapy, and (viii) consulting with groups, programs,
5 organizations, or communities to improve accessibility to music therapy
6 services.

7 (5) National certification. – A determination by the certifying entity that an
8 individual has satisfied the certifying entity's requirements and that the
9 individual has an active status with the certifying entity.

10 (6) North Carolina Licensed Music Therapist. – An individual who has been
11 issued a North Carolina Healing Arts License in music therapy by the
12 Commission.

13 **§ 90-730.22. North Carolina Music Therapy Advisory Committee.**

14 (a) Establishment. – The North Carolina Music Therapy Advisory Committee is created.
15 The Committee consists of three members serving staggered terms. The initial Committee
16 members shall be appointed on or before January 1, 2024, as follows:

17 (1) The Commission shall appoint from a list of names submitted by the Music
18 Therapy Association of North Carolina or its successor two music therapists
19 eligible to obtain a North Carolina Healing Arts License in music therapy
20 under this Article. One member shall serve an initial term of three years, and
21 one member shall serve an initial term of two years.

22 (2) The Commission shall appoint one public member who shall serve an initial
23 term of one year.

24 Upon the expiration of the terms of the initial Committee members, each subsequent member
25 shall be appointed for a term of three years. The term of a member shall begin on January 1 of
26 each year. A member shall serve until the member's successor is appointed. No member shall
27 serve on the Committee for more than two consecutive terms.

28 (b) Qualifications. – The initial music therapist appointees shall be citizens of the United
29 States and North Carolina residents for at least two years prior to appointment, certified by the
30 certifying entity as a music therapist, and eligible to obtain a North Carolina Healing Arts License
31 in music therapy under G.S. 90-730.24. Upon appointment, each initial music therapist appointee
32 must immediately seek to obtain a North Carolina Healing Arts License in music therapy under
33 this Article and shall remain in good standing with the Committee during the appointee's term.
34 Subsequent music therapist appointees shall be citizens of the United States, residents of North
35 Carolina, North Carolina Licensed Music Therapists, and appointed by the Commission from a
36 list of names supplied by the Music Therapy Association of North Carolina or its successor.
37 Public members of the Committee shall not be:

38 (1) An agent or employee trained or experienced in the practice of music therapy.

39 (2) An agent or employee of a person engaged in the practice of music therapy.

40 (3) A member of a healing arts profession or a person enrolled in a program to
41 become a member of a healing arts profession.

42 (4) A spouse of an individual licensed under this Article.

43 (5) Any person with significant financial interest in a health service or profession.

44 (c) Meetings. – The Committee shall elect annually a chair and other officers as it deems
45 necessary to carry out the purposes of this Article. The Committee may hold additional meetings
46 upon the call of the chair or any two Commission members. A majority of the Committee shall
47 constitute a quorum.

48 (d) Compensation of Members; Expenses; Employees. – Members of the Committee
49 shall receive no compensation for their services but shall receive per diem and necessary travel
50 and subsistence expenses as provided in G.S. 138-5 and G.S. 138-6. In no event shall the State

1 of North Carolina be liable for expenses incurred by the Commission in excess of the income
2 derived from this Article.

3 **"§ 90-730.23. Powers and duties of Committee.**

4 The Committee shall have the following powers and duties:

- 5 (1) Administer, coordinate, and enforce the provisions of this Part.
- 6 (2) Direct the Commission to adopt, amend, or repeal rules to administer and
7 enforce this Part.
- 8 (3) Establish and determine qualification and fitness of applicants for a North
9 Carolina Healing Arts License in music therapy under this Part.
- 10 (4) Direct the Commission to issue, renew, deny, suspend, revoke, or refuse to
11 issue or renew a North Carolina Healing Arts License in music therapy under
12 this Article.
- 13 (5) Direct the Commission to discipline North Carolina Licensed Music
14 Therapists.
- 15 (6) Direct the Commission to seek civil and criminal penalties against
16 nonlicensed individuals engaged in the practice of music therapy.
- 17 (7) Provide all North Carolina Licensed Music Therapists with a wallet-sized card
18 identifying the bearer as a North Carolina Licensed Music Therapist.
- 19 (8) The Committee shall maintain a list of all music therapists in the State who
20 hold a national certification.

