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HOUSE BILL 1508  
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Senate Health Care Committee Substitute Adopted 8/15/02

Short Title: Public Health Bioterrorism Preparedness.

(Public)

Sponsors:

Referred to:

June 4, 2002

A BILL TO BE ENTITLED

AN ACT TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AND TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS, AND TO PROVIDE THAT MEDICAL REVIEW CONFIDENTIALITY APPLIES TO AMBULATORY SURGICAL CENTERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 130A of the General Statutes is amended by adding the following new Article to read:

"Article 22.

"Acts of Terrorism Using Nuclear, Biological, or Chemical Agents.

**"§ 130A-475. Suspected terrorist attack.**

(a) If the State Health Director reasonably suspects that a public health threat may exist and that the threat may have been caused by an act of terrorism using nuclear, biological, or chemical agents, the State Health Director is authorized to issue an order to:

- (1) Require any person or animal to submit to examinations and tests to determine possible exposure to the nuclear, biological, or chemical agents.
- (2) Test any real or personal property necessary to determine the presence of nuclear, biological, or chemical agents.
- (3) Evacuate or close any real property, including any building, structure, or land when necessary to investigate suspected contamination of the

1           property. The period of closure during an investigation shall not  
2           exceed 10 calendar days. If the State Health Director determines that a  
3           longer period of closure is necessary to complete the investigation, the  
4           Director may institute an action in superior court to order the property  
5           to remain closed until the investigation is completed.

6           (4) Limit the freedom of movement or action of a person or animal that is  
7           contaminated with, or reasonably suspected of being contaminated  
8           with, a chemical or nuclear agent that may be conveyed to other  
9           persons or animals.

10          (5) Limit access by any person or animal to an area or facility that is  
11          housing persons or animals whose movement or action has been  
12          limited under subdivision (4) of this subsection or to an area or facility  
13          that is contaminated with, or reasonably suspected of being  
14          contaminated with, a chemical or nuclear agent that may be conveyed  
15          to other persons or animals. Nothing in this subdivision shall be  
16          construed to restrict the access of authorized health care, law  
17          enforcement, or emergency medical services personnel to quarantine  
18          or isolation premises as necessary in conducting their duties.

19          (6) Exercise quarantine authority and isolation authority under G.S.  
20          130A-145.

21          (b) The authority under subsection (a) of this section shall be exercised only  
22          when and so long as a public health threat may exist, all other reasonable means for  
23          correcting the problem have been exhausted, and no less restrictive alternative exists.  
24          Before applying the authority under subdivision (4) or (5) of subsection (a) of this  
25          section to livestock or poultry for the purpose of preventing the direct or indirect  
26          conveyance of a chemical or nuclear agent to persons, the State Health Director shall  
27          consult with the State Veterinarian in the Department of Agriculture and Consumer  
28          Services.

29          The period of limited freedom of movement or access under subdivisions (4) and (5)  
30          of subsection (a) of this section shall not exceed 10 calendar days. Any person  
31          substantially affected by that limitation may institute in superior court in Wake County  
32          or in the county in which the limitation is imposed an action to review the limitation. If  
33          a person or a person's representative requests a hearing, the hearing shall be held within  
34          72 hours of the filing of the request, excluding Saturdays and Sundays. The court shall  
35          reduce the limitation if it determines, by the preponderance of the evidence, that the  
36          limitation is not reasonably necessary to prevent or limit the conveyance of chemical or  
37          nuclear agents to others.

38          If the State Health Director determines that a 10-calendar-day limitation on freedom  
39          of movement or access is not adequate to protect the public health, the State Health  
40          Director may institute in superior court in Wake County or in the county in which the  
41          limitation is imposed an action to obtain an order extending the period limiting the  
42          freedom of movement or access. The court shall continue the limitation for a period not  
43          to exceed 30 days if it determines, by the preponderance of the evidence, that the  
44          limitation is reasonably necessary to prevent or limit the conveyance of chemical or

1 nuclear agents to others. Before the expiration of an order issued under this section, the  
2 State Health Director may move to continue the order for additional periods not to  
3 exceed 30 days each.

4 (c) If the State Health Director reasonably suspects that there exists a public  
5 health threat that may have been caused by an act of terrorism using nuclear, biological,  
6 or chemical agents, the State Health Director shall notify the Secretary of Crime Control  
7 and Public Safety. If the Secretary of Crime Control and Public Safety reasonably  
8 suspects that a public health threat may exist and that the threat may have been caused  
9 by an act of terrorism using nuclear, biological, or chemical agents, the Secretary shall  
10 notify the State Health Director.

