

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 557
Committee Substitute Favorable 5/31/23

Short Title: North Carolina Healing Arts Commission. (Public)

Sponsors:

Referred to:

April 4, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA HEALING ARTS COMMISSION AND
3 TO CREATE LICENSURE PROCESSES FOR REFLEXOLOGISTS, NATUROPATHIC
4 DOCTORS, AND MUSIC THERAPISTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Chapter 90 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 44.

9 "Healing Arts.

10 "Part 1. North Carolina Healing Arts Commission.

11 "**§ 90-750.1. Title and purpose.**

12 (a) This Article shall be known and may be cited as the "North Carolina Healing Arts
13 Act."

14 (b) The North Carolina Healing Arts Act is established to safeguard the public health,
15 safety, and welfare; to protect the public from being harmed by unqualified persons; to assure
16 the highest degree of professional services and conduct on the part of practitioners of the healing
17 arts; to provide for the establishment of licensure requirements; and to ensure the availability of
18 healing arts services of high quality to persons in need of such services.

19 "**§ 90-750.2. Definitions.**

20 The following definitions apply in this Article:

21 (1) Advisory committee. – A committee charged with supervising the day-to-day
22 regulation of a healing arts profession. Advisory committees shall screen
23 applicants for licensure and conduct all investigations necessary to give
24 recommendations to the Commission.

25 (2) Commission. – The North Carolina Healing Arts Commission, as established
26 pursuant to G.S. 90-750.3.

27 (3) Healing arts. – The use of allopathic, complementary, or alternative
28 approaches to the art and science of medicine for the prevention,
29 identification, and treatment of human physical or mental conditions, diseases,
30 ailments, illnesses, infirmities, pain, defects, or injuries and the promotion and
31 restoration of health and wellness.

32 (4) Healing arts profession. – Any of the professions listed in G.S. 90-750.8.

33 (5) North Carolina Healing Arts License. – A license in a healing arts profession
34 issued pursuant to this Article.

35 "**§ 90-750.3. North Carolina Healing Arts Commission; composition; terms; compensation.**



1 (a) The North Carolina Healing Arts Commission is hereby created. The Commission
2 shall consist of the following members: one member of the public and two members of each
3 healing arts profession. The initial Commission members shall be appointed on or before January
4 1, 2024, as follows:

5 (1) The General Assembly, upon the recommendation of the President Pro
6 Tempore of the Senate, shall appoint one reflexologist to serve an initial term
7 of three years.

8 (2) The General Assembly, upon the recommendation of the Speaker of the House
9 of Representatives, shall appoint one music therapist to serve an initial term
10 of two years.

11 (3) The General Assembly, upon the recommendation of the Speaker of the House
12 of Representatives, shall appoint one naturopathic doctor to serve an initial
13 term of two years.

14 (4) The Governor shall appoint one reflexologist to serve an initial term of two
15 years.

16 (5) The Governor shall appoint one music therapist to serve an initial term of three
17 years.

18 (6) The Governor shall appoint one naturopathic doctor who shall serve an initial
19 term of one year.

20 (7) The Governor shall appoint one member of the public who shall serve an
21 initial term of three years.

22 (b) Once the initial terms described in subsection (a) of this section expire, the appointing
23 authorities shall appoint members to the Commission for terms of three years. Any healing arts
24 professions created after January 1, 2024, shall have two members on the Commission, both of
25 whom shall serve three-year terms. One of these members shall be appointed by the Governor.
26 The second member shall be appointed by the General Assembly. The Speaker of the House of
27 Representatives shall make a recommendation to be approved by the General Assembly for the
28 first term, and the President Pro Tempore of the Senate shall make a recommendation to be
29 approved by the General Assembly for the second term. The Speaker of the House of
30 Representatives and the President Pro Tempore of the Senate shall thereafter alternate
31 recommendations for subsequent terms.

32 (c) Any vacancies on the Commission shall be filled by the appointing authority initially
33 filling that position, except that any vacancy in appointments by the General Assembly shall be
34 filled in accordance with G.S. 120-122. Individuals appointed to fill vacancies shall serve until
35 the normal expiration of the term they were appointed to fill.

36 (d) Members of the Commission shall be citizens of the United States, residents of the
37 State of North Carolina, and hold a North Carolina Healing Arts License in their respective
38 healing arts profession under this Article. The initial reflexologist appointee shall have been a
39 North Carolina resident for at least two years prior to appointment, certified by a national entity
40 that certifies reflexologists, and eligible for licensure under G.S. 90-750.14. Upon appointment,
41 the reflexologist appointee shall immediately seek to obtain a North Carolina Healing Arts
42 License in reflexology under this Article and must remain in good standing with the Commission
43 during the appointee's term. The initial music therapist appointee shall have been a North
44 Carolina resident for at least two years prior to appointment, certified by a national entity that
45 certifies music therapists, and eligible for licensure under G.S. 90-750.24. Upon appointment,
46 the initial music therapist appointee shall immediately seek to obtain a North Carolina Healing
47 Arts License in music therapy under this Article and must remain in good standing with the
48 Commission during the appointee's term. The initial naturopathic doctor appointee shall have
49 been a North Carolina resident for at least two years prior to appointment, certified by a national
50 entity that certifies naturopathic doctors, and eligible for licensure under G.S. 90-750.33. Upon
51 appointment, the initial naturopathic doctor appointee shall immediately seek to obtain a North

1 Carolina Healing Arts License in naturopathic medicine under this Article and must remain in
2 good standing with the Commission during the appointee's term. Initial appointees for healing
3 arts professions created after January 1, 2024, shall be North Carolina residents for at least two
4 years prior to appointment, certified by a national entity that certifies the appointee's healing arts
5 profession, eligible for licensure under this Article, immediately seek to obtain a North Carolina
6 Healing Arts License in their respective profession under this Article, and remain in good
7 standing for the duration of their terms. Public members of the Committee shall not be:

8 (1) An agent or employee trained or experienced in the practice of healing arts.

9 (2) An agent or employee of a person engaged in the practice of healing arts.

10 (3) A spouse of an individual licensed pursuant to this Article.

11 (4) Any person with significant financial interest in a health service or profession.

12 (e) The Commission may remove any of its members for neglect of duty, incompetence,
13 or unprofessional conduct. A member subject to disciplinary proceedings as a licensed healing
14 arts professional shall be disqualified from participating in the official business of the
15 Commission until the charges have been resolved.