21 **"§ 90-730.24. North Carolina Healing Arts License in music therapy requirements.**

22 Each individual desiring to obtain a North Carolina Healing Arts License in music therapy
23 under this Article shall apply to the Committee in accordance with the procedures and rules
24 prescribed by the Commission. The Committee shall direct the Commission to issue a North
25 Carolina Healing Arts License in music therapy to any applicant who furnishes evidence
26 satisfactory to the Committee that the applicant meets all of the following criteria:

- 27 (1) Is 18 years of age or older.
- 28 (2) Is of good moral character as determined by the Committee.
- 29 (3) Has successfully completed an academic program accredited by the American
30 Music Therapy Association (AMTA) with at least a bachelor's degree
31 majoring in music therapy from an accredited college or university.
- 32 (4) Has successfully completed the certification examination offered by the
33 Certification Board for Music Therapists or its successor organization to
34 become a Music Therapist-Board Certified (MT-BC).
- 35 (5) Has successfully completed a minimum of 1,200 hours of clinical training
36 with at least 180 hours in preinternship experiences and at least 900 hours in
37 internship experiences. For purposes of this subdivision, the internship may
38 be approved by an academic institution, the AMTA, or both.
- 39 (6) Has paid an application or renewal fee.

40 **"§ 90-730.25. License renewal.**

41 Every North Carolina Healing Arts License in music therapy issued by the Commission shall
42 be renewed on or before January 1 every five years. The Committee shall direct the Commission
43 to renew the license of any individual who files a renewal application with the committee and
44 who meets the licensure criteria set forth in G.S. 90-730.14.

45 **"§ 90-730.26. Compensation for music therapy services.**

46 Compensation may be received for music therapy services only when those services are
47 performed by an individual holding a national certification. Nonlicensed individuals who provide
48 music therapy services or who engage in the practice of music therapy are subject to the penalties
49 in G.S. 90-730.6 or an injunction under G.S. 90-730.7.

50 **"§ 90-730.27. North Carolina Licensed Music Therapist.**

1 No individual shall use the title "North Carolina Licensed Music Therapist" unless that
2 individual holds a valid North Carolina Healing Arts License in music therapy issued by the
3 Commission. Individuals holding themselves out as North Carolina Licensed Music Therapists
4 shall carry the identification card described in G.S. 90-730.23(7) at all times when providing
5 music therapy. Individuals in violation of this section are subject to the penalties in G.S. 90-730.6
6 or an injunction under G.S. 90-730.7.

7 **"§ 90-730.28. Reciprocity.**

8 The Committee may direct the Commission to grant, upon application and payment of proper
9 fees, a North Carolina Healing Arts License in music therapy to a person who has been licensed
10 or certified to practice music therapy in another state or territory of the United States whose
11 standards of competency are substantially equivalent to the requirements for licensure provided
12 in this Article.

13 "Part 4. Naturopathic Doctors.

14 **"§ 90-750.30. Naturopathic medicine as a healing arts profession.**

15 It is the policy of this State that the practice of naturopathic medicine shall be considered a
16 healing arts profession.

17 **"§ 90-750.31. Definitions.**

18 The following definitions apply in this Part:

19 (1) Approved program of naturopathic medicine. – A program that meets all of
20 the following conditions:

21 a. A program that provides graduate-level, full-time didactic and
22 supervised clinical training in naturopathic medicine that is accredited,
23 or has achieved candidacy status for accreditation, by the Council on
24 Naturopathic Medical Education or an equivalent federally recognized
25 accrediting body for the naturopathic medical profession recognized
26 by the Committee, or if the program existed prior to the existence of
27 the Council on Naturopathic Medical Education, the program must (i)
28 have provided graduate-level, full-time didactic and supervised
29 clinical training in naturopathic medicine for a duration of not less than
30 132 weeks and required completion within a period of not less than 35
31 months, (ii) be recognized as a reputable program by, and in good
32 standing with, the Committee, and (iii) if the program is still in
33 existence, be currently accredited, or have achieved candidacy status
34 for accreditation by the Council on Naturopathic Medical Education
35 or an equivalent federally recognized accrediting body for the
36 naturopathic medical profession recognized by the Committee.

37 b. A program that is offered by an institution of higher education that is
38 accredited by a regional or national institutional accrediting body
39 recognized by the United States Secretary of Education.

