



CHAPTER 143
ARTICLE 31A - DEFENSE OF STATE EMPLOYEES, MEDICAL CONTRACTORS AND LOCAL SANITARIANS

N.C.G.S. § 143-300.8.

Defense of registered environmental health specialists, registered environmental health specialist interns, and registered environmental health associates.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2024-49, s. 4.7 — eighth act in the lineage	21 September 2026, 02:54 UTC	3b0c7fbd9715d04d42538a7b - b1412027e868591eec7d04ef - 69387e2f6e3fc11f

- § 143-300.8(a)

The following definitions apply in this section:

 - (1) Department. - The Department of Health and Human Services.
 - (2) Local health department. - Defined in G.S. 130A-2(5).
 - (3) Registered environmental health associate. - Defined in G.S. 90A-51(2d).
 - (4) Registered environmental health specialist. - Defined in G.S. 90A-51(4).
 - (5) Registered environmental health specialist intern. - Defined in G.S. 90A-51(5).
- § 143-300.8(b)

All local health departments shall enter into an annual agreement with the Department to provide environmental health services in accordance with Chapter 130A of the General Statutes. The annual agreement shall include a requirement for quality assurance for all environmental health services.
- § 143-300.8(c)

Except as provided in subsections (d) and (e) of this section, any registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate enforcing rules of the Commission for Public Health under the authority of the Department pursuant to G.S. 130A-4 shall

be defended by the Attorney General, subject to the provisions of G.S. 143-300.4- , and shall be protected from liability in accordance with the provisions of this Article in any civil or criminal action or proceeding brought against the registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate in their official or individual capacity, or both, on account of an act done or omission made in the scope and course of enforcing the rules of the Commission for Public Health. The Department shall pay half of any judgment against the registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate, or any settlement made on their behalf, subject to the provisions of G.S. 143-300.6. The local health department employing or contracting with the registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate at the time of the underlying act or omission giving rise to the judgment or settlement shall pay half of the judgment or settlement. The Department may agree, in its sole discretion, to an alternate arrangement with the local health department wherein the Department pays more than half of the judgment or settlement depending on the individual circumstances of the case.

§ 143-300.8(d)

Any registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate employed by or contracted to work for a local health department that has not entered into an annual agreement or fails to abide by the annual agreement, as determined by the Department, as required by subsection (b) of this section shall not be defended by the Attorney General or have their judgement or settlement paid by the Department. The local health department shall be required to pay any judgement against the registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate or any settlement on their behalf for any act or omission made in the scope and course of enforcing the rules of the Commission for Public Health.

§ 143-300.8(e)

A registered environmental health specialist, registered environmental health specialist intern, or registered environmental health associate shall not be defended by the Attorney General or protected from liability for any claim arising from an act or omission made in the scope and course of enforcing a local rule adopted pursuant to G.S. 130A-335(c).

§ 143-300.8(f)

This section shall apply to actions in which the registered environmental health specialist, registered environmental health intern, or registered environmental health

associate, is named individually as a party, as well as contested cases brought in the Office of Administrative Hearings, pursuant to Chapter 150B of the General Statutes, arising from the alleged acts or omissions of an authorized agent of the Department, during which the Department determines that the best course of action is to resolve the matter with a settlement payment to the petitioner to conclude the contested case and avoid any future litigation.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
8 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.

198720062024

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

Nº	YEAR	ACT	CHARACTER
01	1987	c. 654, s. 2	ENACTED
02	1989	c. 727, s. 219(36)	AMENDED
03	1997	S.L. 1997-443, s. 11A.96	AMENDED
04	2006	S.L. 2006-202, s. 7	AMENDED
05	2007	S.L. 2007-182, s. 2	AMENDED
06	2011	S.L. 2011-145, s. 13.3(k)	AMENDED
07	2011	S.L. 2011-391, s. 27(b)	AMENDED
08	2024	S.L. 2024-49, s. 4.7	AMENDED

APPARATUS II
8 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-2(5)	(a)(2)	"Local health department. - Defined in"
G.S. 90A-51(2d)	(a)(3)	"environmental health associate. - Defined in"
G.S. 90A-51(4)	(a)(4)	"environmental health specialist. - Defined in"

G.S. 90A-51(5)	(a)(5)	"health specialist intern. - Defined in"
G.S. 130A-4	(c)	"authority of the Department pursuant to"
G.S. 143-300.4	(c)	"General, subject to the provisions of"
G.S. 143-300.6	(c)	"behalf, subject to the provisions of"
G.S. 130A-335(c)	(e)	"a local rule adopted pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 143-300.8 (2024).

PINPOINT

N.C. Gen. Stat. § 143-300.8(a) (2024).

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

(1987, c. 654, s. 2; 1989, c. 727, s. 219(36); 1997-443, s. 11A.96; 2006-202, s. 7; 2007-182, s. 2; 2011-145, s. 13.3(k); 2011-391, s. 27(b); 2024-49, s. 4.7.)

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