11 (d) For the purpose of this Article, the term "public health threat" means a  
12 situation that is likely to cause an immediate risk to human life, an immediate risk of  
13 serious physical injury or illness, or an immediate risk of serious adverse health effects.

14 (e) Nothing in this section shall limit any authority otherwise granted to local or  
15 State public health officials under this Chapter.

16 **"§ 130A-476. Access to health information.**

17 (a) Notwithstanding any other provision of law, a health care provider, a person  
18 in charge of a health care facility, or a unit of State or local government may report to  
19 the State Health Director or a local health director any events that may indicate the  
20 existence of a case or outbreak of an illness, condition, or health hazard that may have  
21 been caused by an act of terrorism using nuclear, biological, or chemical agents. Events  
22 that may be reported include unusual types or numbers of symptoms or illnesses  
23 presented to the provider, unusual trends in health care visits, or unusual trends in  
24 prescriptions or purchases of over-the-counter pharmaceuticals. To the extent  
25 practicable, a person who makes a report under this subsection shall not disclose  
26 personally identifiable information. A person disclosing or not disclosing information  
27 pursuant to this subsection is immune from any civil or criminal liability that might  
28 otherwise be incurred or imposed based on the disclosure or lack of disclosure provided  
29 that the health care provider was acting in good faith and without malice. In any  
30 proceeding involving liability, good faith, and lack of malice are presumed.  
31 Notwithstanding the foregoing, if a health care provider or unit of State or local  
32 government willfully does not disclose information pursuant to this subsection, the  
33 immunity from civil or criminal liability provided under this subsection shall not be  
34 available if the person had actual knowledge that a condition or illness was caused by  
35 use of a nuclear, biological, or chemical weapon of mass destruction as defined in G.S.  
36 14-288.21(c).

37 (b) The State Health Director may issue a temporary order requiring health care  
38 providers to report symptoms, diseases, conditions, trends in use of health care services,  
39 or other health-related information when necessary to conduct a public health  
40 investigation or surveillance of an illness, condition, or health hazard that may have  
41 been caused by an act of terrorism using nuclear, biological, or chemical agents. The  
42 order shall specify which health care providers must report, what information is to be  
43 reported, and the period of time for which reporting is required. The period of time for  
44 which reporting is required pursuant to a temporary order shall not exceed 90 days. The

1 Commission may adopt rules to continue the reporting requirement when necessary to  
2 protect the public health.

3 (c) The State Health Director and a local health director may examine, review,  
4 and obtain a copy of records containing confidential or protected health information, or  
5 a summary of pertinent portions of those records, that pertain to a report authorized by  
6 subsection (a) or required by subsection (b) of this section.

7 (d) A person who makes a report pursuant to subsection (b) of this section or  
8 permits examination, review, or copying of medical records pursuant to subsection (c)  
9 of this section is immune from any civil or criminal liability that otherwise might be  
10 incurred or imposed as a result of complying with those subsections.

11 (e) Confidential or protected health information received by the State Health  
12 Director or a local health director pursuant to this section shall be confidential and shall  
13 not be released, except when the release is:

14 (1) Made pursuant to any other provision of law;

15 (2) To another federal, state, or local public health agency for the purpose  
16 of preventing or controlling a public health threat; or

17 (3) To a court or law enforcement official for the purpose of enforcing the  
18 provisions of this Chapter or for the purpose of investigating an act of  
19 terrorism using nuclear, biological, or chemical agents. A law  
20 enforcement official who receives the information shall not disclose it  
21 further, except (i) when necessary to conduct an investigation of an act  
22 of terrorism using nuclear, biological, or chemical agents, or (ii) when  
23 the State Health Director or a local health director seeks the assistance  
24 of the law enforcement official in preventing or controlling the public  
25 health threat and expressly authorizes the disclosure as necessary for  
26 that purpose.

27 (f) In this section the following terms shall include:

28 (1) "Health care provider" includes a physician licensed to practice  
29 medicine in North Carolina or a person who is licensed, certified, or  
30 credentialed to practice or provide health care services, including, but  
31 not limited to, pharmacists, dentists, physician assistants, registered  
32 nurses, licensed practical nurses, advanced practice nurses,  
33 chiropractors, respiratory care therapists, and emergency medical  
34 technicians; and

35 (2) "Health care facility" includes hospitals, skilled nursing facilities,  
36 intermediate care facilities, psychiatric facilities, rehabilitation  
37 facilities, home health agencies, ambulatory surgical facilities, or any  
38 other health care related facility, whether publicly or privately owned."