16 (f) Any member of the Commission may be removed from office by the Governor for
17 good cause shown.

18 (g) A Commission member may not receive compensation but may receive
19 reimbursement as provided in G.S. 93B-5. The officers of the Commission shall include a chair,
20 a secretary, and any other officers deemed necessary by the Commission to carry out the purposes
21 of this Article. All officers shall be elected annually by the Commission at its first meeting held
22 after appointments to the Commission are made. The Commission shall hold a meeting within
23 45 days after the appointment of new Commission members. All officers shall serve one-year
24 terms and shall serve until their successors are elected and qualified. No person shall chair the
25 Commission for more than five consecutive years. The Commission may adopt rules governing
26 the calling, holding, and conducting of regular and special meetings. A majority of Commission
27 members present and voting constitutes a quorum, and no action may be taken without a quorum.

28 **"§ 90-750.4. Powers of the Commission.**

29 The Commission shall have the following powers and duties:

30 (1) Administer and enforce the provisions of this Article.

31 (2) Adopt, amend, or repeal rules necessary to conduct its business, carry out its
32 duties, and administer this Article.

33 (3) Appoint and maintain advisory committees to fulfill the daily regulation of
34 healing arts professions.

35 (4) Issue, renew, deny, suspend, or revoke Healing Arts Licenses, order
36 probation, issue reprimands, and conduct any disciplinary actions authorized
37 by this Article.

38 (5) Authorize expenditures deemed necessary to carry out the provisions of this
39 Article from fees paid to the Commission pursuant to this Article.

40 (6) Remit to advisory committees funds sufficient for those advisory committees
41 to carry out their duties.

42 (7) Conduct any administrative hearings necessary for the administration of this
43 Article, including disciplinary hearings to enforce the provisions of this
44 Article.

45 (8) Establish fees as necessary for the administration of this Article.

46 **"§ 90-750.5. Expenses and fees.**

47 (a) All fees shall be payable to and deposited in the name of the Commission in financial
48 institutions designated by the Commission as official depositories. These fees shall be used to
49 carry out the purposes of this Article.

50 (b) All salaries, compensation, and expenses incurred or allowed to carry out the purposes
51 of this Article shall be paid by the Commission exclusively out of the fees received by the

Commission as authorized by this Article or funds received from other sources. In no case shall any salary, expense, or other obligation authorized by this Article be charged against the State treasury.

(c) The Commission shall establish fees for healing arts professions not exceeding the following amounts:

- (1) Issuance of a North Carolina Healing Arts License..... \$300.00
- (2) North Carolina Healing Arts License renewal (annually)..... \$350.00
- (3) Late renewal \$200.00.

"§ 90-750.6. Violations.

(a) Any person violating any provision of this Article shall be punished as follows:

- (1) For the first violation, the individual shall receive a written warning.
- (2) For the second violation, the individual shall be subject to a civil penalty of no more than two hundred dollars (\$200.00).
- (3) For the third and each subsequent violation, the individual shall be subject to a civil penalty of no more than two hundred dollars (\$200.00) for each violation and shall be guilty of a Class 1 misdemeanor.

(b) The clear proceeds of a civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

"§ 90-750.7. Injunction.

As an additional remedy, the Commission may proceed in superior court to enjoin and restrain any person from violating the prohibitions of this Article. The Commission shall not be required to post bond when seeking an injunction pursuant to this section.

"§ 90-750.8. Healing arts professions.

The following are the healing arts professions subject to this Article:

- (1) Reflexologists.
- (2) Music therapists.
- (3) Naturopathic physicians.

"Part 2. Reflexology.

"§ 90-750.10. Reflexology as a healing arts profession.

It is the policy of this State that the practice of reflexology shall be considered a healing arts profession.

"§ 90-750.11. Definitions.

The following definitions apply in this Part:

- (1) Certifying entity. – The American Reflexology Certification Board or its successor.
- (2) Committee. – The North Carolina Reflexology Advisory Committee.
- (3) National certification. – A determination by the certifying entity that an individual has passed the certifying entity's national exam and that the individual has an active status with the certifying entity.
- (4) North Carolina Licensed Reflexologist. – An individual that (i) is certified by the certifying entity as a certified reflexologist and (ii) has been issued a North Carolina Healing Arts License in reflexology by the Commission.
- (5) Reflexology. – A protocol of manual techniques, including thumb- and finger-walking, hook and backup, and rotating-on-a-point, that are applied to specific reflex areas predominantly on the feet and hands and that stimulate the complex neural pathways linking body systems and support the body's efforts to function optimally. The practice of reflexology is not massage and bodywork therapy as defined in Article 36 of this Chapter.

"§ 90-750.12. North Carolina Reflexology Advisory Committee.

1 (a) Establishment. – The North Carolina Reflexology Advisory Committee is created.
2 The Committee consists of three members serving staggered terms. The initial Committee
3 members shall be appointed on or before January 1, 2024, as follows:

4 (1) The Commission shall appoint from a list of names submitted by the North
5 Carolina Reflexology Association or its successor two reflexologists eligible
6 for licensure under this Article. One member shall serve an initial term of three
7 years, and one member shall serve an initial term of two years.

8 (2) The Commission shall appoint one public member who shall serve an initial
9 term of one year.

10 Upon the expiration of the terms of the initial Committee members, each subsequent member
11 shall be appointed for a term of three years. The term of a member shall begin on January 1 of
12 each year. A member shall serve until the member's successor is appointed. No member shall
13 serve on the Committee for more than two consecutive full terms.

14 (b) Qualifications. – The initial reflexologist appointees shall be citizens of the United
15 States and North Carolina residents for at least two years prior to appointment, certified by the
16 certifying entity as a reflexologist, and eligible to obtain a North Carolina Healing Arts License
17 in reflexology under G.S. 90-750.14. Upon appointment, each initial reflexologist appointee shall
18 immediately seek to obtain a North Carolina Healing Arts License in reflexology under this
19 Article and shall remain in good standing with the Committee during the appointee's term.
20 Subsequent reflexologist appointees shall be citizens of the United States, residents of North
21 Carolina, North Carolina Licensed Reflexologists, and appointed by the Commission from a list
22 of names supplied by the North Carolina Reflexology Association or its successor. Public
23 members of the Committee shall not be:

24 (1) An agent or employee trained or experienced in the practice of reflexology.

