



The Daily Bulletin: 2019-02-12

PUBLIC/HOUSE BILLS

H 49 (2019-2020) [RESPONSIBLE DEER MANAGEMENT ACT](#). Filed Feb 12 2019, *AN ACT TO IMPOSE A DUTY TO AVOID WANTON WASTE ON PERSONS TAKING WILDLIFE DUE TO CROP DEPREDATION*.

Modifies provisions concerning depredation permits issued by the Wildlife Resources Commission (Commission), set out in GS 113-274(c)(1a). Current law authorizes the taking, destruction, and removal of undesirable, harmful, predatory, excess, or surplus wildlife or wildlife resources. Current law further specifies that no depredation permit or license is needed for the owner or lessee of property to take wildlife while committing depredations upon the property. Modifies the statute to now specify that bag and season limits apply to property owners or lessees taking wildlife while hunting upon the property, though no license is needed. Further, now requires a depredation permit to be issued pursuant to the subsection for taking more than the daily or season limits of wildlife. Creates a process for property owners or lessees to request a depredation permit for deer, requiring the Commission to study the deer population on the property and set a taking limit for that property, with the limit applicable to the owner and any lessee of the property. Creates a new requirement for any owner or lessee to notify the Commission of a wildlife taking within 24 hours by email or online reporting. Requires the Commission to impose a duty to avoid wanton waste on any owner or lessee of land with respect to deer taken on their property. Defines *wanton waste* to mean to kill or cripple deer without making a reasonable effort to retrieve and properly dispose of it. Defines *properly dispose* of a deer to include donations to food banks and other nonprofits, but not including sales. Effective October 1, 2019. Authorizes the Commission to issue temporary rules to implement the act.

Intro. by Pittman, Sasser.

[GS 113](#)

[View summary](#)

[Animals, Development, Land Use and Housing, Property and Housing](#)

H 50 (2019-2020) [ALLOW HYPERBARIC OXYGEN THERAPY FOR TBI/PTSD](#). Filed Feb 12 2019, *AN ACT AUTHORIZING CERTAIN MEDICAL PROFESSIONALS TO PRESCRIBE OR PROVIDE HYPERBARIC OXYGEN THERAPY FOR VETERANS WITH TRAUMATIC BRAIN INJURY AND POSTTRAUMATIC STRESS DISORDER*.

Includes whereas clauses and titles the act. Specifies statutes reserved for future codification. Enacts Part 5, *Traumatic Brain Injury and Posttraumatic Stress Disorder Services for Veterans*, to Article 6 of GS Chapter 122.

Enacts GS 122C-465, setting forth defined terms.

Enacts GS 122C-465.1, prohibiting any person other than an authorized medical professional from prescribing or providing hyperbaric oxygen therapy treatment to a veteran for the treatment of traumatic brain injury or posttraumatic stress disorder. Authorizes any veteran NC resident who has been diagnosed with a traumatic brain injury or posttraumatic stress disorder by an authorized medical professional to receive hyperbaric oxygen therapy treatment in NC. Requires prescribers and providers of such treatment to do so in a manner compliant with the standard approved treatment protocols for hyperbaric oxygen therapy.

Effective October 1, 2019.

Intro. by Murphy, Grange, Martin, Speciale.

[GS 122C](#)

[View summary](#)

[Health and Human Services, Health, Health Care Facilities and Providers, Military and Veteran's Affairs](#)

H 51 (2019-2020) [OFFICIAL AZALEA FESTIVAL](#). Filed Feb 12 2019, *AN ACT ADOPTING THE NORTH CAROLINA AZALEA FESTIVAL AS THE OFFICIAL AZALEA FESTIVAL IN THE STATE OF NORTH CAROLINA.*

Enacts new GS 145-52, as title indicates.

Intro. by Davis.

[View summary](#)

Government, Cultural Resources and Museums

H 53 (2019-2020) [A SECOND CHANCE FOR LIFE](#). Filed Feb 12 2019, *AN ACT DIRECTING THAT PHYSICIANS WHO PERFORM DRUG-INDUCED ABORTIONS FURNISH PATIENTS WITH CERTAIN WRITTEN INFORMATION FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ABOUT THE POSSIBILITY OF REVERSING THE EFFECTS OF A DRUG-INDUCED ABORTION AFTER THE FIRST DOSE OF MEDICATION IS ADMINISTERED; AND REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DISTRIBUTE CERTAIN WRITTEN MATERIALS TO EVERY PHYSICIAN WHO PERFORMS DRUG-INDUCED ABORTIONS.*

Amends GS 90-21.82, which requires voluntary, informed consent for an abortion to be performed upon a woman. Adds to the conditions which must be met to constitute voluntary, informed consent, a requirement for any physician who prescribes, dispenses, or otherwise provides any drug or chemical for abortion-inducing purposes to furnish the patient with written information made available by the Department of Health and Human Services (DHHS), pursuant to GS 90-21.83 (amended below), immediately after administering the first drug or chemical. Further requires the woman to certify, in writing, that she has been furnished with the specified information and informed of her opportunity to review the information. Makes technical and clarifying changes.

Amends GS 90-21.83, directing DHHS to publish and make available online materials designed to inform a woman about the possibility of reversing a drug-induced abortion. Provides statement language and font requirements. Mandates DHHS to cause this information to also be made available on the homepage of the state website for the Woman's Right to Know Act. Makes conforming, technical, and clarifying changes.

Directs DHHS to, within 90 days of the effective date, (1) publish the information described in GS 90-21.83(a)(3), as amended above, to the homepage of the state website for the Woman's Right to Know Act and (2) make the same information available in printed materials to any physician, upon request, at no cost.

Includes a severability clause. Effective October 1, 2019.