39 **SECTION 2.(a)** G.S. 130A-149, "Biological agents registry; rules;  
40 penalties", is recodified as G.S. 130A-477.

41 **SECTION 2.(b)** G.S. 130A-29(c)(10) reads as rewritten:

42 "(10) Pertaining to the biological agents registry in accordance with  
43 ~~G.S. 130A-149~~ G.S. 130A-477."

44 **SECTION 3.** G.S. 130A-133 is repealed.

1           **SECTION 4.** G.S. 130A-2 reads as rewritten:2    "**§ 130A-2. Definitions.**"3       The following definitions shall apply throughout this Chapter unless otherwise  
4 specified:

5           (1) "Commission" means the Commission for Health Services.

6           (1a) "Communicable condition" means the state of being infected with a  
7 communicable agent but without symptoms.8           (1b) "Communicable disease" means an illness due to an infectious agent or  
9 its toxic products which is transmitted directly or indirectly to a person  
10 from an infected person or animal through the agency of an  
11 intermediate animal, host or vector, or through the inanimate  
12 environment.

13           (2) "Department" means the Department of Health and Human Services.

14           (3) "Imminent hazard" means a situation ~~which~~ that is likely to cause an  
15 immediate threat to human life, an immediate threat of serious physical  
16 injury, an immediate threat of serious adverse health effects, or a  
17 serious risk of irreparable damage to the environment if no immediate  
18 action is taken.19           (3a) "Isolation authority" means the authority to issue an order to limit the  
20 freedom of movement or action of a person or animal with a  
21 communicable disease or communicable condition for the period of  
22 communicability to prevent the direct or indirect conveyance of the  
23 infectious agent from the person or animal to other persons or animals  
24 who are susceptible or who may spread the agent to others.25           (4) "Local board of health" means a district board of health or a public  
26 health authority board or a county board of health.27           (5) "Local health department" means a district health department or a  
28 public health authority or a county health department.29           (6) "Local health director" means the administrative head of a local health  
30 department appointed pursuant to this Chapter.31           (6a) "Outbreak" means an occurrence of a case or cases of a disease in a  
32 locale in excess of the usual number of cases of the disease.33           (7) "Person" means an individual, corporation, company, association,  
34 partnership, unit of local government or other legal entity.35           (7a) "Quarantine authority" means the authority to issue an order to limit  
36 the freedom of movement or action of persons or animals which have  
37 been exposed to or are reasonably suspected of having been exposed to  
38 a communicable disease or communicable condition for a period of  
39 time as may be necessary to prevent the spread of that disease.  
40 Quarantine authority also means the authority to issue an order to limit  
41 access by any person or animal to an area or facility that may be  
42 contaminated with an infectious agent. The term also means the  
43 authority to issue an order to limit the freedom of movement or action  
44 of persons who have not received immunizations against a

1                    communicable disease when the State Health Director or a local health  
2                    director determines that the immunizations are required to control an  
3                    outbreak of that disease.

4                    (8) "Secretary" means the Secretary of Health and Human Services.

5                    (9) "Unit of local government" means a county, city, consolidated  
6                    city-county, sanitary district or other local political subdivision,  
7                    authority or agency of local government.

8                    (10) "Vital records" means birth, death, fetal death, marriage, annulment  
9                    and divorce records registered under the provisions of Article 4 of this  
10                    Chapter."

11                    **SECTION 5.** G.S. 130A-145 reads as rewritten:

12                    "**§ 130A-145. ~~Local health director has quarantine~~ Quarantine and isolation**  
13                    **authority.**

14                    (a) The State Health Director and a local health director and the State Health  
15                    Director are empowered to exercise quarantine and isolation authority. Quarantine and  
16                    isolation authority shall be exercised only when and so long as the public health is  
17                    endangered, all other reasonable means for correcting the problem have been exhausted,  
18                    and no less restrictive alternative exists.

19                    (b) No person other than a person authorized by the State Health Director or local  
20                    health director shall enter quarantine or isolation premises. Nothing in this subsection  
21                    shall be construed to restrict the access of authorized health care, law enforcement, or  
22                    emergency medical services personnel to quarantine or isolation premises as necessary  
23                    in conducting their duties.