25 (2) An agent or employee of a person engaged in the practice of reflexology.

26 (3) A member of a healing arts profession or a person enrolled in a program to
27 become a member of a healing arts profession.

28 (4) A spouse of an individual licensed under this Article.

29 (5) Any person with significant financial interest in a health service or profession.

30 (c) Meetings. – The Committee shall elect annually a chair and other officers as it deems
31 necessary to carry out the purposes of this Article. The Committee may hold additional meetings
32 upon the call of the chair or any two Committee members. A majority of the Committee shall
33 constitute a quorum.

34 (d) Compensation of Members; Expenses; Employees. – Members of the Committee
35 shall receive no compensation for their services but shall receive per diem and necessary travel
36 and subsistence expenses as provided in G.S. 138-5 and G.S. 138-6. In no event shall the State
37 of North Carolina be liable for expenses incurred by the Committee in excess of the income
38 derived from this Article.

39 **"§ 90-750.13. Powers and duties of Committee.**

40 The Committee shall have the following powers and duties:

41 (1) Administer and coordinate the provisions of this Part.

42 (2) Make recommendations to the Commission to adopt, amend, or repeal rules
43 to administer and enforce this Part.

44 (3) Establish and determine qualification and fitness of applicants for a North
45 Carolina Healing Arts License in reflexology under this Part.

46 (4) Make recommendations to the Commission to issue, renew, deny, suspend,
47 revoke, or refuse to issue or renew North Carolina Healing Arts License in
48 reflexology under this Article.

49 (5) Make recommendations to the Commission to discipline North Carolina
50 Licensed Reflexologists.

- 1 (6) Advise the Commission to seek civil and criminal penalties against
2 nonlicensed individuals engaged in the practice of reflexology.
3 (7) Provide all North Carolina Licensed Reflexologists with a wallet-sized card
4 identifying the bearer as a North Carolina Licensed Reflexologist.
5 (8) Maintain a list of all reflexologists in the State who hold a North Carolina
6 Healing Arts License in reflexology.

7 **"§ 90-750.14. Healing arts licensure in reflexology application and requirements.**

8 Each individual desiring to obtain a North Carolina Healing Arts License in reflexology under
9 this Article shall apply to the Committee in accordance with the procedures and rules prescribed
10 by the Commission. The Committee shall recommend that the Commission issue a North
11 Carolina Healing Arts License in reflexology to any applicant who furnishes evidence
12 satisfactory to the Committee that the applicant meets all of the following criteria:

- 13 (1) The applicant is at least 18 years of age.
14 (2) The applicant is of good moral character as determined by the Committee.
15 (3) The applicant holds a national certification issued by the certifying entity.
16 (4) The applicant has paid an application or renewal fee to the Commission as
17 specified in G.S. 90-750.5.

18 **"§ 90-750.15. License renewal.**

19 Every North Carolina Healing Arts License in reflexology issued by the Commission shall
20 be renewed on or before January 1 every year. The Committee shall recommend that the
21 Commission renew the North Carolina Healing Arts License in reflexology of any individual
22 who files a renewal application with the committee and who meets the criteria set forth in
23 G.S. 90-750.14.

24 **"§ 90-750.16. Compensation for reflexology services.**

25 (a) Compensation may be received for reflexology services only when those services are
26 performed by an individual holding a North Carolina Healing Arts License in reflexology.
27 Nonlicensed individuals who provide reflexology services or who engage in the practice of
28 reflexology are subject to the penalties in G.S. 90-750.6 or an injunction under G.S. 90-750.7
29 unless any of the following applies:

- 30 (1) The individual is a reflexology student working to obtain a certification of
31 completion from a nationally recognized reflexology education program.
32 (2) The individual holds a certification of completion from a nationally
33 recognized reflexology education program, and that program was completed
34 no more than six months prior to that individual receiving compensation for
35 reflexology services.

36 (b) Unless all reflexology services are performed by individuals holding a North Carolina
37 Healing Arts License in reflexology, a place of business where reflexology services are offered
38 for compensation shall be subject to a civil penalty of no more than five hundred dollars
39 (\$500.00) for each violation and a suspension of any license to operate the business for no more
40 than 90 days. The clear proceeds of the civil penalty assessed under this section shall be remitted
41 to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. The Commission
42 shall enforce the provisions of this subsection.

43 **"§ 90-750.17. License to be displayed; advertising.**

44 (a) At all places of business in which compensated reflexology services are offered, a
45 valid and up-to-date license for all individuals offering compensated reflexology services shall
46 be displayed in a prominent place.

47 (b) All public advertising designed to attract clients for reflexology services shall identify
48 that the services will be performed by an individual holding a North Carolina Healing Arts
49 License in reflexology.

50 (c) No individual shall use the title "North Carolina Licensed Reflexologist" unless that
51 individual holds a valid North Carolina Healing Arts License in reflexology issued by the

1 Commission. Individuals holding themselves out as North Carolina Licensed Reflexologists shall
2 carry the identification card described in G.S. 90-750.13(7) at all times when providing
3 reflexology services. Individuals in violation of this subsection are subject to the penalties in
4 G.S. 90-750.6 or an injunction under G.S. 90-750.7.

5 **"§ 90-750.18. Reciprocity.**

6 The Committee may recommend that the Commission grant, upon application and payment
7 of proper fees, a North Carolina Healing Arts License in reflexology to a person who has been
8 licensed or certified to practice reflexology in another state or territory of the United States whose
9 standards of competency are substantially equivalent to the requirements for licensure provided
10 in this Article.

11 **"§ 90-750.19. Exemptions.**

12 This Part shall not apply to an individual who may apply pressure to the reflex areas on the
13 hands, feet, and outer ears in the regular course of that individual's work, so long as (i) the
14 individual is licensed by this State as a massage and bodywork therapist, physician, chiropractor,
15 acupuncturist, physical therapist, cosmetologist, registered nurse, or as a member of other
16 professions licensed by the State and (ii) this application of pressure to the reflex areas on the
17 hands, feet, and outer ears accounts for no more than twenty-five percent (25%) of that
18 individual's work.

19 "Part 3. Music Therapy.