Intro. by McElraft, White, R. Turner, Presnell.

[GS 90](#)

[View summary](#)

Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers

H 54 (2019-2020) [UNBORN CHILD PROTECTION FROM DISMEMBERMENT](#). Filed Feb 12 2019, *AN ACT PROHIBITING DISMEMBERMENT ABORTIONS.*

Enacts new GS Chapter 90, Article 1L (The Unborn Child Protection From Dismemberment Abortion Act).

Defines several terms, including *dismemberment abortion*, and *serious health risk to the unborn child's mother*.

Makes it unlawful to willfully perform a dismemberment abortion (as defined in the Act) and thereby kill an unborn child, or to attempt to perform a dismemberment abortion unless necessary to prevent serious health risk to the mother.

Provides for a physician accused of unlawful conduct under this Article to seek a hearing before the North Carolina Medical Board on whether the dismemberment abortion was necessary to prevent serious health risk to the mother. Makes the Board's findings admissible on that issue in any trial at which such unlawful conduct is alleged.

Grants immunity from civil liability for actions related to dismemberment abortion to the woman upon whom the abortion was performed or attempted, non-physician employees acting at the direction of a physician, and pharmacists and other individuals who fill prescriptions and provide instruments or materials used in a dismemberment abortion.

Specifies that the civil remedies in GS 90-21.88 apply to violations of the new Article. That statute requires the court, if judgment is in favor of the plaintiff, to require the defendant to pay reasonable attorneys' fees, and if judgment is in favor of the defendant and the court finds that the plaintiff's suit was frivolous or brought in bad faith, require the plaintiff to pay reasonable attorneys' fees. The statute also allows injunctive relief to be sought by and granted to (1) the woman upon whom an abortion was performed or attempted to be performed; (2) any person who is the spouse, parent, sibling, or guardian of, or a current or former licensed health care provider of, the woman upon whom an abortion has been performed or attempted to be performed; or (3) the Attorney General. Prohibits granting relief for a violation of the Article if the pregnancy resulted from the plaintiff's criminal conduct.

Applies to the privacy protections in GS 90-21.89 to actions under the Article. The statute requires the court to rule whether the anonymity of any woman upon whom an abortion has been performed or attempted is to be preserved from public disclosure if the woman does not give her consent to the disclosure; also sets out actions the court must take when deciding a woman's anonymity should be preserved.

Clarifies that the Article does not create or recognize a right to abortion, nor a right to a particular method of abortion, and that it does not prohibit abortion for any reason, by any other method.

Contains a severability clause.

Effective December 1, 2019, and applies to claims for relief arising on or after that date.

Intro. by Conrad, Johnson, Hurley, Barnes.

GS 90

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Health and Human Services, Health, Health Care Facilities and Providers

H 56 (2019-2020) [ARTS EDUCATION REQUIREMENT](#). Filed Feb 12 2019, *AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT PRIOR TO GRADUATION FROM HIGH SCHOOL*.

Directs the State Board of Education (Board) to modify the State graduation requirements to include one required credit in arts education, to be completed any time in grades 6 through 12. Implementation begins with students entering the sixth grade in 2022. Requires the Board to include an exemption from the arts education requirement for students who transfer to a North Carolina public school beginning in the ninth grade or later if adhering to the requirement would result in a student being unable to graduate with the graduation class to which the student was assigned when transferring to North Carolina's public school system. Further directs the State Board of Education to (1) establish procedures and a timeline for a phased-in implementation of the new arts requirement; (2) establish the minimum criteria to meet the arts requirement; and (3) report to the Joint Legislative Education Oversight Committee, by December 15, 2022, on the statewide implementation of the three interdependent components of comprehensive arts education (arts education, arts integration, and arts exposure) and this new graduation requirement.

Intro. by Elmore, Johnson, Carney.

UNCODIFIED

[View summary](#)

Education, Elementary and Secondary Education, Government, State Agencies, State Board of Education

H 57 (2019-2020) [CREATE TERM FOR PUBLIC SCHS. & CODIFY NCVPS](#). Filed Feb 12 2019, *AN ACT TO CREATE A TERM FOR PUBLIC SCHOOLS THAT INCLUDES THE VARIOUS TYPES OF PUBLIC SCHOOLS IN THE STATE AND TO CODIFY THE NORTH CAROLINA VIRTUAL PUBLIC SCHOOL PROGRAM.*

Part I

Adds the term *public school unit* to the GS Chapter 115's defined terms, set out in GS 115C-5, defining the term to include a local school administrative unit, a charter school, a regional school, and a school providing elementary or secondary instruction operated by the State Board of Education (State Board) or UNC.

Part II

Repeals specified sections of session laws regarding the North Carolina Virtual Public School (NCVPS) program's administration, reporting requirements, and implementation of the allotment formula.

Enacts Part 11 to Article 16 of GS Chapter 115C, as follows.

Enacts GS 115C-238.74, setting forth defined terms for the Article.

Enacts GS 115C-238.75, providing for the administration of NCVPS by the Department of Public Instruction (DPI) and prescribing duties to NCVPS regarding access to and the provision of e-learning instructional opportunities for the standard course of study for high school graduation and for Advanced Placement offerings, as specified. Requires NCVPS to establish course quality standards that meet the standards set by the State Board and to align all courses with the NC Standard Course of Study. Requires NCVPS to provide courses at no cost to all NC students enrolled in a public school unit, Department of Defense School, and schools operated by the Bureau of Indian Affairs. Requires the courses be available to nonpublic school and out-of-state students and directs the State Board to establish a tuition for such students, as described. Directs NCVPS to implement a plan to generate revenue from the sale of courses to out-of-state educational entities, which must be approved by the State Board, with revenues to be used to offset instructional costs to public school units pursuant to GS 115C-238.76(d)(3) (enacted by the act).

