



CHAPTER 130A

ARTICLE 2 - LOCAL ADMINISTRATION

N.C.G.S. § 130A-39.

Powers and duties of a local board of health.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2025-94, s. 16 — twenty-second act in the lineage	21 September 2026, 04:44 UTC	5a591bde651923a22a2dcbf2 - 0986000d730cd3886d25f86b - 2e0c8baabc34bbe0

§ 130A-39(a) A local board of health shall have the responsibility to protect and promote the public health. The board shall have the authority to adopt rules necessary for that purpose.

§ 130A-39(b) A local board of health may adopt a more stringent rule in an area regulated by the Commission for Public Health or the Environmental Management Commission where, in the opinion of the local board of health, a more stringent rule is required to protect the public health; otherwise, the rules of the Commission for Public Health or the rules of the Environmental Management Commission shall prevail over local board of health rules. However, a local board of health may not adopt a rule concerning a private pool serving a single family dwelling otherwise exempt from regulation pursuant to G.S. 130A-280 or a rule concerning the grading, operating, and permitting of food and lodging facilities as listed in Part 6 of Article 8 of this Chapter and as defined in G.S. 130A-247(1), and a local board of health may adopt rules concerning wastewater collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters only in accordance with G.S. 130A-335(c).

§ 130A-39(c) The rules of a local board of health shall apply to all municipalities within the local board's jurisdiction.

§ 130A-39(d) Not less than 10 days before the adoption, amendment or repeal of any local board of health rule, the proposed rule shall be made available at the office of each county clerk

within the board's jurisdiction, and a notice shall be published in a newspaper having general circulation within the area of the board's jurisdiction. The notice shall contain a statement of the substance of the proposed rule or a description of the subjects and issues involved, the proposed effective date of the rule and a statement that copies of the proposed rule are available at the local health department. A local board of health rule shall become effective upon adoption unless a later effective date is specified in the rule.

§ 130A-39(e) Copies of all rules shall be filed with the secretary of the local board of health.

§ 130A-39(f) A local board of health may, in its rules, adopt by reference any code, standard, rule or regulation which has been adopted by any agency of this State, another state, any agency of the United States or by a generally recognized association. Copies of any material adopted by reference shall be filed with the rules.

§ 130A-39(g) A local board of health may impose a fee for services to be rendered by a local health department, except where the imposition of a fee is prohibited by statute or where an employee of the local health department is performing the services as an agent of the State. Notwithstanding any other provisions of law, a local board of health may impose cost-related fees for services performed pursuant to Article 11 of this Chapter, "Wastewater Systems," for services performed pursuant to Part 10, Article 8 of this Chapter, "Public Swimming Pools", for services performed pursuant to Part 11, Article 8 of this Chapter, "Tattooing", and for services performed pursuant to G.S. 87-97. Fees shall be based upon a plan recommended by the local health director and approved by the local board of health and the appropriate county board or boards of commissioners. The fees collected under the authority of this subsection are to be deposited to the account of the local health department so that they may be expended for public health purposes in accordance with the provisions of the Local Government Budget and Fiscal Control Act.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
22 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1901	c. 245, s. 3	ENACTED
02	Rev.	s. 4444	RECODIFIED
03	1911	c. 62, s. 9	AMENDED
04	C.S.	s. 7065	RECODIFIED
05	1957	c. 1357, s. 1	AMENDED
06	1959	c. 1024, s. 1	AMENDED
07	1963	c. 1087	AMENDED
08	1973	c. 476, s. 128	AMENDED
09	1973	c. 508	AMENDED
10	1977	c. 857, s. 2	AMENDED
11	1981	c. 130, s. 2	AMENDED
12	1981	c. 281	AMENDED
13	1981	c. 949, s. 4	AMENDED
14	1983	c. 891, s. 2	AMENDED
15	1985	c. 175, s. 1	AMENDED
16	1989	c. 577, s. 2	AMENDED
17	1989	1991 (Reg. Sess., 1992), c. 944, s. 10	AMENDED
18	1989	1993 (Reg. Sess., 1994), c. 670, s. 2	AMENDED
19	1995	c. 507, s. 26.8(c)	AMENDED
20	2006	S.L. 2006-202, s. 6	AMENDED
21	2007	S.L. 2007-182, s. 2	AMENDED
22	2025	S.L. 2025-94, s. 16	AMENDED

APPARATUS II
4 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 130A-280	(b)	<i>"otherwise exempt from regulation pursuant to"</i>

G.S. 130A-247(1)	(b)	<i>"this Chapter and as defined in"</i>
G.S. 130A-335(c)	(b)	<i>"surface waters only in accordance with"</i>
G.S. 87-97	(g)	<i>"and for services performed pursuant to"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 130A-39 (2025).

PINPOINT

N.C. Gen. Stat. § 130A-39(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1901, c. 245, s. 3; Rev., s. 4444; 1911, c. 62, s. 9; C.S., s. 7065; 1957, c. 1357, s. 1; 1959, c. 1024, s. 1; 1963, c. 1087; 1973, c. 476, s. 128; c. 508; 1977, c. 857, s. 2; 1981, c. 130, s. 2; c. 281; c. 949, s. 4; 1983, c. 891, s. 2; 1985, c. 175, s. 1; 1989, c. 577, s. 2; 1991 (Reg. Sess., 1992), c. 944, s. 10; 1993 (Reg. Sess., 1994), c. 670, s. 2; 1995, c. 507, s. 26.8(c); 2006-202, s. 6; 2007-182, s. 2; 2025-94, s. 16.)

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