24                    (c) Before applying quarantine or isolation authority to livestock or poultry for  
25                    the purpose of preventing the direct or indirect conveyance of an infectious agent to  
26                    persons, the State Health Director or a local health director shall consult with the State  
27                    Veterinarian in the Department of Agriculture and Consumer Services.

28                    (d) When quarantine or isolation limits the freedom of movement of a person or  
29                    animal or of access to a person or animal whose freedom of movement is limited, the  
30                    period of limited freedom of movement or access shall not exceed 10 calendar days.  
31                    Any person substantially affected by that limitation may institute in superior court in  
32                    Wake County or in the county in which the limitation is imposed an action to review  
33                    that limitation. If a person or a person's representative requests a hearing, the hearing  
34                    shall be held within 72 hours of the filing of that request, excluding Saturdays and  
35                    Sundays. The court shall reduce the limitation if it determines, by the preponderance of  
36                    the evidence, that the limitation is not reasonably necessary to prevent or limit the  
37                    conveyance of a communicable disease or condition to others.

38                    If the State Health Director or the local health director determines that a  
39                    10-calendar-day limitation on freedom of movement or access is not adequate to protect  
40                    the public health, the State Health Director or local health director may institute in  
41                    superior court in Wake County or in the county in which the limitation is imposed an  
42                    action to obtain an order extending the period of limitation of freedom of movement or  
43                    access. The court shall continue the limitation for a period not to exceed 30 days if it  
44                    determines, by the preponderance of the evidence, that the limitation is reasonably

1 necessary to prevent or limit the conveyance of a communicable disease or condition to  
2 others. Before the expiration of an order issued under this section, the State Health  
3 Director or local health director may move to continue the order for additional periods  
4 not to exceed 30 days each."

5 **SECTION 6.** G.S. 130A-20 reads as rewritten:

6 **"§ 130A-20. Abatement of an imminent hazard.**

7 (a) If the Secretary or a local health director determines that an imminent hazard  
8 exists, the Secretary or a local health director may order the owner, lessee, operator, or  
9 other person in control of the property to abate the imminent hazard or may, after notice  
10 to or reasonable attempt to notify the owner, lessee, operator, or other person in control  
11 of the property enter upon any property and take any action necessary to abate the  
12 imminent hazard. If the Secretary or a local health director abates the imminent hazard,  
13 the ~~The~~ Department or the local health department shall have a lien on the property for  
14 the cost of the abatement of the imminent hazard in the nature of a mechanic's and  
15 materialmen's lien as provided in ~~Chapter 44A~~ Chapter 44A of the General Statutes, and  
16 the lien may be enforced as provided ~~therein~~ in that Chapter. The lien may be defeated  
17 by a showing that an imminent hazard did not exist at the time the Secretary or the local  
18 health director took the action.

19 (b) The Secretary of Environment and Natural Resources and a local health  
20 director shall have the same rights enumerated in subsection (a) of this section to  
21 enforce the provisions of Articles 8, 9, 10, 11, and 12 of this Chapter."

22 **SECTION 7.** G.S. 130A-143 reads as rewritten:

23 **"§ 130A-143. Confidentiality of records.**

24 All information and records, whether publicly or privately maintained, that identify a  
25 person who has AIDS virus infection or who has or may have a disease or condition  
26 required to be reported pursuant to the provisions of this Article shall be strictly  
27 confidential. This information shall not be released or made public except under the  
28 following circumstances:

- 29 (1) Release is made of specific medical or epidemiological information for  
30 statistical purposes in a way that no person can be identified;
- 31 (2) Release is made of all or part of the medical record with the written  
32 consent of the person or persons identified or their guardian;
- 33 (3) Release is made to health care personnel providing medical care to the  
34 patient;
- 35 (4) Release is necessary to protect the public health and is made as  
36 provided by the Commission in its rules regarding control measures  
37 for communicable diseases and conditions;
- 38 (5) Release is made pursuant to other provisions of this Article;
- 39 (6) Release is made pursuant to subpoena or court order. Upon request of  
40 the person identified in the record, the record shall be reviewed in  
41 camera. In the trial, the trial judge may, during the taking of testimony  
42 concerning such information, exclude from the courtroom all persons  
43 except the officers of the court, the parties and those engaged in the  
44 trial of the ~~ease~~ case;