Enacts GS 115C-238.76, requiring the State Board to implement an allotment formula for NCVPS. Details parameters for the allotment formula. Directs the State Board to annually determine and implement an allotment reduction of each public school unit's classroom teachers, or other allotment, in order to support the State-level support and administration of NCVPS, as described. Requires the allotment reduction to be at least \$3,760,816, as was effective for the 2018-19 fiscal year. Requires an NCVPS enrollment reserve fund to be maintained in an amount of at least \$2 million. Directs the State Board to annually determine and implement an allotment reduction of each public school unit's classroom teachers, or other allotment, calculated as specified. Provides that funds of the enrollment reserve do not revert and are to be used to cover specified NCVPS instructional costs. Identifies sole funding sources that are to be used to cover the instructional costs of NCVPS.

Enacts GS 115C-238.77, establishing the NCVPS Advisory Council to review NCVPS operations and planning. Provides for Council membership.

Enacts GS 115C-238.78, requiring DPI to annually submit a report on NCVPS operations to the State Board by December 15 of each year. Details the reporting requirements.

Enacts GS 115C-238.79, authorizing local school administrative units to partner with eligible providers other than NCVPS for e-learning opportunities. Specifies eligibility requirements for other providers.

Effective July 1, 2019, and applicable beginning with the 2019-20 school year.

Intro. by Elmore, Johnson, Horn.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, Department of Public Instruction, State Board of Education](#)

H 60 (2019-2020) [REVENUE LAWS TECHNICAL CHANGES](#). Filed Feb 12 2019, *AN ACT TO MAKE TECHNICAL CHANGES TO THE REVENUE LAWS*.

Part I. IRC Update

Updates the definition of *Code* set out in GS 105-228.90(b)(1b) to refer to the Internal Revenue Code as enacted as of January 1, 2019.

Part II. Corporate Income Tax Changes

Amends GS 105-130.5(a), regarding additions made to federal taxable income in determining State net income. Modifies the addition of the amount of gain that would be included for federal income tax purposes without regard to section 1400Z-2(b) (concerning the deferral of capital gains invested in opportunity zones) to instead refer to section 1400Z-2(a) of the Code (concerning capital gains invested in opportunity zones, generally). Further amends GS 105-130.5, modifying the deduction of the amount of gain included in the taxpayer's federal income tax under section 1400Z-2(a) of the Code to the extent the same income was included in the taxpayer's State net income (was, federal taxable income) in a prior taxable year under subdivision (a)(26) of the statute, as amended above.

Part III. Personal Income Tax Changes

Amends Section 38.1(j) of SL 2018-5, specifying the changes made by Section 38.1(c) of the session law to GS 105-153.5(a) (concerning modifications to a taxpayer's adjusted gross income with regard to capital gains invested in opportunity zones) are effective for taxable years beginning on or after January 1, 2018.

Amends GS 105-153.5(a1), concerning the child deduction amount from a taxpayer's adjusted gross income, to refer to a deduction for each qualifying child for whom the taxpayer is allowed a federal tax credit, rather than each dependent child.

Further amends GS 105-153.5, modifying subsection (c2) regarding decoupling adjustments in the calculation of a taxpayer's adjusted gross income. Tracks the changes made by the act to GS 105-130.5 regarding corporate income tax additions and deductions relating to capital gains invested in opportunity zones.

Part IV. Excise Tax Changes

Amends GS 105-113.6, specifying the cigarette tax levied is levied upon the sale or possession for sale by a person other than a licensed distributor (currently, does not specify a *licensed* distributor), and upon the use, consumption, and possession for use or consumption of cigarettes within the State.

Amends GS 105-113.9, regarding out-of-state cigarette shipments whereby partial stock may be set aside without paying tax, to more specifically refer to licensed distributors throughout the statute.

Amends GS 105-113.13, regarding the Secretary's authority to require a bond or irrevocable letter of credit of cigarette distributors, to more specifically refer to licensed distributors throughout the statute.

Amends GS 105-113.77, GS 105-113.78, GS 105-113.82, GS 105-113.80 and GS 105-113.83, concerning city and county retail licenses and taxing, to refer to malt beverage(s) rather than beer.

Further amends GS 105-113.80, to refer to the spirituous liquor seller rather than distiller's price in calculating the excise tax on liquor, and to allow for another calculation specified by law.

Amends GS 105-113.83, removing the sale or disposal of the beverage by the wine shipper permittee from the determination of the date on which the excise tax on malt beverages and wine is due.

Amends GS 105-164.13(11), exempting the specified fuels from the retail sales and use tax, to except from the exemption motor fuel for which a refund of the per gallon excise tax is allowed under GS 105-449.106(c) (provides quarterly tax refund for certain nonprofits for purchase and use of motor fuel) (was, GS 105-449.105A, which sets out monthly tax refund for kerosene sold for non-Highway use).

Amends GS 105-259 to allow an officer, an employee, or an agent of the State who has access to tax information in the course of service to or employment by the State to exchange information concerning a tax imposed by GS Chapter 105 Articles 2A (Tobacco Products Tax), 2C (Alcoholic Beverage License and Excise Tax), or 2D (Unauthorized Substances Tax) with the

Alcohol and Tobacco Tax and Trade Bureau of the US Department of the Treasury when the information is needed to fulfill a duty.

Amends GS 105-449.76 by specifying that the Secretary may cancel a license issued to gasoline refiners, suppliers, terminal operators, importers, exporters, blenders, and specified others under Article 36C upon the licensee's written request and the immediate return of the license to the Secretary (was, only upon licensee's written request). Requires that a notice of license revocation and the required hearing be sent by certified mail (was, registered mail). Makes a clarifying change to GS 105-449.90(e).

