

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

SESSION LAW 2025-28
HOUSE BILL 568

AN ACT MAKING OMNIBUS AMENDMENTS TO LAWS PERTAINING TO THE NORTH
CAROLINA DEPARTMENT OF LABOR.

The General Assembly of North Carolina enacts:

SECTION 1.1. Article 16 of Chapter 95 of the General Statutes is amended by adding a new section to read:

"§ 95-136.2. Third-party subpoenas to the Department.

(a) The Commissioner, any current employee, or any former employee of the Department may only be required to appear and testify regarding an occupational safety and health inspection under one of the following circumstances:

- (1) An enforcement proceeding is brought under this Article.
- (2) An action is filed in which the Department is a party.
- (3) The Commissioner consents in writing to waive the exemption provided by subsection (b) of this section.
- (4) A court finds all of the following:
 - a. The information sought is essential to the underlying case.
 - b. There are no reasonable alternative means for acquiring the information.
 - c. A significant injustice would occur if the requested testimony was not available.

(b) Except as provided in subsection (a) of this section, the Commissioner, any current employee, and any former employee of the Department may not be subpoenaed to appear or testify for an inquiry into any occupational safety and health inspection.

(c) Any written report, citation, or investigative finding issued by the Department pursuant to an occupational safety and health inspection shall be admissible in any judicial or administrative civil proceeding to the same extent as if the author were available to testify, unless the court finds the document clearly lacks indicia of reliability or would result in manifest injustice.

(d) This section does not apply to a subpoena requesting only documents or other records."

SECTION 1.2. G.S. 150B-21.5 is amended by adding a new subsection to read:

"(c1) OSHA Standard. – The Occupational Safety and Health Division of the Department of Labor is not required to publish a notice of text in the North Carolina Register or hold a public hearing when it proposes to adopt a rule that concerns an occupational safety and health standard that is identical to a federal regulation promulgated by the Secretary of the United States Department of Labor. The Division shall file the rule with the Commission for the purpose of receiving written objections to the rule in accordance with G.S. 150B-21.3(b2)."

SECTION 1.3.(a) G.S. 95-135(d) reads as rewritten:

"(d) Every official act of the Commission shall be entered of record and its hearings and records shall be open to the public. The Commission is authorized and empowered to make such procedural rules as are necessary for the orderly transaction of its proceedings. Unless the



SECTION 3.1. Unless otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 18th day of June, 2025.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Destin Hall
Speaker of the House of Representatives

s/ Josh Stein
Governor

Approved 3:06 p.m. this 27th day of June, 2025