- 1 (7) Release is made by the Department or a local health department to a  
2 court or a law enforcement ~~officer~~ official for the purpose of enforcing  
3 ~~the provisions of this Article pursuant to Article 1, Part 2 of this~~  
4 ~~Chapter.~~ this Article or Article 22 of this Chapter, or investigating an  
5 act of terrorism using nuclear, biological, or chemical agents. A law  
6 enforcement official who receives the information shall not disclose it  
7 further, except (i) when necessary to enforce this Article or Article 22  
8 of this Chapter, or when necessary to conduct an investigation of an  
9 act of terrorism using nuclear, biological, or chemical agents, or (ii)  
10 when the Department or a local health department seeks the assistance  
11 of the law enforcement official in preventing or controlling the spread  
12 of the disease or condition and expressly authorizes the disclosure as  
13 necessary for that purpose;
- 14 (8) Release is made by the Department or a local health department to  
15 another federal, state or local public health agency for the purpose of  
16 preventing or controlling the spread of a communicable disease or  
17 communicable condition;
- 18 (9) Release is made by the Department for bona fide research purposes.  
19 The Commission shall adopt rules providing for the use of the  
20 information for research purposes;
- 21 (10) Release is made pursuant to G.S. 130A-144(b); or
- 22 (11) Release is made pursuant to any other provisions of law that  
23 specifically authorize or require the release of information or records  
24 related to AIDS."

25 **SECTION 8.** G.S. 106-24.1 reads as rewritten:

26 **"§ 106-24.1. Confidentiality of information collected and published.**

27 All information published by the Department of Agriculture and Consumer Services  
28 pursuant to this Part shall be classified so as to prevent the identification of information  
29 received from individual farm operators. All information received pursuant to this Part  
30 from individual farm operators shall be held confidential by the Department and its  
31 employees. Information collected by the Department from individual farm operators for  
32 the purposes of its animal health programs may be disclosed by the State Veterinarian  
33 when, in his judgment, the disclosure will assist in the implementation of these  
34 programs. Animal disease diagnostic tests that identify the owner of the animal shall not  
35 be disclosed without the permission of the owner unless the State Veterinarian  
36 determines that disclosure is necessary to prevent the spread of an animal disease or to  
37 protect the public health."

38 **SECTION 9.** G.S. 106-307.2 reads as rewritten:

39 **"§ 106-307.2. Reports of infectious disease in livestock and poultry to State**  
40 **Veterinarian.**

41 (a) All persons practicing veterinary medicine in North Carolina shall report  
42 promptly to the State Veterinarian the existence of any reportable contagious or  
43 infectious disease in livestock and poultry. The Board of Agriculture shall establish by



1 rule a list of animal diseases and conditions to be reported and the time and manner of  
2 reporting.

3 (b) The State Veterinarian shall notify the State Health Director and the Director  
4 of the Division of Environmental Health in the Department of Environment and Natural  
5 Resources when the State Veterinarian receives a report indicating an occurrence or  
6 potential outbreak of anthrax, arboviral infections, brucellosis, epidemic typhus,  
7 hantavirus infections, murine typhus, plague, psittacosis, Q fever, hemorrhagic fever  
8 virus infections, and any other disease or condition transmissible to humans that the  
9 State Veterinarian determines may have been caused by a terrorist act."

10 **SECTION 10.** G.S. 130A-152(b) is repealed.

11 **SECTION 11.** G.S. 143-518 reads as rewritten:

12 **"§ 143-518. Confidentiality of patient information.**

13 (a) Medical records compiled and maintained by the Department or EMS  
14 providers in connection with dispatch, response, treatment, or transport of individual  
15 patients or in connection with the statewide trauma system pursuant to Article 7 of  
16 Chapter 131E of the General Statutes may contain patient identifiable data which will  
17 allow linkage to other health care-based data systems for the purposes of quality  
18 management, peer review, and public health initiatives.