Part V. Sales Tax Changes

Amends SL 2018-5, Section 38.5(aa) by making GS 105-164.13(5e) [which provides an exemption from sales tax for sales of mill machinery or mill machinery parts or accessories (not to include electricity) to the specified persons] effective on July 1, 2018.

Amends GS 105-164.8(b), which requires one of the listed conditions to be met in order for a retailer making a remote sale subject to sales tax, by adding as one of the conditions that the retailer, with respect to remote sales into the state for the previous calendar year, had one or more of (1) gross sales exceeding \$100,000, or (2) 200 or more separate transactions.

Amends GS 105-164.13, concerning the exemption from sales tax, by referring to food and other items purchased under the Supplemental Nutrition Assistance Program instead of the Food Stamp Program.

Amends GS 105-164.13E, concerning the exemption for farmers, by requiring that an exempt item be purchased by a qualifying farmer or conditional farmer (was, qualifying farmer only) and used by the qualifying or conditional farmer primarily in farming operations (was, used by the farmer in farming operations). Amends the list of items considered to be used by a farmer for farming operations to include those used by a person who boards horses. Makes additional conforming changes.

Amends GS 105-164.27A(a3) by correcting a statutory cross-reference.

Amends GS 105-164.28A, concerning exemption certificates, by removing all requirements for items that are subject to a preferential rate of tax, which was dependent on the status of the purchaser or the intended use of the item.

Amends GS 105-241.14 to clarify that when a taxpayer requests a review of a proposed assessment and the Department of Revenue (Department) and the taxpayer cannot resolve the taxpayer's objection, the Department must send the taxpayer a notice of final determination concerning the proposed assessment (was, concerning the assessment). Makes conforming changes.

Amends GS 105-244.3(a), which lists the conditions that must be met when granting grace periods when the retailer did not receive written advice for the transaction at issue for the law in effect for the applicable periods. Clarifies that the condition for a person who failed to collect sales tax on the taxable portion of a mixed service contract that exceeds 10% for a transaction on or after January 1, 2017, and before January 1, 2019, does not prohibit assessing use tax on purchases used to fulfill a mixed service contract (was, a mixed contract). Makes additional clarifying changes.

Amends GS 105-269.14(b) by requiring that the Secretary distribute the local portion of the net use tax proceeds collected under the statute in accordance with GS Chapter 105 Subchapter VIII (Local Government Sales and Use Tax) and SL 1967-1096 (concerning Mecklenburg County sales and use tax); deletes the currently specified formula.

Part VI.

Unless otherwise indicated, effective when the act becomes law.

Intro. by Howard, Setzer, Szoka.

GS 105

[View summary](#)

Business and Commerce, Government, Tax, Local Government, Transportation

H 61 (2019-2020) [OMNIBUS GUN CHANGES](#). Filed Feb 12 2019, *AN ACT TO MAKE MULTIPLE CHANGES TO THE STATE LAWS REGARDING FIREARMS*.

To be summarized.

Intro. by Pittman, Potts, Kidwell.

[View summary](#)

H 62 (2019-2020) [IN-STATE TUITION/MEMBERS SERVED ON USS NC](#). Filed Feb 12 2019, *AN ACT TO PROVIDE THAT SERVICE MEMBERS WHO SERVE ON THE USS NORTH CAROLINA SSN 777 FOR A PERIOD OF 180 DAYS OR LONGER ARE ELIGIBLE FOR IN-STATE TUITION*.

Amends GS 116-143.1, expanding eligibility for in-State tuition rates for courses at UNC constituent institutions and NC community colleges to members of the US Armed Forces who are nonresidents and have served on the USS North Carolina SSN 777 for a period of 180 days or more. Applicable to members in a reserve or active duty status. Effective July 1, 2019, and applies beginning with the 2019-20 academic year.

Intro. by Cleveland, Horn.

[GS 116](#)

[View summary](#)

[Education, Higher Education, Military and Veteran's Affairs](#)

H 63 (2019-2020) [PROTECT NORTH CAROLINA WORKERS ACT](#). Filed Feb 12 2019, *AN ACT TO INCREASE THE NUMBER OF EMPLOYERS WHO ARE REQUIRED TO PARTICIPATE IN THE FEDERAL E-VERIFY PROGRAM; TO REPEAL THE E-VERIFY EXEMPTION FOR TEMPORARY EMPLOYEES; AND TO EXCLUDE FARM WORKERS FROM THE DEFINITION OF EMPLOYEE UNDER ARTICLE 2 OF CHAPTER 64 OF THE GENERAL STATUTES*.

Amends the definitions in GS 64-25 for terms used in Article 2 of GS Chapter 64, Verification of Work Authorization, as follows. Amends the definition of employee to remove the exclusion from the term for individuals whose term of employment is less than nine months in a calendar year; adds that the term does not include a farm worker, an independent contractor, or an individual who provides domestic service in a private home that is sporadic irregular, or intermittent. Adds and defines the terms farm worker and independent contractor.

Effective October 1, 2019.

Intro. by Cleveland, Conrad, D. Hall, Speciale.

[GS 64](#)

[View summary](#)

[Business and Commerce, Employment and Retirement, Immigration](#)

PUBLIC/SENATE BILLS

S 43 (2019-2020) [ESTABLISH STANDARDS FOR SURGICAL TECHNOLOGY](#). Filed Feb 12 2019, *AN ACT ESTABLISHING STANDARDS FOR SURGICAL TECHNOLOGY CARE IN HOSPITALS AND AMBULATORY SURGICAL FACILITIES*.

Identical to [H 43](#), filed 2/7/19.

