



The Daily Bulletin: 2019-10-24

PUBLIC/HOUSE BILLS

H 918 (2019-2020) [EXPEDITE PERMANENCY/DHHS REPORT SNAP/TANF. \(NEW\)](#) Filed Apr 16 2019, *AN ACT TO AMEND VARIOUS ABUSE, NEGLECT, AND DEPENDENCY LAWS TO ENSURE THE SAFETY OF CHILDREN IN OUT-OF-HOME PLACEMENTS, EXPEDITE PERMANENCY PLANNING HEARINGS FOR CHILDREN WHO HAVE BEEN REMOVED FROM THE HOME, CREATE A PRESUMPTION THAT FOSTER PARENTS WITH WHOM A CHILD HAS LIVED CONTINUOUSLY FOR NINE MONTHS ARE DEEMED NONRELATIVE KIN, CREATE AN AGGRAVATING CIRCUMSTANCE FOR THE EXPOSURE TO UNLAWFUL CONTROLLED SUBSTANCES IN UTERO OR CONTROLLED SUBSTANCES USED IN VIOLATION OF THE LAW IN UTERO, AND REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, TO REPORT ANNUALLY CERTAIN EXPENDITURES FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM.*

Senate committee substitute to the 2nd edition makes the following changes.

Organizes the act's existing provisions, as amended, into Part I.

Deletes the proposed changes to GS 7B-100, which included in the purpose of Subchapter I (Abuse, Neglect, Dependency) providing juveniles under age 3 who are removed from custody of their homes with prospective permanent placement within one year from the date of the order removing custody. Instead, amends GS 7B-100 to include in the purpose of Subchapter I placing all juveniles in a safe, permanent home within one year from the date of the initial order removing custody in circumstances when it is not in the juvenile's best interest to be returned home.

Eliminates the proposed changes to the defined terms *abused juveniles* and *nonrelative kin* set out in GS 7B-101, thereby maintaining the terms' existing definitions under current law. Amends the term *neglected juvenile* to include any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker uses an illegal controlled substance or abuses alcohol or a controlled substance and is unable to care for and provide a safe and appropriate home for the juvenile. Modifies the proposed definition for the new term *relative* to more specifically define the term to mean an individual directly related to the juvenile by blood, marriage or adoption.

Modifies the proposed changes to GS 7B-503(a), concerning instances in which a nonsecure custody order must be made, to now include instances in which the juvenile is an infant who was born drug-exposed to alcohol, unlawful controlled substances, or controlled substances used in violation of the law (was, an infant who (1) was born drug-exposed and the drug exposure was not medically based, (2) the parent is unable to discharge parental responsibilities due to a history of chronic drug abuse, and (3) there are reasonable grounds to believe that the parent's substance abuse will continue for a prolonged or indeterminate period based on the opinion of a licensed health care provider with substance abuse disorders experience).

Modifies the proposed changes to GS 7B-901(c)(1)e. by providing that if a disposition order places a juvenile in the custody of a county department of social services, the court must direct that reasonable efforts for reunification are not required if the court finds that a court has determined that aggravated circumstances exist because the parent has committed or allowed the continuation of chronic or toxic exposure to alcohol or controlled substances that causes impairment of or addiction in the juvenile, including, but not limited to, exposure to unlawful controlled substances in utero or controlled substances in violation of the law in utero (previously, specifically included exposure to nonmedical controlled substances in utero only).

Modifies and adds to the proposed changes to GS 7B-903, concerning placement of a juvenile in out-of-home care. No longer provides that a foster parent is deemed to be a nonrelative kin once a child under age 3 has resided in the foster parent's home for a continuous period of at least nine months. Instead, adds a new subsection to deem a foster parent to be nonrelative kin once a juvenile (no age requirement) who is not a member of a State-recognized tribe has resided in the foster-parent's home for a continuous period of at least nine months. Makes organizational and conforming changes.

Deletes the proposed changes to GS 7B-906.1(a), concerning placement of children under age 3 in a prospective permanent home within 12 months of the initial order removing custody. Instead, amends existing law to require a permanency review

hearing to be held within nine months (was, twelve) of the date of the initial order removing custody.

Deletes proposed GS 7B-1103(a)(8), which granted foster parents' of a juvenile under age 3 who has resided for a continuous period of at least nine months with the foster parent standing to file a petition or motion to terminate the parental rights (TPR) of either or both parents. Instead, amends current law that establishes standing to file TPR petitions or motions for any person with whom the juvenile has resided for a continuous period of two months or more next preceding the filing of the petition or motion, to now provide standing for any person with whom the juvenile has resided for a continuous period of 15 months, rather than two months, or more next preceding the filing of the petition or motion.

Changes the effective date of the provision of Part I from October 1, 2019, to July 1, 2020.

Adds new provisions, set forth in Part II of the act, as follows.