19 These medical records and data shall be strictly confidential and shall not be  
20 considered public records within the meaning of G.S. 132-1 and shall not be released or  
21 made public except under any of the following conditions:

- 22 (1) Release is made of specific medical or epidemiological information for  
23 statistical purposes in a way that no person can be identified.
- 24 (2) Release is made of all or part of the medical record with the written  
25 consent of the person or persons identified or their guardians.
- 26 (3) Release is made to health care personnel providing medical care to the  
27 patient.
- 28 (4) Release is made pursuant to a court order. Upon request of the person  
29 identified in the record, the record shall be reviewed in camera. In the  
30 trial, the trial judge may, during the taking of testimony concerning  
31 such information, exclude from the courtroom all persons except the  
32 officers of the court, the parties, and those engaged in the trial of the  
33 case.
- 34 (5) Release is made to a Medical Review Committee as defined in  
35 G.S. 131E-95, 90-21.22A, or 130A-45.7 or to a peer review committee  
36 as defined in G.S. 131E-108, 122C-30, or 131D-21.1.
- 37 (6) Release is made for use in a health research project under rules  
38 adopted by the North Carolina Medical Care Commission. The  
39 Commission shall adopt rules that allow release of information when  
40 an institutional review board, as defined by the Commission, has  
41 determined that the health research project:
  - 42 a. Is of sufficient scientific importance to outweigh the intrusion  
43 into the privacy of the patient that would result from the  
44 disclosure;

- 1                   b.     Is impracticable without the use or disclosure of identifying  
2                   health information;  
3                   c.     Contains safeguards to protect the information from  
4                   redisclosure;  
5                   d.     Contains safeguards against identifying, directly or indirectly,  
6                   any patient in any report of the research project; and  
7                   e.     Contains procedures to remove or destroy at the earliest  
8                   opportunity, consistent with the purposes of the project,  
9                   information that would enable the patient to be identified,  
10                  unless an institutional review board authorizes retention of  
11                  identifying information for purposes of another research  
12                  project.

13               (7)    Release is made to a statewide data processor, as defined in Article  
14               11A of Chapter 131E of the General Statutes, in which case the data is  
15               deemed to have been submitted as if it were required to have been  
16               submitted under that Article.

17               (8)    Release is made pursuant to any other law.

18               (b)    Charges, accounts, credit histories, and other personal financial records  
19               compiled and maintained by the Department or EMS providers in connection with the  
20               admission, treatment, and discharge of individual patients are strictly confidential and  
21               shall not be released."

22               **SECTION 12.** G.S. 166A-5(3) is amended by adding a new sub-subdivision  
23               to read:

24               "b1.   Coordination with the State Health Director to amend or revise  
25               the North Carolina Emergency Operations Plan regarding  
26               public health matters. At a minimum, the revisions to the Plan  
27               shall provide for the following:

- 28                   1.    The epidemiologic investigation of a known or suspected  
29                   threat caused by nuclear, biological, or chemical agents.  
30                   2.    The examination and testing of persons and animals that  
31                   may have been exposed to a nuclear, biological, or  
32                   chemical agent.  
33                   3.    The procurement and allocation of immunizing agents  
34                   and prophylactic antibiotics.  
35                   4.    The allocation of the National Pharmaceutical Stockpile.  
36                   5.    The appropriate conditions for quarantine and isolation  
37                   in order to prevent further transmission of disease.  
38                   6.    Immunization procedures.  
39                   7.    The issuance of guidelines for prophylaxis and treatment  
40                   of exposed and affected persons."

41               **SECTION 13.** G.S. 143-508(d)(11) reads as rewritten:

42               "(11) Establish standards and criteria for the education and credentialing of  
43               persons trained to administer lifesaving treatment to a person who

1 suffers a severe adverse reaction to ~~insect stings~~ agents that might  
2 cause anaphylaxis."

3 **SECTION 14.** G.S. 15A-401(b) reads as rewritten:

4 "(b) Arrest by Officer Without a Warrant. –

5 (1) Offense in Presence of Officer. – An officer may arrest without a  
6 warrant any person who the officer has probable cause to believe has  
7 committed a criminal offense in the officer's presence.

8 (2) Offense Out of Presence of Officer. – An officer may arrest without a  
9 warrant any person who the officer has probable cause to believe:

10 a. Has committed a felony; or

11 b. Has committed a misdemeanor, and:

12 1. Will not be apprehended unless immediately arrested, or

13 2. May cause physical injury to himself or others, or  
14 damage to property unless immediately arrested; or

15 c. Has committed a misdemeanor under G.S. 14-72.1, 14-134.3,  
16 20-138.1, or 20-138.2; or

17 d. Has committed a misdemeanor under G.S. 14-33(a),  
18 14-33(c)(1), 14-33(c)(2), or 14-34 when the offense was  
19 committed by a person with whom the alleged victim has a  
20 personal relationship as defined in G.S. 50B-1; or

21 e. Has committed a misdemeanor under G.S. 50B-4.1(a).