40 c. If the program is offered in the United States, a program that awards
41 the degree of Doctor of Naturopathy or Doctor of Naturopathic
42 Medicine. If the program is offered in Canada, a program that awards
43 the degree or diploma of Doctor of Naturopathy or Doctor of
44 Naturopathic Medicine and is offered by an institution of higher
45 education that has provincial approval for participation in
46 government-funded student aid programs.

47 d. A program that has been approved by the Committee to meet the
48 standards established by its rules.

49 (2) Committee. – The North Carolina Naturopathic Medicine Advisory
50 Committee.

51 (3) Council. – The Naturopathic Doctors Formulary Council.

- 1 (4) Criminal history. – A history of conviction, or of having pled guilty or no
2 contest to a State or federal crime, whether a misdemeanor or felony.
- 3 (5) Integrative medicine. – As defined in G.S. 90-1.1.
- 4 (6) Natural medicines. – Any herbal, nutritional, supplemental, homeopathic, or
5 other nonprescription remedies.
- 6 (7) Naturopathic medicine. – A system of natural health care that employs
7 diagnosis and treatment using diagnostic techniques and natural therapies for
8 the promotion, maintenance, and restoration of health and the prevention of
9 disease, including all of the following:
- 10 a. The administration or provision of any of the following for preventive
11 and therapeutic purposes: natural medicines, natural therapies, natural
12 topical medicines, hydrotherapy, dietary therapy, and naturopathic
13 physical medicine.
- 14 b. The use of diagnostic procedures, including physical and orificial
15 examination, but excluding endoscopy, sigmoidoscopy, and
16 colonoscopy.
- 17 c. The ordering, performing, and interpretation of laboratory tests and
18 diagnostic imaging.
- 19 (8) Naturopathic physical medicine. – The manual use of massage, stretching,
20 resistance, or naturopathic manipulation.
- 21 (9) North Carolina Licensed Naturopathic Doctor. – An individual who has been
22 issued a North Carolina Healing Arts License in naturopathic medicine by the
23 Commission.
- 24 (10) Prohibitions. – A naturopathic doctor may practice only within the scope of
25 practice authorized in this Article. A naturopathic doctor may not practice as
26 any other health care professional licensed or registered under another Article
27 of this Chapter unless otherwise licensed or registered by this State to do so.
28 A naturopathic doctor may not perform any of the following functions unless
29 otherwise licensed by this State to do so:
- 30 a. Prescribe, dispense, or administer any prescription drug or controlled
31 substance, except as authorized by this Article.
- 32 b. Use general or spinal anesthetics.
- 33 c. Perform surgical procedures.
- 34 d. Administer ionizing radioactive substances for therapeutic purposes.
- 35 e. Child delivery.
- 36 f. Diagnose and treat cancer. This prohibition does not apply to
37 adjunctive or complementary care of patients who have previously
38 been or are currently diagnosed with cancer.
- 39 (11) Scope of practice of naturopathic medicine. – A naturopathic doctor is a
40 licensed health care provider having the same responsibilities as other licensed
41 or registered health care providers regarding public health laws, reportable
42 diseases and conditions, communicable disease control and prevention, and
43 the recording of vital statistics. In diagnosing and treating an individual, a
44 naturopathic doctor may employ the following therapies:
- 45 a. Dispense, administer, order, and advise the use of natural remedies
46 derived from or substantially similar to molecular structure or function
47 to natural sources for preventive and therapeutic purposes, including
48 food, extracts of food, nutraceuticals, vitamins, minerals, amino acids,
49 enzymes, botanicals and their extracts, homeopathic remedies
50 prepared according to the Homeopathic Pharmacopoeia of the United
51 States, and all dietary supplements and nonprescription drugs as

- 1 defined by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §
2 301, et seq.
- 3 b. Order and perform physical examinations and physiological function
4 tests.
- 5 c. Order, perform, and interpret laboratory tests, including performing
6 waived tests as defined by the United States Food and Drug
7 Administration Clinical Laboratory Improvement Amendments of
8 1988 (CLIA), including obtaining specimens to access and treat
9 disease.
- 10 d. Order diagnostic imaging, including X-ray, MRI, CT scan, ultrasound,
11 mammogram, and bone densitometry. Scope excludes
12 electrocardiograms, echocardiograms, electroencephalograms, and
13 nuclear imaging.
- 14 e. Perform hot or cold hydrotherapy, naturopathic physical medicine,
15 electromagnetic therapy, and therapeutic exercise.
- 16 f. Perform health education and health counseling, including dietary and
17 lifestyle counseling.
- 18 g. Utilize routes of administration for substances, including oral, nasal,
19 auricular, ocular, rectal, vaginal, and transdermal.
- 20 h. Perform care incidental to superficial lacerations and abrasions,
21 including the application of topical and local anesthetics and
22 antimicrobials.