Enacts new GS 131E-79.3, pertaining to hospital standards for surgical technology care, and new GS 131E-147.2, pertaining to ambulatory surgical facility (facility) standards for surgical technology care.

Sets forth identical provisions in each statute to prohibit hospitals and ambulatory surgical facilities from employing or otherwise contracting for the services of a surgical technologist in that hospital or facility unless the individual meets one of four qualifications listed in subsection (b) of each statute. Provides definition for surgical technologist and surgical technology. Allows a hospital or facility to employ or contract with an individual to practice surgical technology during the 12-month period immediately following successful completion of a surgical technology program as specified in subdivision (1) of subsection (b), but prohibits continued employment beyond the initial 12-month period without documentation that the employee or contractor holds and maintains the certified surgical technologist credential as specified in subsection (b). Authorizes a hospital or facility to employ or contract with an individual who qualifies to practice surgical technology under subdivisions (2), (3), or (4) of subsection (b) as long as that individual annually completes 15 hours of continuing education approved by the National Board of Surgical Technology and Surgical Assisting or its successor. Subdivision (2) of subsection (b) qualifies an individual who has successfully completed an appropriate training program for surgical technology in the US Army, Navy, Air Force, Marine Corps, or Coast Guard, or in the US Public Health Service, to practice as a surgical technologist. Subdivision (3) of subsection (b) qualifies an individual who was employed to practice surgical technology in a hospital or facility licensed as specified on December 31, 2019, or an individual who was employed to practice surgical technology during the two years immediately preceding December 31, 2019, to practice surgical technology. Provides in subdivision (4) of subsection (b) that an individual who practices surgical technology as an employee of an agency or institution of the federal government is qualified to practice surgical technology.

Requires the hospital or facility that employs or contracts with an individual to practice surgical technology to verify that the individual meets the continuing education requirements of subsection (d), or that the individual holds and maintains the Certified Surgical Technologist credential described in subdivision (1) of subsection (b), as applicable.

Allows a hospital or facility to employ or contract with an individual who does not meet the qualifications specified in subsection (b) if (1) the hospital makes a diligent and thorough effort, but is unable, to employ or contract a sufficient number of qualified surgical technologists and (2) the hospital or facility documents and retains, on the premises, a written record of its efforts to employ or contract with a sufficient number of qualified surgical technologists.

Clarifies that nothing in these statutes prohibits a licensed practitioner from performing surgical technology tasks or functions if the practitioner is acting within the scope of his or her license.

Allows the Department of Health and Human Services to take adverse action against a hospital under GS 131A-78 or against a facility under GS 131E-148 for a violation of their respective statute.

Effective January 1, 2020.

Intro. by Perry, D. Davis, Krawiec.

GS 131E

[View summary](#)

Health and Human Services, Health, Health Care Facilities and Providers

S 46 (2019-2020) [STANDING UP FOR RAPE VICTIMS ACT OF 2019](#). Filed Feb 12 2019, *AN ACT TO REQUIRE TESTING OF ALL SEXUAL ASSAULT EXAMINATION KITS*.

Titles the act The Standing Up for Rape Victims (Survivor) Act of 2019.

Enacts GS 15A-266.5A, Statewide sexual assault examination kit testing protocol. Sets out the legislative intent and defined terms. Provides notification and submission requirements for collecting agencies that collect sexual assault examination kits completed on or after July 1, 2019, requiring them to preserve the kit pursuant to GS 15A-268(a2) and notify the appropriate law enforcement agency. Requires the law enforcement agency notified to take custody of the kit within seven days of receiving notification, submit reported kits to the State Crime Laboratory or other approved lab within 45 days of taking custody, and submit unreported kits to the Department of Public Safety (DPS) within 45 days of taking custody. Directs law enforcement agencies that possess kits completed on or before January 1, 2018, to establish a review team no later than three months after the act becomes law, to determine submission priority of those kits to the State Crime Laboratory, as described. Prohibits three categories of untested kits from being submitted for testing, including (1) unreported kits, which must be sent to DPS for storage; (2) kits confirmed unfounded by the law enforcement agency and the review team unless or until information

or evidence creates investigative or evidentiary value for testing, in which case the kit must be sent to the State Crime Laboratory or another approved lab for testing after submitting a request; and (3) those which resulted in criminal conviction where the convicted person does not seek DNA testing and the convicted person's DNA profile is already in CODIS. Requires all other kits not subject to the above described requirements to be submitted to the State Crime Laboratory or another approved laboratory as soon as practicable. Sets forth parameters for the State Crime Laboratory or another approved laboratory's testing of kits completed on or before January 1, 2018, and the State CODIS Administrator's entering of eligible DNA profiles developed from those kits into the CODIS database.

Specifies that lack of compliance with the statute does not: (1) constitute grounds upon which a person may challenge the validity of DNA evidence in any criminal or civil proceeding; (2) justify the exclusion of evidence generated from a sexual assault examination kit; or (3) provide a person who is accused or convicted of committing a crime against a victim a basis to request that the person's case be dismissed or conviction set aside, or providing a cause of action or civil claim.

Requires the Department of Justice and other named entities to work together to develop and provide response and training programs to law enforcement and their sexual assault examination kit review teams on sexual assault investigations, including specified issues related to victim interactions and the handling of kits.

Amends GS 15A-266.8 by requiring a law enforcement agency that receives an actionable CODIS hit on a submitted DNA sample to provide electronic notice of the specified arrest or conviction information to the State Crime Laboratory within 15 days of the triggering event. Applies to CODIS hits received on or after the date that the act becomes law.

Appropriates \$3 million in nonrecurring funds from the General Fund to the Department of Justice for each fiscal year of the 2019-21 fiscal biennium for testing of untested sexual assault examination kits in accordance with new GS 114-66. Appropriates \$800,000 in recurring funds for 2019-20 from the General Fund to the Department of Justice for the creation of six full-time equivalent forensic scientist positions. Effective July 1, 2019.

