

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS15263-MH-97

Short Title: Protect NC Citizens from Radon. (Public)

Sponsors: Senator Mayfield (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT NORTH CAROLINA CITIZENS FROM EXPOSURE TO RADON
3 BY INCLUDING STANDARDS FOR RADON MITIGATION SYSTEMS IN THE STATE
4 BUILDING CODE AND BY DIRECTING THE DEPARTMENT OF HEALTH AND
5 HUMAN SERVICES TO ISSUE REPORTING AND TESTING REQUIREMENTS FOR
6 RADON GAS IN STRUCTURES.

7 The General Assembly of North Carolina enacts:

8
9 **RADON GAS TESTING AND REPORTING**

10 **SECTION 1.(a)** Definitions. – As used in this section, "Commission" means the
11 North Carolina Radiation Protection Commission, and "State Radon Program" means the North
12 Carolina Radon Program within the Radiation Protection Section of the North Carolina
13 Department of Health and Human Services.

14 **SECTION 1.(b)** Amendment. – Until the effective date of the rules that the
15 Commission is required to adopt pursuant to this section, the Commission shall follow the
16 provisions of subsection (c) of this section with regard to radon testing and reporting.

17 **SECTION 1.(c)** Implementation. – Notwithstanding any provision of law to the
18 contrary, the Commission shall require that radon mitigation system installers shall provide the
19 following information to the State Radon Program:

- 20 1. The radon test results and whether the test was done pre- or post-system
21 installation.
- 22 2. Whether the testing followed any testing standards developed by a national
23 standards organization.
- 24 3. The zip code where the system is installed.
- 25 4. The kind of structure (such as single or multifamily residential, commercial,
26 or educational).
- 27 5. Whether the structure is new or existing.

28 **SECTION 1.(d)** Additional Rulemaking Authority. – The Commission shall adopt
29 rules consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules
30 adopted by the Commission pursuant to this subsection shall be substantively identical to the
31 provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject
32 to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this
33 section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written
34 objections had been received as provided in G.S. 150B-21.3(b2).

35 **SECTION 1.(e)** Sunset. – This section expires on the date that rules adopted pursuant
36 to subsection (d) of this section become effective.



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1 **SECTION 2.(a)** Commission Empowered to Adopt Rules. – G.S. 104E-7(a) reads
2 as rewritten:

3 "(a) There is hereby created the North Carolina Radiation Protection Commission of the
4 Department of Health and Human Services with the power to promulgate rules and regulations
5 to be followed in the administration of a radiation protection program. All rules and regulations
6 for radiation protection that were adopted by the Commission for Public Health and are not
7 inconsistent with the provisions of this Chapter shall remain in full force and effect unless and
8 until repealed or superseded by action of the Radiation Protection Commission. The Radiation
9 Protection Commission is authorized:

10 ...

11 (11) To adopt rules imposing testing and reporting requirements for radon gas
12 inside buildings."

13 **SECTION 2.(b)** Temporary Rule Authority. – The Commission may adopt
14 temporary rules to implement the requirements of subsection (a) of this section.

15 **SECTION 2.(c)** Annual Mapping Requirement. – G.S. 104E-9 is amended by adding
16 a new subsection to read:

17 "(c) The Radiation Protection Section of the Department shall produce and annually
18 update a map of radon mitigation systems installed in structures in the State based on the data
19 generated and reported to the Department under rules for radon gas testing and reporting adopted
20 by the Commission under G.S. 104E-7(a)(11)."

21 **SECTION 3.** Effective Date. – Subsection 2(c) of this act becomes effective July 1,
22 2023. The remainder of this act is effective when it becomes law.