23 **§ 90-750.32. North Carolina Naturopathic Medicine Advisory Committee.**

24 (a) Establishment. – The North Carolina Naturopathic Medicine Advisory Committee is
25 created. The Committee consists of three members serving staggered terms. The initial
26 Committee members shall be appointed on or before January 1, 2024, as follows:

- 27 (1) The Commission shall appoint from a list of names submitted by the North
28 Carolina Association of Naturopathic Physicians or its successor two
29 naturopathic doctors eligible to obtain a North Carolina Healing Arts License
30 in naturopathic medicine under this Article. One member shall serve an initial
31 term of three years, and one member shall serve an initial term of two years.
- 32 (2) The Commission shall appoint one public member who shall serve an initial
33 term of one year.

34 Upon the expiration of the terms of the initial Committee members, each subsequent member
35 shall be appointed for a term of three years. The term of a member shall begin on January 1 of
36 each year. A member shall serve until the member's successor is appointed. No member shall
37 serve on the Committee for more than two consecutive terms.

38 (b) Qualifications. – The initial naturopathic doctor appointees shall be citizens of the
39 United States and North Carolina residents for at least two years prior to appointment, graduates
40 of an approved program of naturopathic medicine, and eligible to obtain a North Carolina Healing
41 Arts License in naturopathic medicine under G.S. 90-750.34. Upon appointment, each initial
42 naturopathic doctor appointee must immediately seek to obtain a North Carolina Healing Arts
43 License in naturopathic medicine under this Article and shall remain in good standing with the
44 Committee during the appointee's term. Subsequent naturopathic doctor appointees shall be
45 citizens of the United States, residents of North Carolina, North Carolina Licensed Naturopathic
46 Doctors, and appointed by the Commission from a list of names supplied by the North Carolina
47 Association of Naturopathic Physicians or its successor. Public members of the Committee shall
48 not be:

- 49 (1) An agent or employee trained or experienced in the practice of naturopathic
50 medicine.

- 1 (2) An agent or employee of a person engaged in the practice of naturopathic
2 medicine.
- 3 (3) A member of a healing arts profession or a person enrolled in a program to
4 become a member of a healing arts profession.
- 5 (4) A spouse of an individual licensed under this Article.
- 6 (5) Any person with significant financial interest in a health service or profession.
- 7 (c) Meetings. – The Committee shall elect annually a chair and other officers as it deems
8 necessary to carry out the purposes of this Article. The Committee may hold additional meetings
9 upon the call of the chair or any two Commission members. A majority of the Committee shall
10 constitute a quorum.
- 11 (d) Compensation of Members; Expenses; Employees. – Members of the Committee
12 shall receive no compensation for their services but shall receive per diem and necessary travel
13 and subsistence expenses as provided in G.S. 138-5 and G.S. 138-6. In no event shall the State
14 of North Carolina be liable for expenses incurred by the Commission in excess of the income
15 derived from this Article.

16 **"§ 90-750.33. Powers and duties of Committee.**

17 The Committee shall have the following powers and duties:

- 18 (1) Administer, coordinate, and enforce the provisions of this Part.
- 19 (2) Direct the Commission to adopt, amend, or repeal rules to administer and
20 enforce this Part, including rules for approved continuing education.
- 21 (3) Establish and determine qualification and fitness of applicants for a North
22 Carolina Healing Arts License in naturopathic medicine under this Part.
- 23 (4) Direct the Commission to issue, renew, deny, suspend, revoke, or refuse to
24 issue or renew a North Carolina Healing Arts License in naturopathic
25 medicine under this Article.
- 26 (5) Direct the Commission to discipline North Carolina Licensed Naturopathic
27 Doctors.
- 28 (6) Direct the Commission to seek civil and criminal penalties against
29 nonlicensed individuals engaged in the practice of naturopathic medicine.
- 30 (7) The Committee shall maintain a list of all naturopathic doctors in the State
31 who hold a national certification.
- 32 (8) Direct the Commission to adopt a formulary based on the recommendations
33 of the Council made under G.S. 90-750.36. The Committee may modify or
34 reject any recommendation of the Council regarding the formulary.