Exempts the act from GS 143C-5-2 (which requires, with exceptions, that each house first pass its version of the Current Operations Appropriations Act on third reading and order it sent to the other chamber before placing any other appropriations bill on the calendar for second reading).

Intro. by Daniel, Britt, McKissick.

[APPROP, GS 15A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Department of Justice](#)

S 50 (2019-2020) [REINSTATE EARNED INCOME TAX CREDIT](#). Filed Feb 12 2019, *AN ACT TO REENACT THE EARNED INCOME TAX CREDIT*.

Reenacts GS 105-151.31, which sunset on January 1, 2014, concerning the earned income tax credit an individual could claim under section 32 of the Internal Revenue Code. Sets the earned income tax credit at 5% (previously, 4.5% for taxable year 2013 and 5% for all other taxable years). Repeals the reenacted statute effective for taxable years beginning on or after January 1, 2023. Effective January 1, 2019.

Intro. by Foushee, Mohammed.

[GS 105](#)

[View summary](#)

[Government, Tax](#)

S 51 (2019-2020) [UNBORN CHILD PROTECTION FROM DISMEMBERMENT](#). Filed Feb 12 2019, *AN ACT PROHIBITING DISMEMBERMENT ABORTIONS*.

Identical to [H 54](#), filed 2/12/19.

Enacts new GS Chapter 90, Article 1L (The Unborn Child Protection From Dismemberment Abortion Act).

Defines several terms, including *dismemberment abortion*, and *serious health risk to the unborn child's mother*.

Makes it unlawful to willfully perform a dismemberment abortion (as defined in the Act) and thereby kill an unborn child, or to attempt to perform a dismemberment abortion unless necessary to prevent serious health risk to the mother.

Provides for a physician accused of unlawful conduct under this Article to seek a hearing before the North Carolina Medical Board on whether the dismemberment abortion was necessary to prevent serious health risk to the mother. Makes the Board's findings admissible on that issue in any trial at which such unlawful conduct is alleged.

Grants immunity from civil liability for actions related to dismemberment abortion to the woman upon whom the abortion was performed or attempted, non-physician employees acting at the direction of a physician, and pharmacists and other individuals who fill prescriptions and provide instruments or materials used in a dismemberment abortion.

Specifies that the civil remedies in GS 90-21.88 apply to violations of the new Article. That statute requires the court, if judgment is in favor of the plaintiff, to require the defendant to pay reasonable attorneys' fees, and if judgment is in favor of the defendant and the court finds that the plaintiff's suit was frivolous or brought in bad faith, require the plaintiff to pay reasonable attorneys' fees. The statute also allows injunctive relief to be sought by and granted to (1) the woman upon whom an abortion was performed or attempted to be performed; (2) any person who is the spouse, parent, sibling, or guardian of, or a current or former licensed health care provider of, the woman upon whom an abortion has been performed or attempted to be performed; or (3) the Attorney General. Prohibits granting relief for a violation of the Article if the pregnancy resulted from the plaintiff's criminal conduct.

Applies to the privacy protections in GS 90-21.89 to actions under the Article. The statute requires the court to rule whether the anonymity of any woman upon whom an abortion has been performed or attempted is to be preserved from public disclosure if the woman does not give her consent to the disclosure; also sets out actions the court must take when deciding a woman's anonymity should be preserved.

Clarifies that the Article does not create or recognize a right to abortion, nor a right to a particular method of abortion, and that it does not prohibit abortion for any reason, by any other method.

Contains a severability clause.

Effective December 1, 2019, and applies to claims for relief arising on or after that date.

Intro. by Krawiec, Ballard, Sawyer.

GS 90

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Health and Human Services, Health, Health Care Facilities and Providers

S 52 (2019-2020) **A SECOND CHANCE FOR LIFE**. Filed Feb 12 2019, *AN ACT DIRECTING THAT PHYSICIANS WHO PERFORM DRUG-INDUCED ABORTIONS FURNISH PATIENTS WITH CERTAIN WRITTEN INFORMATION FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ABOUT THE POSSIBILITY OF REVERSING THE EFFECTS OF A DRUG-INDUCED ABORTION AFTER THE FIRST DOSE OF MEDICATION IS ADMINISTERED; AND REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DISTRIBUTE CERTAIN WRITTEN MATERIALS TO EVERY PHYSICIAN WHO PERFORMS DRUG-INDUCED ABORTIONS.*

Identical to [H 53](#), filed 2/12/19.

Amends GS 90-21.82, which requires voluntary, informed consent for an abortion to be performed upon a woman. Adds to the conditions which must be met to constitute voluntary, informed consent, a requirement for any physician who prescribes, dispenses, or otherwise provides any drug or chemical for abortion inducing purposes to furnish the patient with written information made available by the Department of Health and Human Services (DHHS), pursuant to GS 90-21.83 (amended below), immediately after administering the first drug or chemical. Further requires the woman to certify, in writing, that she has been furnished with the specified information and informed of her opportunity to review the information. Makes technical and clarifying changes.

Amends GS 90-21.83, directing DHHS to publish and make available online materials designed to inform a woman about the possibility of reversing a drug-induced abortion. Provides statement language and font requirements. Mandates DHHS to cause this information to also be made available on the homepage of the state website for the Woman's Right to Know Act. Makes conforming, technical and clarifying changes.

Directs DHHS to, within 90 days of the effective date, (1) publish the information described in GS 90-21.83(a)(3), as amended above, to the homepage of the state website for the Woman's Right to Know Act, and (2) make the same information available in printed materials to any physician, upon request, at no cost.

