

GENERAL ASSEMBLY OF NORTH CAROLINA
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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

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

The General Assembly of North Carolina enacts:

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

"§ 74-24.2. Definitions.

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

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



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

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

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

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

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

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

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

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

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

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

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

(2) Wavepools.

(3) Roller skating rinks.

(4) Ice skating rinks.

(5) Skateboard ramps or courses.

(6) Mechanical bulls.

(7) Buildings or concourses used in laser games.

(8) All-terrain vehicles.

(9) Motorcycles.

(10) Bicycles.

(11) Mopeds.

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

(13) Zip-lines.

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

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

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

SECTION 3. G.S. 95-133(b) reads as rewritten:

"(b) Subject to the general supervision of the Commissioner and Deputy Commissioner, the Director shall be responsible for the administration and enforcement of all laws, rules and regulations which it is the duty of the Division to administer and enforce. The Director shall have the power, jurisdiction and authority to:

...

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

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