35 **"§ 90-750.34. North Carolina Healing Arts License in naturopathic medicine requirements.**

36 Each individual desiring to obtain a North Carolina Healing Arts License in naturopathic
37 medicine under this Article shall apply to the Committee in accordance with the procedures and
38 rules prescribed by the Commission. The Committee shall direct the Commission to issue a North
39 Carolina Healing Arts License in naturopathic medicine to any applicant who furnishes evidence
40 satisfactory to the Committee that the applicant meets all of the following criteria:

- 41 (1) Is 18 years of age or older.
- 42 (2) Is of good moral and ethical character as determined by the Committee.
- 43 (3) Has graduated from an approved program of naturopathic medicine.
- 44 (4) Meets either of the following two conditions:
- 45 a. Has successfully passed the Naturopathic Physicians Licensing
46 Examination (NPLEX), a competency-based national naturopathic
47 licensing examination administered by the North American Board of
48 Naturopathic Examiners or an equivalent successor agency recognized
49 by the Committee.

- 1 b. Has successfully passed a competency-based state or Canadian
2 province naturopathic licensing examination administered prior to the
3 existence of NPLEX and approved by the Committee.
4 (5) Has submitted to the Committee a written attestation that is approved by the
5 Committee and that complies with all of the following criteria:
6 a. The applicant attests to having a collaboration and consultation
7 agreement with a physician licensed under Article 1 of Chapter 90 of
8 the General Statutes and provides the name and license number of the
9 physician identified in the collaboration and consultation agreement.
10 b. An attestation that the physician has been informed of the
11 collaboration and consultation agreement.
12 c. The applicant attests to refer patients to physicians and to consult with
13 physicians and other health care providers licensed or registered in this
14 State.
15 d. The applicant attests that the collaboration and consultation agreement
16 does not require or implement supervision of the applicant by the
17 physician or health care professional identified in the collaboration or
18 consultation agreement.
19 (6) Has submitted to any criminal history record check required by the
20 Commission. The Committee is responsible for providing to the North
21 Carolina Department of Justice the fingerprints of the person to be checked, a
22 form signed by the person consenting to the criminal record check and the use
23 of fingerprints and other identifying information required by the State or
24 national repositories, and any additional information required by the
25 Department of Justice. The Committee and Commission shall keep all
26 information obtained pursuant to this section confidential. If a criminal history
27 record check reveals one or more convictions, the conviction does not
28 automatically bar licensure, in accordance with Chapter 93B of the General
29 Statutes. The Committee shall consider all of the following factors regarding
30 the conviction:
31 a. The level of seriousness of the crime.
32 b. The date of the crime.
33 c. The age of the person at the time of the conviction.
34 d. The circumstances surrounding the commission of the crime, if
35 known.
36 e. The nexus between the criminal conduct of the person and the job
37 duties of the position to be filled.
38 f. The person's prison, jail, probation, parole, rehabilitation, and
39 employment records since the date the crime was committed.
40 g. The subsequent commission of a crime by the person.
41 h. Any additional criteria specified in G.S. 93B-8.1.
42 (7) Has submitted to the Committee any other documentation the Committee
43 deems necessary to determine the applicant's fitness for licensure under this
44 Article. This documentation may include successful completion of a
45 Committee-approved jurisprudence examination on State laws and rules
46 related to naturopathic medicine.
47 (8) Has paid an application or renewal fee.

48 **"§ 90-750.35. License renewal and reinstatement.**

49 (a) Renewal. – Every North Carolina Healing Arts License in naturopathic medicine
50 issued by the Commission shall be renewed on or before January 1 every year. The Committee
51 shall direct the Commission to renew the license of any individual who files a renewal application

1 with the committee, meets the licensure criteria set forth in G.S. 90-750.34, and has completed
2 at least 20 hours of continuing education approved by the Committee within the one-year period
3 immediately prior to the renewal date.