20 **"§ 90-750.20. Music therapy as a healing arts profession.**

21 It is the policy of this State that the practice of music therapy shall be considered a healing
22 arts profession.

23 **"§ 90-750.21. Definitions.**

24 The following definitions apply in this Part:

- 25 (1) Certifying entity. – The Certification Board for Music Therapists.
26 (2) Committee. – The North Carolina Music Therapy Advisory Committee.
27 (3) Music therapy. – The clinical and evidence-based use of music interventions
28 to accomplish individualized goals within a therapeutic relationship by a
29 credentialed professional who has completed an approved music therapy
30 program, including (i) assessment of a client's emotional, physical, and
31 spiritual health; social functioning; communication abilities; and cognitive
32 skills through the client's history and observation and interaction of the client
33 in music and nonmusic settings, (ii) development and implementation of
34 treatment plans, based on a client's assessed needs, using music interventions,
35 including music improvisation, receptive music listening, song writing, lyric
36 discussion, music and imagery, music performance, learning through music,
37 and movement to music, and (iii) evaluation and documentation of the client's
38 response to treatment.
39 (4) Music therapy services. – The provision of services to accomplish music
40 therapy goals, including (i) conducting an individualized assessment for the
41 purpose of collecting systematic, comprehensive, and accurate data necessary
42 to determine the course of action subsequent to the individualized treatment
43 plan, (ii) planning and developing the individualized music therapy treatment
44 plan that identifies an individual's goals, objectives, and potential treatment
45 intervention strategies, (iii) implementing the individualized music therapy
46 treatment plan consistent with the individual's overall treatment program, (iv)
47 systematically evaluating and comparing the individual's response to the
48 individualized music therapy treatment plan and suggesting modifications, as
49 appropriate, (v) developing a discharge plan in collaboration with the
50 individual, the individual's family, treatment team, and other identified
51 support networks, when appropriate, (vi) minimizing the impact of

1 environmental constraints as a barrier to participation in least restrictive
2 environments for individuals engaging in music therapy, (vii) collaborating
3 with and educating the individual, family, caregiver, and others to foster an
4 environment responsive to the developmental needs of the individual as
5 addressed in music therapy, and (viii) consulting with groups, programs,
6 organizations, or communities to improve accessibility to music therapy
7 services.

8 (5) National certification. – A determination by the certifying entity that an
9 individual has satisfied the certifying entity's requirements and that the
10 individual has an active status with the certifying entity.

11 (6) North Carolina Licensed Music Therapist. – An individual who has been
12 issued a North Carolina Healing Arts License in music therapy by the
13 Commission.

14 **"§ 90-750.22. North Carolina Music Therapy Advisory Committee.**

15 (a) Establishment. – The North Carolina Music Therapy Advisory Committee is created.
16 The Committee consists of three members serving staggered terms. The initial Committee
17 members shall be appointed on or before January 1, 2024, as follows:

18 (1) The Commission shall appoint from a list of names submitted by the Music
19 Therapy Association of North Carolina or its successor two music therapists
20 eligible to obtain a North Carolina Healing Arts License in music therapy
21 under this Article. One member shall serve an initial term of three years, and
22 one member shall serve an initial term of two years.

23 (2) The Commission shall appoint one public member who shall serve an initial
24 term of one year.

25 Upon the expiration of the terms of the initial Committee members, each subsequent member
26 shall be appointed for a term of three years. The term of a member shall begin on January 1 of
27 each year. A member shall serve until the member's successor is appointed. No member shall
28 serve on the Committee for more than two consecutive full terms.

29 (b) Qualifications. – The initial music therapist appointees shall be citizens of the United
30 States and North Carolina residents for at least two years prior to appointment, certified by the
31 certifying entity as a music therapist, and eligible to obtain a North Carolina Healing Arts License
32 in music therapy under G.S. 90-750.24. Upon appointment, each initial music therapist appointee
33 shall immediately seek to obtain a North Carolina Healing Arts License in music therapy under
34 this Article and shall remain in good standing with the Committee during the appointee's term.
35 Subsequent music therapist appointees shall be citizens of the United States, residents of North
36 Carolina, North Carolina Licensed Music Therapists, and appointed by the Commission from a
37 list of names supplied by the Music Therapy Association of North Carolina or its successor.
38 Public members of the Committee shall not be:

39 (1) An agent or employee trained or experienced in the practice of music therapy.

40 (2) An agent or employee of a person engaged in the practice of music therapy.

41 (3) A member of a healing arts profession or a person enrolled in a program to
42 become a member of a healing arts profession.

43 (4) A spouse of an individual licensed under this Article.

44 (5) Any person with significant financial interest in a health service or profession.

45 (c) Meetings. – The Committee shall elect annually a chair and other officers as it deems
46 necessary to carry out the purposes of this Article. The Committee may hold additional meetings
47 upon the call of the chair or any two Committee members. A majority of the Committee shall
48 constitute a quorum.

49 (d) Compensation of Members; Expenses; Employees. – Members of the Committee
50 shall receive no compensation for their services but shall receive per diem and necessary travel
51 and subsistence expenses as provided in G.S. 138-5 and G.S. 138-6. In no event shall the State

1 of North Carolina be liable for expenses incurred by the Committee in excess of the income
2 derived from this Article.

3 **"§ 90-750.23. Powers and duties of Committee.**

4 The Committee shall have the following powers and duties:

- 5 (1) Administer and coordinate the provisions of this Part.
- 6 (2) Make recommendations to the Commission to adopt, amend, or repeal rules
7 to administer and enforce this Part.
- 8 (3) Establish and determine qualification and fitness of applicants for a North
9 Carolina Healing Arts License in music therapy under this Part.
- 10 (4) Make recommendations to the Commission to issue, renew, deny, suspend,
11 revoke, or refuse to issue or renew a North Carolina Healing Arts License in
12 music therapy under this Article.
- 13 (5) Make recommendations to the Commission to discipline North Carolina
14 Licensed Music Therapists.
- 15 (6) Advise the Commission to seek civil and criminal penalties against
16 nonlicensed individuals engaged in the practice of music therapy.
- 17 (7) Provide all North Carolina Licensed Music Therapists with a wallet-sized card
18 identifying the bearer as a North Carolina Licensed Music Therapist.
- 19 (8) Maintain a list of all music therapists in the State who hold a North Carolina
20 Healing Arts License in music therapy.