22 (3) Repealed by Session Laws 1991, c. 150.

23 (4) A law enforcement officer may detain an individual arrested for  
24 violation of an order limiting freedom of movement or access issued  
25 pursuant to G.S. 130A-475 or G.S. 130A-145 in the area designated by  
26 the State Health Director or local health director pursuant to such  
27 order. The person may be detained in such area until the initial  
28 appearance before a judicial official pursuant to G.S. 15A-511 and  
29 G.S. 15A-534.5."

30 **SECTION 15.** Article 26 of Chapter 15A is amended by adding a new  
31 section to read:

32 "**§ 15A-534.5. Detention to protect public health.**

33 If a judicial official conducting an initial appearance finds by clear and convincing  
34 evidence that a person arrested for violation of an order limiting freedom of movement  
35 or access issued pursuant to G.S. 130A-475 or G.S. 130A-145 poses a threat to the  
36 health and safety of others, the judicial official shall deny pretrial release and shall order  
37 the person to be confined in an area or facility designated by the judicial official. Such  
38 pretrial confinement shall terminate when a judicial official determines that the confined  
39 person does not pose a threat to the health and safety of others. These determinations  
40 shall be made only after the State Health Director or local health director has made  
41 recommendations to the court."

42 **SECTION 16.** G.S. 130A-157 reads as rewritten:

43 "**§ 130A-157. Religious exemption.**

1 If the bona fide religious beliefs of an adult or the parent, guardian or person in loco  
2 parentis of a child are contrary to the immunization requirements contained in this ~~Part,~~  
3 Chapter, the adult or the child shall be exempt from the requirements. Upon submission  
4 of a written statement of the bona fide religious beliefs and opposition to the  
5 immunization requirements, the person may attend the college, university, school or  
6 facility without presenting a certificate of immunization."

7 **SECTION 17.** G.S. 90-21.22A(c) reads as rewritten:

8 "(c) The proceedings of a medical review committee, the records and materials it  
9 produces, and the materials it considers shall be confidential and not considered public  
10 records within the meaning of G.S. 132-1, 131E-309, or 58-2-100; and shall not be  
11 subject to discovery or introduction into evidence in any civil action against a provider  
12 of health care services who directly provides services and is licensed under this Chapter,  
13 a PSO licensed under Article 17 of Chapter 131E of the General Statutes, an ambulatory  
14 surgical facility licensed under Chapter 131E of the General Statutes, or a hospital  
15 licensed under Chapter 122C or Chapter 131E of the General Statutes or that is owned  
16 or operated by the State, which civil action results from matters that are the subject of  
17 evaluation and review by the committee. No person who was in attendance at a meeting  
18 of the committee shall be required to testify in any civil action as to any evidence or  
19 other matters produced or presented during the proceedings of the committee or as to  
20 any findings, recommendations, evaluations, opinions, or other actions of the committee  
21 or its members. However, information, documents, or records otherwise available are  
22 not immune from discovery or use in a civil action merely because they were presented  
23 during proceedings of the committee. A member of the committee may testify in a civil  
24 action but cannot be asked about his or her testimony before the committee or any  
25 opinions formed as a result of the committee hearings."

26 **SECTION 18.** G.S. 131E-95(b) reads as rewritten:

27 "(b) The proceedings of a medical review committee, the records and materials it  
28 produces and the materials it considers shall be confidential and not considered public  
29 records within the meaning of G.S. 132-1, "'Public records' defined," and shall not be  
30 subject to discovery or introduction into evidence in any civil action against a ~~hospital~~  
31 hospital, an ambulatory surgical facility licensed under Chapter 131E of the General  
32 Statutes, or a provider of professional health services which results from matters which  
33 are the subject of evaluation and review by the committee. No person who was in  
34 attendance at a meeting of the committee shall be required to testify in any civil action  
35 as to any evidence or other matters produced or presented during the proceedings of the  
36 committee or as to any findings, recommendations, evaluations, opinions, or other  
37 actions of the committee or its members. However, information, documents, or records  
38 otherwise available are not immune from discovery or use in a civil action merely  
39 because they were presented during proceedings of the committee. A member of the  
40 committee or a person who testifies before the committee may testify in a civil action  
41 but cannot be asked about his testimony before the committee or any opinions formed as  
42 a result of the committee hearings."

43 **SECTION 19.** This act becomes effective October 1, 2002.