4 (b) Reinstatement. – An individual who held a North Carolina Healing Arts License in
5 naturopathic medicine who has allowed the license to lapse by failure to renew within the time
6 allowed under subsection (a) of this section may apply for reinstatement. The Committee may
7 recommend reinstatement of the applicant's license if the applicant pays the required fees,
8 furnishes a statement of the reason for failure to apply for renewal before the deadline, and
9 complies with any other requirements established in rules adopted by the Commission. If the
10 license has lapsed for five years or longer, the Committee may recommend that the Commission
11 require the applicant to satisfactorily complete one or more skills assessment or remediation
12 courses approved by the Commission or to provide proof of active licensure, or registration
13 within the past five years in another state, district, territory, or Canadian province.

14 **"§ 90-750.36. Naturopathic Doctors Formulary Council.**

15 (a) Composition and Terms. – The Naturopathic Doctors Formulary Council is formed
16 within and appointed by the Committee and exists under the supervision of the Committee. The
17 Council shall develop and recommend to the Committee, on an ongoing basis, a formulary for
18 naturopathic doctors to use in practice.

19 (1) The Council consists of the following members:

- 20 a. Two naturopathic doctors who (i) hold a North Carolina Healing Arts
21 License in naturopathic medicine, (ii) practice naturopathic medicine
22 in North Carolina, (iii) have a minimum of two years of experience
23 practicing naturopathic medicine, and (iv) have resided in North
24 Carolina for at least two years prior to appointment.
- 25 b. One physician licensed under Article 1 of Chapter 90 of the General
26 Statutes who is involved in the practice of integrative medicine or
27 teaches integrative medicine at a medical school and practices in the
28 State.
- 29 c. One physician licensed under Article 1 of Chapter 90 of the General
30 Statutes who practices in the State.
- 31 d. One pharmacist who has a background in pharmacognosy and who
32 practices in the State.
- 33 e. One member of the public who is not a licensed or registered health
34 care professional and is not employed in a health care profession and
35 resides in this State.

36 (2) Members appointed under subdivision (1) of this subsection shall serve for a
37 term of three years and shall continue to serve after the expiration of the term
38 until a successor is appointed by the Committee.

39 (b) Powers and Duties. – The Council shall have the following powers and duties:

- 40 (1) Develop and recommend to the Committee a formulary for use by licensed
41 naturopathic doctors.
- 42 (2) Review, annually and at the discretion of the Committee, the formulary
43 adopted by the Commission to determine whether any changes are necessary
44 for compliance with current prescribing standards or the practice of
45 naturopathic standards.
- 46 (3) Recommend to the Committee any changes that, in the Council's discretion,
47 need to be implemented to improve the formulary.

48 (c) The formulary recommended to the Committee by the Council shall include natural
49 remedies or a remedy derived from or substantially similar in molecular structure or function to
50 natural sources that may require a prescription. Substances included in the formulary must be

1 allowed within the scope of practice and should be protected within the future scope of practice
2 for naturopathic doctors.

3 (d) The Committee shall designate the chair of the Council and shall provide staff
4 necessary to carry out the Council's powers and duties.

5 (e) A Council member may not receive compensation but may receive reimbursement,
6 as provided in G.S. 93B-5.

7 **"§ 90-750.37. North Carolina Licensed Naturopathic Doctor; license required; exemptions.**

8 (a) No individual shall practice, attempt to practice, or claim to practice naturopathic
9 medicine unless the person has been licensed under the provisions of this Article.

10 (b) Only an individual licensed under this Article may use the titles "Naturopathic
11 Doctor," "Doctor of Naturopathic Medicine," "Doctor of Naturopathy," "Naturopathic
12 Medicine," "Naturopath," "Licensed Naturopathic Doctor," or the abbreviations "N.D." or "ND,"
13 or any other titles, words, letters, abbreviations, or insignia indicating or implying that the
14 individual is a licensed naturopathic doctor unless the individual has been licensed as a
15 naturopathic doctor under this Article.

16 (c) Exemptions. – Nothing in this Article shall be construed to prohibit or affect any of
17 the following:

18 (1) The practice of a profession by an individual who is licensed or registered
19 under other laws of this State and is performing services within the authorized
20 scope of practice.