Directs the Department of Health and Human Services, Division of Social Services (Division) to post on its website and make available biannually to the specified NCGA committee and legislative leadership a report on certain expenditures for the Supplemental Nutrition Assistance program (SNAP) and Temporary Assistance for Needy Families (TANF) program, including the benefits accessed or expended out-of-state, by state, for each program, and details of each transaction in which benefits were accessed or expended in the state for each program, as provided. Requires the Division to redact personally identifying information of program recipients.

Makes conforming changes to the act's titles.

Intro. by Jarvis, Stevens, Murphy.

[GS 7B](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Public Assistance](#)

PUBLIC/SENATE BILLS

S 315 (2019-2020) [NORTH CAROLINA FARM ACT OF 2019](#). Filed Mar 20 2019, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS OF THE STATE*.

Conference report makes the following changes to the 10th edition.

Sections 1 through 7

Reinstates the qualifications of licensed cultivators and handlers of hemp set forth in GS 106-568.53A under Article 50E as they appeared in the 7th edition to include extending licensee rights and privileges to otherwise qualifying spouses of licensees, and making the license transferable to otherwise qualified family members of the licensee upon death or incapacity.

Amends proposed GS 106-568.55A, concerning bond requirements for hemp handlers, to reinstate the exemption for handlers who process only hemp grown by the handler as the exemption appeared in the 7th edition.

Modifies the proposed changes to GS 90-87, concerning the defined terms applicable to the NC Controlled Substances Act, Article 5, GS Chapter 90. No longer enacts definitions for the terms *hemp*, *hemp product*, or *smokable hemp*. Amends the proposed changes to the defined term *marijuana* to exclude hemp, hemp products, and smokable hemp from the term, as defined in GS 106-568.51, as amended, when the hemp is produced and used in compliance with the Article and rules adopted by the NC Hemp Commission (Commission) (similar to the changes proposed in the 8th edition, though the 8th edition also excluded hemp extracts).

Amends the proposed changes to GS 90-94 to also exclude smokable hemp from the Schedule VI controlled substance, tetrahydrocannabinols (previously, excluded hemp and hemp products only, which were defined to exclude smokable hemp).

Changes the effective date of the proposed changes to GS 90-87 and GS 90-94, now making the provisions effective December 1, 2019, rather than May 1, 2020.

Changes the effective date of the proposed changes to GS 106-568.57(d), as enacted, which removes the sale of smokable hemp to minors from the Class 2 misdemeanor defined therein, now making the change effective June 1, 2020, rather than May 1, 2020.

Further amends GS 105-113.106 to include smokable hemp (as defined in the specified statute) in the definition of *hemp*, as the term applies to the act's proposed tax provisions, which exclude lawfully possessed hemp from unauthorized substance taxes levied under Article 2D. Makes these changes to both the statute, as amended, which becomes effective July 1, 2019, as amended, and to the statute, as amended, which becomes effective July 1, 2021.

Amends the proposed changes to SL 2015-299, as amended. Now provides that Section 2 of that act, which amends the definition of *marijuana* under the NC Controlled Substances Act to exclude industrial hemp, expires December 1, 2019, rather than May 1, 2020.

Sections 8 through 11

Amends proposed GS 106-568.63 to reinstate the qualifications for spouses and family members of licensed cultivators and handlers of hemp under new Article 50F as they appeared in the 7th edition (identical to those reinstated to Article 50E, GS 106-568.53A).

Amends proposed GS 106-568.64 to reinstate the exemption for handlers who process only hemp grown by the handler as the exemption appeared in the 7th edition (identical to that reinstated to Article 50E, GS 106-568.55A).

Adds to the civil and criminal penalties set forth in new Article 50F. Now allows the Commissioner of Agriculture (Commissioner) to assess a civil penalty of up to \$2,500 per violation to any person who knowingly or intentionally manufactures, delivers, sells, or possesses smokable hemp, except for hemp plants or parts of a hemp plant grown or handled by a licensee for processing or manufacturing into a legal hemp product or sale or delivery to either an individual who possesses a valid hemp license from the Department of Agriculture (Department) or a person outside the State who is allowed to receive it under the laws of that jurisdiction (this civil penalty was not included in the 10th edition; earlier editions contained similar provisions but did not also explicitly exclude sales or deliveries of smokable hemp to other licensees from the civil penalty). Makes it a Class 1 misdemeanor to knowingly or intentionally manufacture, deliver, sell, or possess smokable hemp, except for hemp plants or parts of a hemp grown or handled by a licensee for processing or manufacturing into a legal hemp product or for sale or delivery to either an individual who possesses a valid hemp license from the Department or a person outside the State who is allowed to receive it under the laws of that jurisdiction (this criminal penalty was not included in the 10th edition; earlier editions contained similar provisions but did not also explicitly exclude sales or deliveries of smokable hemp to other licensees from the criminal offense).

Section 12

Adds to new GS 106-139(f), which mandates the Board of Agriculture (Board) is to adopt to establish current good manufacturing practices in operations for cannabinoid-related compounds derived from hemp. Specifies required content of the rules pertaining to labeling of cannabinoid-related compounds, including requirements for product labels to indicate total cannabinoid content and active cannabinoid content doses recommended, and a barcode that when scanned provides access to a certificate of analysis (makes these changes to the statute, as amended, which becomes effective January 1, 2020, and expires July 1, 2021, and the statute, as amended which becomes effective July 1, 2021). Makes organizational changes.