21 **"§ 90-750.24. North Carolina Healing Arts License in music therapy requirements.**

22 Each individual desiring to obtain a North Carolina Healing Arts License in music therapy
23 under this Article shall apply to the Committee in accordance with the procedures and rules
24 prescribed by the Commission. The Committee shall recommend that the Commission issue a
25 North Carolina Healing Arts License in music therapy to any applicant who furnishes evidence
26 satisfactory to the Committee that the applicant meets all of the following criteria:

- 27 (1) Is 18 years of age or older.
- 28 (2) Is of good moral character as determined by the Committee.
- 29 (3) Has successfully completed an academic program accredited by the American
30 Music Therapy Association (AMTA) with at least a bachelor's degree
31 majoring in music therapy from an accredited college or university.
- 32 (4) Has successfully completed the certification examination offered by the
33 Certification Board for Music Therapists or its successor organization to
34 become a Music Therapist-Board Certified (MT-BC).
- 35 (5) Has successfully completed a minimum of 1,200 hours of clinical training
36 with at least 180 hours in preinternship experiences and at least 900 hours in
37 internship experiences. For purposes of this subdivision, the internship may
38 be approved by an academic institution, the AMTA, or both.
- 39 (6) Has paid an application or renewal fee.

40 **"§ 90-750.25. License renewal.**

41 Every North Carolina Healing Arts License in music therapy issued by the Commission shall
42 be renewed on or before January 1 every five years. The Committee shall recommend that the
43 Commission renew the license of any individual who files a renewal application with the
44 committee and who meets the licensure criteria set forth in G.S. 90-750.14.

45 **"§ 90-750.26. Compensation for music therapy services.**

46 Compensation may be received for music therapy services only when those services are
47 performed by an individual holding a national certification. Nonlicensed individuals who provide
48 music therapy services or who engage in the practice of music therapy are subject to the penalties
49 in G.S. 90-750.6 or an injunction under G.S. 90-750.7.

50 **"§ 90-750.27. North Carolina Licensed Music Therapist.**

1 No individual shall use the title "North Carolina Licensed Music Therapist" unless that
2 individual holds a valid North Carolina Healing Arts License in music therapy issued by the
3 Commission. Individuals holding themselves out as North Carolina Licensed Music Therapists
4 shall carry the identification card described in G.S. 90-750.23(7) at all times when providing
5 music therapy. Individuals in violation of this section are subject to the penalties in G.S. 90-750.6
6 or an injunction under G.S. 90-750.7.

7 **"§ 90-750.28. Reciprocity.**

8 The Committee may recommend that the Commission grant, upon application and payment
9 of proper fees, a North Carolina Healing Arts License in music therapy to a person who has been
10 licensed or certified to practice music therapy in another state or territory of the United States
11 whose standards of competency are substantially equivalent to the requirements for licensure
12 provided in this Article.

13 "Part 4. Naturopathic Doctors.

14 **"§ 90-750.30. Naturopathic medicine as a healing arts profession.**

15 It is the policy of this State that the practice of naturopathic medicine shall be considered a
16 healing arts profession.

17 **"§ 90-750.31. Definitions.**

18 The following definitions apply in this Part:

19 (1) Approved program of naturopathic medicine. – A program that meets all of
20 the following conditions:

21 a. A program that provides graduate-level, full-time didactic and
22 supervised clinical training in naturopathic medicine that is accredited,
23 or has achieved candidacy status for accreditation, by the Council on
24 Naturopathic Medical Education or an equivalent federally recognized
25 accrediting body for the naturopathic medical profession recognized
26 by the Committee, or if the program existed prior to the existence of
27 the Council on Naturopathic Medical Education, the program must (i)
28 have provided graduate-level, full-time didactic and supervised
29 clinical training in naturopathic medicine for a duration of not less than
30 132 weeks and required completion within a period of not less than 35
31 months, (ii) be recognized as a reputable program by, and in good
32 standing with, the Committee, and (iii) if the program is still in
33 existence, be currently accredited, or have achieved candidacy status
34 for accreditation by the Council on Naturopathic Medical Education
35 or an equivalent federally recognized accrediting body for the
36 naturopathic medical profession recognized by the Committee.

37 b. A program that is offered by an institution of higher education that is
38 accredited by a regional or national institutional accrediting body
39 recognized by the United States Secretary of Education.

40 c. If the program is offered in the United States, a program that awards
41 the degree of Doctor of Naturopathy or Doctor of Naturopathic
42 Medicine. If the program is offered in Canada, a program that awards
43 the degree or diploma of Doctor of Naturopathy or Doctor of
44 Naturopathic Medicine and is offered by an institution of higher
45 education that has provincial approval for participation in
46 government-funded student aid programs.

47 d. A program that has been approved by the Committee to meet the
48 standards established by its rules.

49 (2) Committee. – The North Carolina Naturopathic Medicine Advisory
50 Committee.

51 (3) Council. – The Naturopathic Doctors Formulary Council.

- 1 (4) Criminal history. – A history of conviction, or of having pled guilty or no
2 contest to a State or federal crime, whether a misdemeanor or felony.
- 3 (5) Integrative medicine. – As defined in G.S. 90-1.1.
- 4 (6) Natural medicines. – Any herbal, nutritional, supplemental, homeopathic, or
5 other nonprescription remedies.
- 6 (7) Naturopathic medicine. – A system of natural health care that employs
7 diagnosis and treatment using diagnostic techniques and natural therapies for
8 the promotion, maintenance, and restoration of health and the prevention of
9 disease, including all of the following:
- 10 a. The administration or provision of any of the following for preventive
11 and therapeutic purposes: natural medicines, natural therapies, natural
12 topical medicines, hydrotherapy, dietary therapy, and naturopathic
13 physical medicine.
- 14 b. The use of diagnostic procedures, including physical and orificial
15 examination, but excluding endoscopy, sigmoidoscopy, and
16 colonoscopy.
- 17 c. The ordering, performing, and interpretation of laboratory tests and
18 diagnostic imaging.
- 19 (8) Naturopathic physical medicine. – The manual use of massage, stretching,
20 resistance, or naturopathic manipulation.
- 21 (9) North Carolina Licensed Naturopathic Doctor. – An individual who has been
22 issued a North Carolina Healing Arts License in naturopathic medicine by the
23 Commission.