21 (2) The practice of naturopathic medicine by a person employed by the federal
22 government while the person is engaged in the performance of duties
23 prescribed by laws and regulations of the United States.

24 (3) A person rendering aid in an emergency situation when no fee or other
25 compensation for the service is received.

26 (4) The practice of naturopathic medicine by a naturopathic doctor duly licensed
27 or registered in another state, territory, or the District of Columbia when called
28 into this State to consult with a licensed or registered health care provider for
29 a period not to exceed six months.

30 (5) The practice of naturopathic medicine by students completing a clinical
31 requirement for graduation from an approved program of naturopathic
32 medicine, so long as the practice is performed under the supervision of a
33 physician licensed under Article 1 of this Chapter or a naturopathic doctor
34 licensed under this Article and the clinical requirement does not exceed one
35 year.

36 (6) A person who does not hold himself or herself out to be a naturopathic doctor
37 when furnishing information to customers or selling, administering, or
38 utilizing nutritional supplements, herbs, food, homeopathic preparations, and
39 such physical forces as heat, cold, water, touch, and light at the person's retail,
40 health spa, or health consulting establishment.

41 **"§ 90-750.38. Reciprocity.**

42 The Committee may recommend the Commission issue, upon application and payment of
43 fees, a North Carolina Healing Arts License in naturopathic medicine to a person who resides in
44 this State and is actively licensed or registered to practice as a naturopathic doctor in another
45 state, district, territory, or Canadian province.

46 **"§ 90-750.39. Reports; immunity from suit.**

47 (a) Report. – A person who has reasonable cause to suspect misconduct or incapacity of
48 a North Carolina Licensed Naturopathic Doctor, or who has reasonable cause to suspect that a
49 person is in violation of this Part, may report the relevant facts to the Committee. Upon receipt
50 of a charge, the Committee shall direct the Commission to investigate the charge and take
51 appropriate action, including discipline, if necessary. Upon receipt of a charge, the Board may

1 give notice of an administrative hearing or may, after diligent investigation, dismiss unfounded
2 charges. A person who, in good faith, makes a report pursuant to this section is immune from
3 any criminal prosecution or civil liability resulting from making the report.

4 (b) Limited Immunity. – The Committee, its officers, employees, and staff are immune
5 from any criminal prosecution or civil liability for exercising, in good faith, the powers and duties
6 given to the Committee under this Article.

7 **"§ 90-750.40. Third-party reimbursement.**

8 Nothing in this Article shall be construed to require direct third-party reimbursement to
9 persons licensed under this Article."

10 **SECTION 1.(b)** G.S. 90-18(c) reads as rewritten:

11 "(c) The following shall not constitute practicing medicine or surgery as defined in this
12 Article:

13 ...

14 (21) The practice of naturopathic medicine by a naturopathic doctor licensed under
15 Article 44 of this Chapter."

16 **SECTION 1.(c)** G.S. 90-624 is amended by adding a new subdivision to read:

17 "(9) A licensed reflexologist engaged in the practice of reflexology, as defined in
18 G.S. 90-730.11."

19 **SECTION 1.(d)** Article 13 of Chapter 143B of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 143B-975. Criminal record checks for applicants for licensure as a naturopathic doctor.**

22 (a) The Department of Public Safety may provide to the North Carolina Naturopathic
23 Medicine Advisory Committee a criminal history record from the State and National Repositories
24 of Criminal Histories for applicants for licensure by the Committee. Along with a request for
25 criminal history records, the Committee shall provide to the Department of Public Safety the
26 fingerprints of the applicant or subject, a form signed by the applicant consenting to the criminal
27 history record check and use of the fingerprints and other identifying information required by the
28 Repositories, and any additional information required by the Department. The fingerprints shall
29 be forwarded to the State Bureau of Investigation for a search of the State's criminal history
30 record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal
31 Bureau of Investigation for a national criminal history record check. The Committee shall keep
32 all information obtained pursuant to this section confidential.

33 (b) The Department of Public Safety may charge a fee to offset the cost incurred by the
34 Department of Public Safety to conduct a criminal history record check under this section, but
35 the fee shall not exceed the actual cost of locating, editing, researching, and retrieving the
36 information."

37 **SECTION 2.** Section 1 of this act becomes effective January 1, 2024. The remainder
38 of this act is effective when it becomes law.