Now requires the Board to adopt temporary rules to implement Section 12 of the act by April 1, 2020, rather than November 1, 2019.

Section 14

Adds civil and criminal penalties to Article 50E, GS Chapter 106, as amended, identical to those enacted to new Article 50F, GS Chapter 106. Makes the new penalties effective June 1, 2020, and applicable to violations or offenses occurring on or after that date (these provisions were not included in the 10th edition; earlier editions contained similar provisions, though they did not explicitly exclude sales or deliveries of smokable hemp to other licensees from the penalties, and also provided different effective dates).

Changes the effective date of the proposed changes to GS 106-568.51, which explicitly excludes smokable hemp from the term *hemp product* as the term is used in Article 50E, to now make the changes effective June 1, 2020 (previously, effective May 1, 2020).

Section 20

Amends the proposed changes to GS 153A-340 to no longer include compliance with local zoning and development ordinances in the qualifications of shooting sports, which are proposed to be included in the definition of *agritourism* as the term relates to determining whether buildings or structures are used for bona fide farm purposes. No longer requires a majority of the county board of commissioners to determine a property's compliance with local zoning and development ordinances; however, requires a determination that the property is in compliance with guidelines adopted by the Wildlife Resources Commission (was, guidelines established by the Wildlife Resources Commission).

Adds a savings clause to clarify that the proposed changes to GS 99E-30 and GS 153A-340, both of which modify *agritourism* definitions, do not affect any existing agreement or settlement with a local government, any permit or zoning decision previously issued by a local government, or any pending or ongoing litigation.

Makes further technical and conforming changes.

Intro. by B. Jackson, Sanderson, Johnson.

STUDY, GS 15A, GS 20, GS 62, GS 89C, GS 90, GS 99E, GS 105, GS 106, GS 120, GS 136, GS 139, GS 143, GS 143B, GS 153A, GS 160A

Agriculture, Business and Commerce, Consumer Protection, Courts/Judiciary, Evidence, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Environment, Energy, Government, State Agencies, Department of Agriculture and Consumer Services, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources), Department of Environmental Quality (formerly DENR), Tax, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 231: UNC & COMM. COLL. PAY/RETIREE BONUS. (NEW)

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 377: TEACHER STEP ACT. (NEW)

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 398: INFO. TECH. BUDGET/2019-2021 FISCAL BIENNIUM. (NEW)

House: Amend Failed A1

House: Passed 2nd Reading

House: Passed 3rd Reading

H 399: EXTEND TAX CREDITS/OTHER FINANCE CHANGES. (NEW)

House: Conf Report Adopted 3rd

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Conf Report Adopted

House: Ordered Enrolled

H 470: ADMINISTRATION OF JUSTICE CHANGES. (NEW)

House: Withdrawn From Com

House: Added to Calendar

House: Failed Concur In S Com Sub

H 511: NORTH CAROLINA FIRST STEP ACT. (NEW)

House: Ref To Com On Rules, Calendar, and Operations of the House

H 918: EXPEDITE PERMANENCY/DHHS REPORT SNAP/TANF. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 959: EXEMPT CEMETERY PROPERTY.

House: Withdrawn From Cal

House: Placed On Cal For 10/28/2019

S 61: COMMUNITY COLLEGES BUDGET/2019-2021 BIENNIUM. (NEW)

Senate: Pres. To Gov. 10/24/2019

S 144: ALLOW IN-STATE TUITION/ATHLETIC SCHOLARSHIPS. (NEW)

House: Withdrawn From Cal

House: Placed On Cal For 10/28/2019

S 312: RELIEF TO OCRACOKE SCHOOL/HURRICANE DORIAN. (NEW)

Senate: Ratified

S 315: NORTH CAROLINA FARM ACT OF 2019.

Senate: Conf Com Reported

Senate: Placed On Cal For 10/28/2019

House: Conf Com Reported

House: Cal Pursuant Rule 44(d)

House: Placed On Cal For 10/28/2019

S 432: BIRTH CENTER & PHARM BENEFITS MGR. LICENSURE (NEW).

House: Regular Message Sent To Senate

S 557: VARIOUS FINANCE LAW CHANGES. (NEW)

Senate: Passed 3rd Reading

Senate: Engrossed

Senate: Special Message Sent To House

House: Special Message Received From Senate

House: Passed 1st Reading

House: Ref To Com On Finance

S 578: REDUCE FRANCHISE TAX/EXPAND FILM GRANTS. (NEW)

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received From Senate

House: Passed 1st Reading

House: Ref To Com On Finance

S 579: PRISON REFORM ACT OF 2019.

Senate: Ratified

S 690: MODIFICATIONS TO 2019 APPOINTMENTS BILL.

House: Conf Report Adopted

Senate: Conf Report Adopted

Senate: Ordered Enrolled

No local actions on bills

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