24 **"§ 90-750.32. Practice of naturopathic medicine; scope of practice.**

25 (a) Practice of Naturopathic Medicine. – A naturopathic doctor is a licensed health care
26 provider having the same responsibilities as other licensed or registered health care providers
27 regarding public health laws, reportable diseases and conditions, communicable disease control
28 and prevention, and the recording of vital statistics. In diagnosing and treating an individual, a
29 naturopathic doctor may employ the following therapies:

- 30 (1) Dispense, administer, order, and advise the use of natural remedies derived
31 from or substantially similar to molecular structure or function to natural
32 sources for preventive and therapeutic purposes, including food, extracts of
33 food, nutraceuticals, vitamins, minerals, amino acids, enzymes, botanicals and
34 their extracts, homeopathic remedies prepared according to the Homeopathic
35 Pharmacopoeia of the United States, and all dietary supplements and
36 nonprescription drugs, as defined by the Federal Food, Drug, and Cosmetic
37 Act, 21 U.S.C. § 301 et seq.
- 38 (2) Order and perform physical examinations and physiological function tests.
- 39 (3) Order, perform, and interpret laboratory tests, including performing waived
40 tests, as defined by the United States Food and Drug Administration Clinical
41 Laboratory Improvement Amendments of 1988 (CLIA), including obtaining
42 specimens to access and treat disease.
- 43 (4) Order diagnostic imaging, including X ray, MRI, CT scan, ultrasound,
44 mammogram, and bone densitometry. The scope of this subdivision excludes
45 electrocardiograms, echocardiograms, electroencephalograms, and nuclear
46 imaging.
- 47 (5) Perform hot or cold hydrotherapy, naturopathic physical medicine,
48 electromagnetic therapy, and therapeutic exercise.
- 49 (6) Perform health education and health counseling, including dietary and
50 lifestyle counseling.

1 (7) Utilize routes of administration for substances, including oral, nasal, auricular,
2 ocular, rectal, vaginal, and transdermal.

3 (8) Perform care incidental to superficial lacerations and abrasions, including the
4 application of topical and local anesthetics and antimicrobials.

5 (b) Prohibitions. – A naturopathic doctor may practice only within the scope of practice
6 authorized in this Article. A naturopathic doctor may not practice as any other health care
7 professional licensed or registered under another Article of this Chapter unless otherwise licensed
8 or registered by this State to do so. A naturopathic doctor may not perform any of the following
9 functions unless otherwise licensed by this State to do so:

10 (1) Prescribe, dispense, or administer any prescription drug or controlled
11 substance, except as authorized by this Article.

12 (2) Use general or spinal anesthetics.

13 (3) Perform surgical procedures.

14 (4) Administer ionizing radioactive substances for therapeutic purposes.

15 (5) Child delivery.

16 (6) Diagnose and treat cancer. This prohibition does not apply to adjunctive or
17 complementary care of patients who have previously been or are currently
18 diagnosed with cancer.

19 **§ 90-750.33. North Carolina Licensed Naturopathic Doctor; license required; exemptions.**

20 (a) No individual shall practice, attempt to practice, or claim to practice naturopathic
21 medicine unless the person has been licensed under the provisions of this Article.

22 (b) Only an individual licensed under this Article may use the titles "Naturopathic
23 Doctor," "Doctor of Naturopathic Medicine," "Doctor of Naturopathy," "Naturopathic
24 Medicine," "Naturopath," "Licensed Naturopathic Doctor," or the abbreviations "N.D." or "ND,"
25 or any other titles, words, letters, abbreviations, or insignia indicating or implying that the
26 individual is a licensed naturopathic doctor unless the individual has been licensed as a
27 naturopathic doctor under this Article.

28 (c) Exemptions. – Nothing in this Part shall be construed to prohibit or affect any of the
29 following:

30 (1) The practice of a profession by an individual who is licensed or registered
31 under other laws of this State and is performing services within the authorized
32 scope of practice.

33 (2) The practice of naturopathic medicine by a person employed by the federal
34 government while the person is engaged in the performance of duties
35 prescribed by laws and regulations of the United States.

36 (3) A person rendering aid in an emergency situation when no fee or other
37 compensation for the service is received.

38 (4) The practice of naturopathic medicine by a naturopathic doctor duly licensed
39 or registered in another state, territory, or the District of Columbia when called
40 into this State to consult with a licensed or registered health care provider for
41 a period not to exceed six months.

42 (5) The practice of naturopathic medicine by students completing a clinical
43 requirement for graduation from an approved program of naturopathic
44 medicine, so long as the practice is performed under the supervision of a
45 physician licensed under Article 1 of this Chapter or a naturopathic doctor
46 licensed under this Article and the clinical requirement does not exceed one
47 year.

48 (6) A person who does not hold himself or herself out to be a naturopathic doctor
49 when furnishing information to customers or selling, administering, or
50 utilizing nutritional supplements, herbs, food, homeopathic preparations, and

1 such physical forces as heat, cold, water, touch, and light at the person's retail,
2 health spa, or health consulting establishment.

3 **"§ 90-750.34. North Carolina Naturopathic Medicine Advisory Committee.**

4 (a) Establishment. – The North Carolina Naturopathic Medicine Advisory Committee is
5 created. The Committee consists of three members serving staggered terms. The initial
6 Committee members shall be appointed on or before January 1, 2024, as follows:

7 (1) The Commission shall appoint from a list of names submitted by the North
8 Carolina Association of Naturopathic Physicians or its successor two
9 naturopathic doctors eligible to obtain a North Carolina Healing Arts License
10 in naturopathic medicine under this Article. One member shall serve an initial
11 term of three years, and one member shall serve an initial term of two years.

12 (2) The Commission shall appoint one public member who shall serve an initial
13 term of one year.

14 Upon the expiration of the terms of the initial Committee members, each subsequent member
15 shall be appointed for a term of three years. The term of a member shall begin on January 1 of
16 each year. A member shall serve until the member's successor is appointed. No member shall
17 serve on the Committee for more than two consecutive full terms.

18 (b) Qualifications. – The initial naturopathic doctor appointees shall be citizens of the
19 United States and North Carolina residents for at least two years prior to appointment, graduates
20 of an approved program of naturopathic medicine, and eligible to obtain a North Carolina Healing
21 Arts License in naturopathic medicine under G.S. 90-750.37. Upon appointment, each initial
22 naturopathic doctor appointee shall immediately seek to obtain a North Carolina Healing Arts
23 License in naturopathic medicine under this Article and shall remain in good standing with the
24 Committee during the appointee's term. Subsequent naturopathic doctor appointees shall be
25 citizens of the United States, residents of North Carolina, North Carolina Licensed Naturopathic
26 Doctors, and appointed by the Commission from a list of names supplied by the North Carolina
27 Association of Naturopathic Physicians or its successor. Public members of the Committee shall
28 not be:

29 (1) An agent or employee trained or experienced in the practice of naturopathic
30 medicine.