Includes a severability clause. Effective October 1, 2019.

Intro. by Krawiec, Sawyer, Ballard.

GS 90

[View summary](#)

Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers

LOCAL/HOUSE BILLS

H 47 (2019-2020) [SCHOOL CALENDAR FLEX/CHARLOTTE-MECKLENBURG](#). Filed Feb 12 2019, *AN ACT TO PROVIDE FLEXIBILITY FOR CHARLOTTE-MECKLENBURG SCHOOLS IN ADOPTING THE SCHOOL CALENDAR*.

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the Charlotte-Mecklenburg Schools with additional flexibility in adopting their school calendars. Applies beginning with the 2019-20 school year.

Intro. by Alexander, Belk, Autry, Beasley.

Mecklenburg

[View summary](#)

Education, Elementary and Secondary Education

H 48 (2019-2020) [SCHOOL CALENDAR FLEX/CERTAIN SCHOOL SYSTEMS](#). Filed Feb 12 2019, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CERTAIN LOCAL BOARDS OF EDUCATION IN ADOPTING THE SCHOOL CALENDAR*.

Identical to [S 37](#), filed 2/7/19.

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the local boards of education for the Columbus County Schools and Public Schools of Robeson County with additional flexibility in adopting their school calendars. Applies beginning with the 2019-20 school year.

Intro. by Jones.

Columbus, Robeson

[View summary](#)

Education, Elementary and Secondary Education

H 52 (2019-2020) [WRIGHTSVILLE BEACH LOCAL ACT AMENDMENT](#). Filed Feb 12 2019, *AN ACT TO ALLOW LANDS OWNED BY THE TOWN OF WRIGHTSVILLE BEACH TO BE USED FOR THE BENEFIT OF THE PUBLIC AND TO ALLOW THE TOWN TO REGULATE CERTAIN PRIVATE BUSINESSES OPERATING ON THOSE LANDS*.

Section 1 of SL 1939-246, as previously amended, describes property conveyed to the Town of Wrightsville Beach that can be built up and constructed but must be kept open for the purposes of streets and highways for public use and for development and use as a public square and park, including the construction of public restrooms, gazebos, and typical park facilities in the public squares or parks developed, as well as the construction of public beach access facilities. Removes this language and instead limits use of the described property to public purposes, except as otherwise provided in the Section or by governing authorities. Adds language authorizing the governing authorities of the Town of Wrightsville Beach to license and regulate private business operations on the described property.

Intro. by Davis.

[New Hanover](#)

[View summary](#)

[Business and Commerce, Development, Land Use and Housing, Property and Housing](#)

H 55 (2019-2020) [ALEXANDER COUNTY/SHERIFF VACANCIES](#). Filed Feb 12 2019, *AN ACT RELATING TO VACANCIES IN THE OFFICE OF SHERIFF OF ALEXANDER COUNTY*.

Identical to [S 12](#), filed 2/12/19.

Amends the scope of GS 162-5.1 so that it no longer applies to Alexander County. The statute provides that if there is a vacancy in the office of sheriff, the coroner of the county must execute all process directed to the sheriff until the board elects a new sheriff, and sets out additional requirements for filling the sheriff vacancy.

Intro. by Elmore.

[Alexander](#)

[View summary](#)

[Government, Public Safety and Emergency Management](#)

H 58 (2019-2020) [SCHOOL CALENDAR FLEX/GRANVILLE & PERSON](#). Filed Feb 12 2019, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO GRANVILLE COUNTY SCHOOLS AND PERSON COUNTY SCHOOLS IN ADOPTING THE SCHOOL CALENDAR*.

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute. Amends GS 115C-84.2(d) to provide the local boards of education for the Granville County and Person County Schools with additional flexibility in adopting their school calendars. Applies beginning with the 2019-20 school year.

Intro. by Yarborough.

[Granville, Person](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 59 (2019-2020) [WINSTON-SALEM/REAL PROPERTY CONVEYANCES](#). Filed Feb 12 2019, *AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO CONVEY CITY-OWNED REAL PROPERTY FOR THE PURPOSE OF INCREASING THE SUPPLY OF AFFORDABLE HOUSING FOR LOW- AND MODERATE-INCOME PERSONS*.

Authorizes the City of Winston-Salem (City) to sell real property for the purpose of increasing the supply of affordable housing for low- and moderate-income persons. Permits the sale to be with or without consideration and upon terms determined by the City. Provides that no property acquired by eminent domain may be conveyed for this purpose. Allows the conveying deed to contain a restriction providing for the return of the property to the City if it is no longer used for the purpose set out above prior to the expiration of the time period required by the City. Requires conveyances pursuant to the act be made by resolution granting specific authority to the appropriate city official, and requires the resolution to be posted on the City's website at least 10 days prior to the date the sale is finalized.

Intro. by Conrad, Montgomery.

Forsyth

[View summary](#)

Development, Land Use and Housing, Property and Housing

LOCAL/SENATE BILLS

S 41 (2019-2020) [16TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 12 2019, *AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Nickel.

Wake

[View summary](#)

S 42 (2019-2020) [36TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 12 2019, *AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Newton.

Alexander, Catawba

[View summary](#)

S 44 (2019-2020) [7TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 12 2019, *AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Perry.

Lenoir, Wayne

[View summary](#)

S 45 (2019-2020) [17TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 12 2019, *AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Searcy.

Wake

[View summary](#)

S 47 (2019-2020) [46TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 12 2019, *AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Daniel.[Avery, Burke, Caldwell](#)[View summary](#)

S 48 (2019-2020) [PERMIT ALIGN SCHOOL/COMM. COLLEGE CALENDAR](#). Filed Feb 12 2019, *AN ACT TO PERMIT CERTAIN SCHOOL SYSTEMS TO ALIGN THEIR SCHOOL CALENDARS WITH THOSE OF COMMUNITY COLLEGES SERVING THEIR COMMUNITIES.*

Under current law, GS 115C-84.2(d) sets the parameters within which local boards of education must determine the opening and closing dates of public schools under subdivision (a)(1) of this statute.

