

#### Part 4. Implementation.

##### **§ 95-216. Exemptions.**

Notwithstanding any language to the contrary, the provisions of this Article shall not apply to chemicals in or on any of the following:

- (1) Hazardous substances while being transported in interstate commerce into or through this State.
- (2) Products intended for personal consumption by employees in the facilities.
- (3) Retail food sale establishments and all other retail trade establishments in North American Industry Classification System Codes 44 through 45, exclusive of processing and repair areas, except that the employer must comply with the provisions of G.S. 95-194(a)(i).
- (4) Any food, food additive, color additive, drug or cosmetic as such terms are defined in the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301, et seq.).
- (5) A laboratory under the direct supervision or guidance of a technically qualified individual provided that:
  - a. Labels on containers of incoming chemicals shall not be removed or defaced;
  - b. SDSs received by the laboratory shall be maintained and made accessible to employees and students;
  - c. The laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes; and
  - d. The laboratory operator complies with the provisions of G.S. 95-194(a)(i).
- (6) Any farming operation which employs 10 or fewer full-time employees, except that if any hazardous chemical in an amount in excess of 55 gallons or 500 pounds, whichever is greater, is normally stored at the farming operation, the employer must comply with the provisions of G.S. 95-194(a)(i).
- (7) Any distilled spirits, tobacco, and untreated wood products.
- (8) Medicines used directly in patient care in health care facilities and health care facility laboratories. (1985, c. 775, s. 1; 1987, c. 489, s. 8; 2017-211, s. 14(i).)