31 (2) An agent or employee of a person engaged in the practice of naturopathic
32 medicine.

33 (3) A member of a healing arts profession or a person enrolled in a program to
34 become a member of a healing arts profession.

35 (4) A spouse of an individual licensed under this Article.

36 (5) Any person with significant financial interest in a health service or profession.

37 (c) Meetings. – The Committee shall elect annually a chair and other officers as it deems
38 necessary to carry out the purposes of this Article. The Committee may hold additional meetings
39 upon the call of the chair or any two Committee members. A majority of the Committee shall
40 constitute a quorum.

41 (d) Compensation of Members; Expenses; Employees. – Members of the Committee
42 shall receive no compensation for their services but shall receive per diem and necessary travel
43 and subsistence expenses as provided in G.S. 138-5 and G.S. 138-6. In no event shall the State
44 of North Carolina be liable for expenses incurred by the Committee in excess of the income
45 derived from this Article.

46 **"§ 90-750.35. Powers and duties of Committee.**

47 The Committee shall have the following powers and duties:

48 (1) Administer and enforce the provisions of this Part.

49 (2) Make recommendations to the Commission to adopt, amend, or repeal rules
50 to administer and enforce this Part, including rules for approved continuing
51 education.

- 1 (3) Establish and determine qualification and fitness of applicants for a North
2 Carolina Healing Arts License in naturopathic medicine under this Part.
3 (4) Make recommendations to the Commission to issue, renew, deny, suspend,
4 revoke, or refuse to issue or renew a North Carolina Healing Arts License in
5 naturopathic medicine under this Article.
6 (5) Make recommendations to the Commission to discipline North Carolina
7 Licensed Naturopathic Doctors.
8 (6) Advise the Commission to seek civil and criminal penalties against
9 nonlicensed individuals engaged in the practice of naturopathic medicine.
10 (7) Maintain a list of all naturopathic doctors in the State who hold a North
11 Carolina Healing Arts License in naturopathic medicine.
12 (8) Make recommendations to the Commission to adopt a formulary based on the
13 recommendations of the Council made under G.S. 90-750.36. The Committee
14 may modify or reject any recommendation of the Council regarding the
15 formulary.

16 **"§ 90-750.36. Naturopathic Doctors Formulary Council.**

17 (a) Composition and Terms. – The Naturopathic Doctors Formulary Council is formed
18 within and appointed by the Committee and exists under the supervision of the Committee. The
19 Council shall develop and recommend to the Committee, on an ongoing basis, a formulary for
20 naturopathic doctors to use in practice.

21 (1) The Council consists of the following members:

- 22 a. Two naturopathic doctors who (i) hold a North Carolina Healing Arts
23 License in naturopathic medicine, (ii) practice naturopathic medicine
24 in North Carolina, (iii) have a minimum of two years of experience
25 practicing naturopathic medicine, and (iv) have resided in North
26 Carolina for at least two years prior to appointment.
27 b. One physician licensed under Article 1 of Chapter 90 of the General
28 Statutes who is involved in the practice of integrative medicine or
29 teaches integrative medicine at a medical school and practices in the
30 State.
31 c. One physician licensed under Article 1 of Chapter 90 of the General
32 Statutes who practices in the State.
33 d. One pharmacist who has a background in pharmacognosy and who
34 practices in the State.
35 e. One member of the public who is not a licensed or registered health
36 care professional and is not employed in a health care profession and
37 resides in this State.

38 (2) Members appointed under subdivision (1) of this subsection shall serve for a
39 term of three years and shall continue to serve after the expiration of the term
40 until a successor is appointed by the Committee.

41 (b) Powers and Duties. – The Council shall have the following powers and duties:

- 42 (1) Develop and recommend to the Committee a formulary for use by licensed
43 naturopathic doctors.
44 (2) Review, annually and at the discretion of the Committee, the formulary
45 adopted by the Commission to determine whether any changes are necessary
46 for compliance with current prescribing standards or the practice of
47 naturopathic standards.
48 (3) Recommend to the Committee any changes that, in the Council's discretion,
49 need to be implemented to improve the formulary.

50 (c) The formulary recommended to the Committee by the Council shall include natural
51 remedies or a remedy derived from or substantially similar in molecular structure or function to

1 natural sources that may require a prescription. Substances included in the formulary must be
2 allowed within the scope of practice and should be protected within the future scope of practice
3 for naturopathic doctors.

4 (d) The Committee shall designate the chair of the Council and shall provide staff
5 necessary to carry out the Council's powers and duties.

6 (e) A Council member may not receive compensation but may receive reimbursement,
7 as provided in G.S. 93B-5.

8 **"§ 90-750.37. North Carolina Healing Arts License in naturopathic medicine requirements.**

9 Each individual desiring to obtain a North Carolina Healing Arts License in naturopathic
10 medicine under this Article shall apply to the Committee in accordance with the procedures and
11 rules prescribed by the Commission. The Committee shall recommend that the Commission issue
12 a North Carolina Healing Arts License in naturopathic medicine to any applicant who furnishes
13 evidence satisfactory to the Committee that the applicant meets all of the following criteria:

14 (1) Is 18 years of age or older.

15 (2) Is of good moral and ethical character as determined by the Committee.

16 (3) Has graduated from an approved program of naturopathic medicine.

17 (4) Meets either of the following two conditions:

18 a. Has successfully passed the Naturopathic Physicians Licensing
19 Examination (NPLEX), a competency-based national naturopathic
20 licensing examination administered by the North American Board of
21 Naturopathic Examiners or an equivalent successor agency recognized
22 by the Committee.

23 b. Has successfully passed a competency-based state or Canadian
24 province naturopathic licensing examination administered prior to the
25 existence of NPLEX and approved by the Committee.

26 (5) Has submitted to the Committee a written attestation that is approved by the
27 Committee and that complies with all of the following criteria:

28 a. The applicant attests to having a collaboration and consultation
29 agreement with a physician licensed under Article 1 of Chapter 90 of
30 the General Statutes and provides the name and license number of the
31 physician identified in the collaboration and consultation agreement.