Amends GS 115C-84.2(d) to provide local boards of education with additional flexibility in adopting their school calendars, permitting alignment with the calendar of a community college serving the city or county in which the local administrative unit is located.

Applicable only to Bertie County Schools, Edenton-Chowan Schools, Edgecombe County Schools, Halifax County Schools, Hertford County Schools, Martin County Schools, Nash-Rocky Mount Schools, Northampton County Schools, Roanoke Rapids Graded School District, Tyrrell County Schools, Vance County Schools, Warren County Schools, Washington County Schools, Wilson County Schools, and Weldon City Schools. Applies beginning with the 2019-20 school year.

Intro. by Smith.[Bertie, Chowan, Edgecombe, Halifax, Hertford, Martin, Nash, Northampton, Tyrrell, Vance, Warren, Washington, Wilson](#)[View summary](#)[Education, Elementary and Secondary Education](#)

S 49 (2019-2020) [TOWN OF CHAPEL HILL INVESTMENTS](#). Filed Feb 12 2019, *AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE THE TOWN TO INVEST EMPLOYEE BENEFIT FUNDS HELD IN TRUST IN ONE OR MORE OF THE TYPES OF SECURITIES OR OTHER INVESTMENTS AUTHORIZED BY STATE LAW FOR THE STATE TREASURER.*

Amends SL 1975-473 Chapter IV, of the Charter of the Town of Chapel Hill, as title indicates. Adds new Article 5, Section 4.30, allowing the Town of Chapel Hill to invest or reinvest any of the employee benefit funds held in trust, risk reserve funds, and capital reserves into one or more of the types of securities or other investments authorized by State law for the State Treasurer.

Intro. by Foushee.[Orange](#)[View summary](#)[Employment and Retirement](#)

S 53 (2019-2020) [40TH SENATORIAL DISTRICT LOCAL ACT-1](#). Filed Feb 12 2019, *AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Waddell.[Mecklenburg](#)[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS**H 44: FORT FISHER HISTORIC SITE FUNDS.**

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Appropriations, Agriculture and Natural and Economic Resources, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 46: ECONOMIC SECURITY ACT OF 2019.

House: Passed 1st Reading

House: Ref to the Com on Commerce, if favorable, Judiciary, if favorable, Regulatory Reform, if favorable, Finance, if favorable, Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House

H 49: RESPONSIBLE DEER MANAGEMENT ACT.

House: Filed

H 50: ALLOW HYPERBARIC OXYGEN THERAPY FOR TBI/PTSD.

House: Filed

H 51: OFFICIAL AZALEA FESTIVAL.

House: Filed

H 53: A SECOND CHANCE FOR LIFE.

House: Filed

H 54: UNBORN CHILD PROTECTION FROM DISMEMBERMENT.

House: Filed

H 56: ARTS EDUCATION REQUIREMENT.

House: Filed

H 57: CREATE TERM FOR PUBLIC SCHS. & CODIFY NCVPS.

House: Filed

H 60: REVENUE LAWS TECHNICAL CHANGES.

House: Filed

H 61: OMNIBUS GUN CHANGES.

House: Filed

H 62: IN-STATE TUITION/MEMBERS SERVED ON USS NC.

House: Filed

H 63: PROTECT NORTH CAROLINA WORKERS ACT.

House: Filed

S 38: CLASS SIZE REPORTING/PRINCIPAL.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 43: ESTABLISH STANDARDS FOR SURGICAL TECHNOLOGY.

Senate: Filed

S 46: STANDING UP FOR RAPE VICTIMS ACT OF 2019.

Senate: Filed

S 50: REINSTATE EARNED INCOME TAX CREDIT.

Senate: Filed

S 51: UNBORN CHILD PROTECTION FROM DISMEMBERMENT.

Senate: Filed

S 52: A SECOND CHANCE FOR LIFE.

Senate: Filed

LOCAL BILLS**H 45: SCHOOL CALENDAR FLEX./FORSYTH COUNTY.**

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 47: SCHOOL CALENDAR FLEX/CHARLOTTE-MECKLENBURG.

House: Filed

H 48: SCHOOL CALENDAR FLEX/CERTAIN SCHOOL SYSTEMS.

House: Filed

H 52: WRIGHTSVILLE BEACH LOCAL ACT AMENDMENT.

House: Filed

H 55: ALEXANDER COUNTY/SHERIFF VACANCIES.

House: Filed

H 58: SCHOOL CALENDAR FLEX/GRANVILLE & PERSON.

House: Filed

H 59: WINSTON-SALEM/REAL PROPERTY CONVEYANCES.

House: Filed

S 4: EXTEND TERMS OF 2 MEMBERS/COASTAL CAROLINA CC.

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

S 12: ALEXANDER COUNTY/SHERIFF VACANCIES.

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

S 39: 1ST SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 40: 3RD SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 41: 16TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 42: 36TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Filed

S 44: 7TH SENATORIAL DISTRICT LOCAL ACT-1.*Senate: Filed***S 45: 17TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Filed***S 47: 46TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Filed***S 48: PERMIT ALIGN SCHOOL/COMM. COLLEGE CALENDAR.***Senate: Filed***S 49: TOWN OF CHAPEL HILL INVESTMENTS.***Senate: Filed***S 53: 40TH SENATORIAL DISTRICT LOCAL ACT-1.***Senate: Filed***© 2019 School of Government The University of North Carolina at Chapel Hill**

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