

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 208
Judiciary Committee Substitute Adopted 4/28/21
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Short Title: Labor Law Changes.

(Public)

Sponsors:

Referred to:

March 10, 2021

1 A BILL TO BE ENTITLED
2 AN ACT MAKING VARIOUS CHANGES TO THE LABOR LAWS OF NORTH
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) G.S. 74-24.2 reads as rewritten:

6 "§ 74-24.2. Definitions.

7 ~~In this Article, unless the context otherwise requires:~~The following definitions apply in this
8 Article:

- 9 (1) ~~The term "accident" means an Accident.~~ – An unexpected event resulting in
10 injury to, illness of, or death of a person or persons as a result of mining
11 operations and any mine explosion, mine ignition, mine fire, mine inundation,
12 mine cave-in, or other event which could have readily resulted in serious
13 physical harm.
- 14 (2) ~~The term "Advisory Council" shall mean the Advisory Council or body~~
15 ~~authorized to be established under this Article.~~
- 16 (3) ~~The term "agent" means any Agent.~~ – Any person charged by the operator
17 with responsibility for the operation of all or part of a mine or supervision of
18 the miners in a mine, and for the purposes of this Article includes contractors,
19 subcontractors, or independent contractors employed by the operator to
20 perform any work or services at, in, or on the mine.
- 21 (4) ~~The term "Commissioner" means the Commissioner.~~ – The Commissioner of
22 Labor of North Carolina.
- 23 (5) ~~The term "Director" means the Director.~~ – The person authorized under
24 G.S. 74-24.19 and appointed by the Commissioner for the purpose of assisting
25 in the administration of this Article.
- 26 (6) ~~The term "imminent danger" means the Imminent danger.~~ – The existence of
27 any condition or practice in a mine which could reasonably be expected to
28 cause death or serious physical harm immediately to any miner if such
29 condition or practice is not abated at once.
- 30 (7) ~~The term "mine" means an Mine.~~ – An area of land and all private ways and
31 roads appurtenant thereto, structures, facilities, machinery, tools, equipment,
32 shafts, slopes, tunnels, excavations, and other property, real or personal,
33 placed or constructed on, under, or above the surface of such land by any
34 person, used in, or to be used in, or resulting from (including the reclamation
35 of mined areas or the storage of materials in mined areas), or to facilitate the



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1 work of exploring for, developing of, or extracting by any means or method
2 in such area all minerals, inorganic and organic, from their natural deposits.
3 The term "mine" also includes all mineral processing and milling facilities
4 except those used in the processing of source materials as defined in the
5 Atomic Energy Act of 1954, as amended.

6 (8) ~~The term "miner" means any Miner.~~ – Any individual, other than an operator
7 or an agent, working in or about a mine.

8 (9) ~~The term "operator" means an Operator.~~ – An individual, partnership,
9 association, corporation, firm, subsidiary of a corporation, or other
10 organization owning, operating, leasing, controlling, or supervising a mining
11 operation.

12 (10) ~~The term "repeated violation" means a Repeated violation.~~ – A violation for
13 which an operator was issued a notice or an order on an inspection and which
14 is found to exist again on the next regular inspection, even though the violation
15 was abated within the time fixed for abatement.

16 (11) ~~The term "State" means the State.~~ – The State of North Carolina."

17 **SECTION 1.(b)** G.S. 74-24.4(a) reads as rewritten:

18 "(a) The Commissioner shall develop, adopt, revise, and promulgate safety and health
19 standards for the purpose of the protection of life, the promotion of safety and health, and the
20 prevention of "accidents" in mines which are subject to this Article. In the development of safety
21 and health standards, the Commissioner shall consult with ~~the Advisory Council~~, interested
22 federal agencies, appropriate representatives of other State agencies, appropriate representatives
23 of mine operators and miners, and other interested persons and organizations whose participation
24 would further the purposes of this Article."

25 **SECTION 1.(c)** G.S. 74-24.6 is repealed.

26 **SECTION 2.** G.S. 95-111.3(a) reads as rewritten:

27 "(a) The term "amusement device" shall mean any mechanical or structural device or
28 attraction that carries or conveys or permits persons to walk along, around or over a fixed or
29 restricted route or course or within a defined area including the entrances and exits thereto, for
30 the purpose of giving such persons amusement, pleasure, thrills or excitement. This term shall
31 not include any of the following:

32 (1) Devices operated on a river, lake, or any other natural body of water.

33 (2) Wavepools.

34 (3) Roller skating rinks.

35 (4) Ice skating rinks.

36 (5) Skateboard ramps or courses.

37 (6) Mechanical bulls.

38 (7) Buildings or concourses used in laser games.

39 (8) All-terrain vehicles.

40 (9) Motorcycles.

41 (10) Bicycles.

42 (11) Mopeds.

43 (12) Rock walls that are in a fixed, permanent location.

44 (13) Zip-lines.

45 (14) Funhouses, haunted houses, and similar walk-through devices that are erected
46 temporarily on a seasonal basis and do not have mechanical components.

47 (15) Playground equipment, including but not limited to soft contained play
48 equipment, swings, seesaws, slides, stationary spring-mounted animal
49 features, jungle gyms, rider-propelled merry-go-rounds, and trampolines.

50 (16) Any train or device previously or currently approved for use on the public rail
51 transit system."

1 **SECTION 3.** G.S. 95-133(b) reads as rewritten:
2 "(b) Subject to the general supervision of the Commissioner and Deputy Commissioner,
3 the Director shall be responsible for the administration and enforcement of all laws, rules and
4 regulations which it is the duty of the Division to administer and enforce. The Director shall have
5 the power, jurisdiction and authority to:

6 ...
7 (13) Obtain relevant medical records. The Occupational Safety and Health
8 Division is a health oversight agency as defined in 45 C.F.R. § 164.501,
9 Standards for Privacy of Individually Identifiable Health Information. A
10 covered entity, as defined by the Health Insurance Portability and
11 Accountability Act, may disclose protected health information to health
12 oversight agencies, including the Occupational Safety and Health Division, as
13 necessary for law enforcement, judicial, and administrative purposes. The
14 Commissioner or the Director, or their authorized agents, may obtain medical
15 records of injured or deceased employees that are both directly related to the
16 investigation being conducted and are necessary to conduct investigations and
17 enforcement proceedings under this Article. The medical records to be
18 obtained shall be restricted to the evaluation, diagnosis, or treatment of an
19 employee injury or fatality. Such records shall only consist of those compiled
20 and maintained by the Department of Health and Human Services, by
21 hospitals participating in the statewide trauma system, or by emergency
22 medical services providers in connection with the dispatch, response,
23 treatment, or transport of individual patients. The medical records obtained by
24 the Department shall be strictly confidential, are not public records within the
25 meaning of G.S. 132-1, and shall not be released or made public."

26 **SECTION 4.** This act is effective when it becomes law.