32 b. An attestation that the physician has been informed of the
33 collaboration and consultation agreement.

34 c. The applicant attests to refer patients to physicians and to consult with
35 physicians and other health care providers licensed or registered in this
36 State.

37 d. The applicant attests that the collaboration and consultation agreement
38 does not require or implement supervision of the applicant by the
39 physician or health care professional identified in the collaboration or
40 consultation agreement.

41 (6) Has submitted to any criminal history record check required by the
42 Commission. The Committee is responsible for providing to the North
43 Carolina Department of Justice the fingerprints of the person to be checked, a
44 form signed by the person consenting to the criminal record check and the use
45 of fingerprints and other identifying information required by the State or
46 national repositories, and any additional information required by the
47 Department of Justice. The Committee and Commission shall keep all
48 information obtained pursuant to this section confidential. If a criminal history
49 record check reveals one or more convictions, the conviction does not
50 automatically bar licensure, in accordance with Chapter 93B of the General

1 Statutes. The Committee shall consider all of the following factors regarding
2 the conviction:

3 a. The level of seriousness of the crime.

4 b. The date of the crime.

5 c. The age of the person at the time of the conviction.

6 d. The circumstances surrounding the commission of the crime, if
7 known.

8 e. The nexus between the criminal conduct of the person and the job
9 duties of the position to be filled.

10 f. The person's prison, jail, probation, parole, rehabilitation, and
11 employment records since the date the crime was committed.

12 g. The subsequent commission of a crime by the person.

13 h. Any additional criteria specified in G.S. 93B-8.1.

14 (7) Has submitted to the Committee any other documentation the Committee
15 deems necessary to determine the applicant's fitness for licensure under this
16 Article. This documentation may include successful completion of a
17 Committee-approved jurisprudence examination on State laws and rules
18 related to naturopathic medicine.

19 (8) Has paid an application or renewal fee.

20 **"§ 90-750.38. License renewal and reinstatement.**

21 (a) Renewal. – Every North Carolina Healing Arts License in naturopathic medicine
22 issued by the Commission shall be renewed on or before January 1 every year. The Committee
23 shall recommend that the Commission renew the license of any individual who files a renewal
24 application with the committee, meets the licensure criteria set forth in G.S. 90-750.34, and has
25 completed at least 20 hours of continuing education approved by the Committee within the
26 one-year period immediately prior to the renewal date.

27 (b) Reinstatement. – An individual who held a North Carolina Healing Arts License in
28 naturopathic medicine who has allowed the license to lapse by failure to renew within the time
29 allowed under subsection (a) of this section may apply for reinstatement. The Committee may
30 recommend reinstatement of the applicant's license if the applicant pays the required fees,
31 furnishes a statement of the reason for failure to apply for renewal before the deadline, and
32 complies with any other requirements established in rules adopted by the Commission. If the
33 license has lapsed for five years or longer, the Committee may recommend that the Commission
34 require the applicant to satisfactorily complete one or more skills assessment or remediation
35 courses approved by the Commission or to provide proof of active licensure, or registration
36 within the past five years in another state, district, territory, or Canadian province.

37 **"§ 90-750.39. Reciprocity.**

38 The Committee may recommend the Commission issue, upon application and payment of
39 fees, a North Carolina Healing Arts License in naturopathic medicine to a person who resides in
40 this State and is actively licensed or registered to practice as a naturopathic doctor in another
41 state, district, territory, or Canadian province.

42 **"§ 90-750.40. Reports; immunity from suit.**

43 (a) Report. – A person who has reasonable cause to suspect misconduct or incapacity of
44 a North Carolina Licensed Naturopathic Doctor, or who has reasonable cause to suspect that a
45 person is in violation of this Part, may report the relevant facts to the Committee. Upon receipt
46 of a charge, the Committee shall recommend that the Commission investigate the charge and
47 take appropriate action, including discipline, if necessary. Upon receipt of a charge, the
48 Commission may give notice of an administrative hearing or may, after diligent investigation,
49 dismiss unfounded charges. A person who, in good faith, makes a report pursuant to this section
50 is immune from any criminal prosecution or civil liability resulting from making the report.

1 **(b)** Limited Immunity. – Both the Commission and the Committee, including their
2 officers, employees, and staff, are immune from any criminal prosecution or civil liability for
3 exercising, in good faith, the powers and duties given under this Article.

4 **"§ 90-750.41. Third-party reimbursement.**

5 Nothing in this Article shall be construed to require direct third-party reimbursement to
6 persons licensed under this Article."

7 **SECTION 1.(b)** G.S. 90-18(c) reads as rewritten:

8 "(c) The following shall not constitute practicing medicine or surgery as defined in this
9 Article:

10 ...

11 **(21)** The practice of naturopathic medicine by a naturopathic doctor licensed under
12 Article 44 of this Chapter."

13 **SECTION 1.(c)** G.S. 90-624 is amended by adding a new subdivision to read:

14 **"(9)** A licensed reflexologist engaged in the practice of reflexology, as defined in
15 G.S. 90-750.11."

16 **SECTION 1.(d)** Article 13 of Chapter 143B of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 143B-975. Criminal record checks for applicants for licensure as a naturopathic doctor.**

19 **(a)** The Department of Public Safety may provide to the North Carolina Naturopathic
20 Medicine Advisory Committee a criminal history record from the State and National Repositories
21 of Criminal Histories for applicants for licensure by the Committee. Along with a request for
22 criminal history records, the Committee shall provide to the Department of Public Safety the
23 fingerprints of the applicant or subject, a form signed by the applicant consenting to the criminal
24 history record check and use of the fingerprints and other identifying information required by the
25 Repositories, and any additional information required by the Department. The fingerprints shall
26 be forwarded to the State Bureau of Investigation for a search of the State's criminal history
27 record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal
28 Bureau of Investigation for a national criminal history record check. The Committee shall keep
29 all information obtained pursuant to this section confidential.

30 **(b)** The Department of Public Safety may charge a fee to offset the cost incurred by the
31 Department of Public Safety to conduct a criminal history record check under this section, but
32 the fee shall not exceed the actual cost of locating, editing, researching, and retrieving the
33 information."

34 **SECTION 2.** Section 1 of this act becomes effective January 1, 2024. The remainder
35 of this act is effective when it becomes law.