

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 773
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HOUSE PRINCIPAL CLERK

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HOUSE DRH10296-MH-142 (03/28)

Short Title: Fracking-Public Disclosure/Drilling Fluids. (Public)

Sponsors: Representatives Salmon and Reives (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO STRENGTHEN THE PUBLIC'S RIGHT TO KNOW REGARDING THE
3 COMPOSITION AND CONTENTS OF CHEMICALS INJECTED INTO THE EARTH
4 BY OIL AND GAS DEVELOPERS USING HYDRAULIC FRACTURING
5 TREATMENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 113-391.1(b) reads as rewritten:

8 "(b) Determination and Treatment of Confidential Information. – Information obtained
9 by the Commission and the Department pursuant to this Article, and rules adopted thereunder,
10 shall be available to the public except that, upon a showing satisfactory to the Commission by
11 any person that information to which the Commission and Department has access, if made
12 public, would divulge methods or processes entitled to protection as confidential information
13 pursuant to G.S. 132-1.2, the Commission shall consider the information confidential.
14 Notwithstanding any other provision of law, an oil and gas developer or operator shall disclose
15 to the Commission and the Department the identity of each chemical used in hydraulic
16 fracturing fluid 15 calendar days before the initiation of a hydraulic fracturing treatment, and
17 this information shall constitute public information under Chapter 132 of the General Statutes.
18 The Commission and the Department may, however, consider information concerning the
19 actual or maximum concentration of each chemical contained in the hydraulic fracturing fluid
20 confidential if that information would divulge methods or processes entitled to protection as
21 confidential information pursuant to G.S. 132-1.2. In accordance with subsection (b1) of
22 G.S. 113-391, the State Geologist shall serve as the custodian of the confidential information
23 and shall ensure that it is maintained securely as provided in G.S. 132-7. The State Geologist,
24 or the Geologist's designee, shall:

25"

26 **SECTION 2.** G.S. 113-391.1(d) reads as rewritten:

27 "(d) Penalties for Unlawful Disclosure. – Except as provided in subsection (c) of this
28 section or as otherwise provided by law, any person who has access to confidential information
29 pursuant to this section and who knowingly and willfully discloses it to any person not
30 authorized to receive it shall be guilty of a Class 1 misdemeanor and shall be subject to civil
31 action for damages and injunction by the owner of the confidential information, including,
32 without limitation, actions under Article 24 of Chapter 66 of the General Statutes. Penalties for
33 unlawful disclosure of confidential information established by this subsection shall not apply to
34 disclosure of confidential information that concerns chemicals used in the hydraulic fracturing
35 process."



1 **SECTION 3.** Section 2 of this act becomes effective December 1, 2015. The
2 remainder of this act is effective when it becomes law.