

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-212
SENATE BILL 847**

AN ACT TO ADD AGRICULTURAL WORKERS TO THOSE PROTECTED AGAINST RETALIATION IN THE WORKPLACE AND TO DIRECT THE PESTICIDE BOARD TO ADOPT RULES REQUIRING LICENSED PESTICIDE APPLICATORS TO RECORD THE SPECIFIC TIME OF DAY WHEN EACH PESTICIDE APPLICATION IS COMPLETED, AS RECOMMENDED BY THE GOVERNOR'S TASK FORCE ON PREVENTING AGRICULTURAL PESTICIDE EXPOSURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 95-241(a) reads as rewritten:

"(a) No person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to do any of the following:

- (1) File a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect to any of the following:
 - a. Chapter 97 of the General Statutes.
 - b. Article 2A or Article 16 of this Chapter.
 - c. Article 2A of Chapter 74 of the General Statutes.
 - d. G.S. 95-28.1.
 - e. Article 16 of Chapter 127A of the General Statutes.
 - f. G.S. 95-28.1A.
 - g. Article 52 of Chapter 143 of the General Statutes.
- (2) Cause any of the activities listed in subdivision (1) of this subsection to be initiated on an employee's behalf.
- (3) Exercise any right on behalf of the employee or any other employee afforded by Article 2A or Article 16 of this ~~Chapter or Chapter~~, by Article 2A of Chapter 74 of the General ~~Statutes~~.Statutes, or by Article 52 of Chapter 143 of the General Statutes.
- (4) Comply with the provisions of Article 27 of Chapter 7B of the General Statutes.
- (5) Exercise rights under Chapter 50B. Actions brought under this subdivision shall be in accordance with the provisions of G.S. 50B-5.5."

SECTION 2. The Pesticide Board shall adopt rules to implement the recommendations of the Governor's Task Force on Preventing Agricultural Pesticide Exposure, requiring recording of the specific time of day when each pesticide application was completed and extending the retention period for pesticide application records for all pesticides covered under the Worker Protection Standards for Agricultural Pesticides from 30 days to two years.

SECTION 3. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 10th day of
July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 9:26 p.m. this 11th day of August, 2008