



The Daily Bulletin: 2021-04-09

PUBLIC/HOUSE BILLS

H 500 (2021-2022) **DISASTER RELIEF AND MITIGATION ACT OF 2021**. Filed Apr 8 2021, *AN ACT TO ENACT THE DISASTER RELIEF AND MITIGATION ACT OF 2021*.

Section 1

Establishes the Disaster Relief and Mitigation Fund (Fund) in the Department of Public Safety (DPS), Division of Emergency Management (Division). Directs that appropriations to the Fund remain available unless otherwise legislatively directed.

Directs the Division to administer a grant program that allows local governments and nonprofits to apply for funds for (1) flood mitigation efforts, (2) predevelopment assistance to provide small and underserved communities with technical assistance to identify and design shovel-ready projects related to disaster relief and flood mitigation, or (3) matching funds for federal grants or funding for projects related to disaster relief and flood mitigation.

Appropriates \$20 million from the General Fund to the Fund for 2021-22 to be used as specified.

Section 2

Establishes the Transportation Infrastructure Resiliency Fund (Fund) in the Division. Directs that appropriations to the Fund remain available unless otherwise legislatively directed.

Directs the Division to administer a grant program to ensure transportation resilience against natural disasters. Allows awards, in consultation with the Department of Transportation (DOT), to State agencies, local governments, and nonprofits. States three authorized uses: (1) projects that update and prepare transportation infrastructure for storms, mudslides, and flooding events; (2) risk assessments for critical infrastructure routes, building on existing and future reports; and (3) creation of community-informed flood risk and vulnerability assessments that identify resilience gaps and project opportunities for transportation routes in the state to maintain vital transportation following flooding events.

Appropriates \$20 million for 2021-22 from the General Fund to the Fund.

Section 3

Enacts GS 143B-1001, establishing the Office of Recovery and Resiliency (Office) within the Division, with seven identified functions including executing multiyear recovery and resiliency projects and auditing, financing, complying with, and reporting on disaster recovery funds and program and construction management services. Allows Office funds to be used to locate Office employees in key regions or foster local government partnerships to address capacity gaps and aid local access to related federal funds.

Directs the Office to establish an intergovernmental working group with representatives from the Department of Environmental Quality (DEQ), local governments, and other stakeholders to identify jurisdictional challenges related to stream management and flooding reduction. Requires the working group to make recommendations to the specified NCGA committee by February 1, 2022.

Appropriates \$524,363 in recurring funds for 2021-22 and \$594,363 in recurring funds for 2022-23 to the Office to support up to five full-time equivalent positions to provide technical support to communities with resiliency planning and projects.

Section 4

Allocates Mitigation Program funds to the Office to develop Flood Resilience Blueprints for major watersheds impacted by flooding to be used in a State flood planning process, riverine and stream management, and local government stormwater maintenance programs. Directs the Office to identify major watersheds affected by flooding and direct the funds toward activities which are central to the creation of actionable blueprints, as specified. Details blueprint content and form.

Encourages the Office to examine examples from other states. Directs the Office to report by July 1, 2022, to the specified NCGA committees on implementation.

Section 5

Appropriates \$20 million from the General Fund to the Department of Natural and Cultural Resources (DNCR)'s Land and Water Fund, and authorizes the Division of Land and Water Stewardship to use the funds to provide grants, subject to project scoring criteria it develops, to State agencies, local governments, and nonprofits for projects to protect and restore floodplains and wetlands for the purpose of storing water, reducing flooding, improving water quality, providing wildlife and aquatic habitat, and providing recreational opportunities (pursuant to GS 143B-135.234(c)(12)).

Amends GS 143B-135.244 to include in the annual report by the Clean Water Management Trust Fund Board of Trustees, beginning in 2024, a review of all projects funded by the Clean Water Management Trust Fund over time pursuant to GS 143B-135.234(c)(12) and the extent to which each project reduced flooding during flooding events.

Section 6

Appropriates \$1.3 million in recurring funds from the General Fund to DEQ for 2021-23 to create four additional permanent full-time positions to staff the Resilient Coastal Communities Program and for coastal planning and management grants.

Section 7

Appropriates \$250,000 from the General Fund to the Division to support NC 2-1-1 activities.

Section 7.1

Appropriates \$20 million from the General Fund to DEQ for 2021-22 for allocation to the Coastal Storm Mitigation Fund.

Section 8

Appropriates \$5 million from the General Fund to DEQ's Division of Mitigation Services for 2021-22 to create one or more pilot projects addressing chronic flooding in the Stoney Creek watershed as specified. Provides for the project to serve as the basis for expanding such projects to additional watersheds as provided.

Appropriates \$25 million from the General Fund to DEQ's Division of Mitigation Services for 2021-22 for allocation to the Natural Infrastructure Flood Mitigation program for flood reduction projects in three to six additional priority watersheds.

Amends GS 143-214.11A to require inclusion of specified information on flood storage projects funded under the statute in the Division of Mitigation Service's annual report required under GS 143-214.13.

Section 9

Appropriates \$32 million to the Office for 2021-22 for Neuse River flood mitigation activities, to be allocated in specified amounts for four specified purposes.

Section 10

Appropriates \$36.5 million from the General Fund to the Office for 2021-22 for Lumber River flood mitigation activities, to be allocated in specified amounts for four specified purposes.

Section 11

Reenacts GS 105-130.34 as it existed immediately before its expiration; reenacts GS 105-151.12 as it existed immediately before its expiration and recodifies it as GS 105-153.11. Amends the tax credit allowed for real property donations by C corporations or individuals and pass-through entities set forth in GS 105-130.34 and GS 105-153.11 as follows. Current law allows for a tax credit in the amount of 25% of the donated property interest that is useful for public beach access or use, public access to public waters or trails, fish and wildlife conservation, forestland or farmland conservation, watershed protection, conservation of natural areas, conservation of natural or scenic river areas, conservation of predominantly natural parkland, or historic landscape conservation. Amends both statutes to enact identical provisions to instead allow for a tax credit in the amount of 25% of the donated property interest that is useful for (1) farmland preservation; (2) as a buffer to limit land use activities that would restrict, impede, or interfere with military training, testing, or operations on a military installation or training area or otherwise be incompatible with the mission of the installation; (3) fish and wildlife conservation; or (4)

floodplain protection in a county that was the subject of a Type II or Type III gubernatorial disaster declaration as a result of a natural disaster in the five years preceding the donation. No longer requires certification by the Department of Environmental Quality and instead requires certification by the Department of Natural and Cultural Resources that the property is suitable for one or more of the valid public benefits specified to support a credit claimed. Makes clarifying changes.

Further amends GS 105-153.11, concerning the credit for real property donations by an individual or pass-through entity, to bar eligibility for any portion of a qualifying donation that is a basis for the credit allowed under the statute from deduction as a charitable donation under GS 105-130.9. Eliminates an outdated provision for the donation of marshland.

Effective for taxable years beginning on or after January 1, 2021.

Section 12

Amends Section 3.9 of SL 2020-97, revising one of the authorized uses of unencumbered funds appropriated to the NC Forest Service under Section 4.1 of SL 2016-124 by the Department of Agriculture and Consumer Services pursuant to the uses set forth in SL 2020-97 and Section 12.9 of SL 2017-57 to allow the Department to use the funds for the construction authorization and partial construction of a Region One headquarters and training facility for the Forest Services, including an office building with classrooms, an equipment maintenance facility, and multi-bay equipment shelters (previously provided for use for the purchase and renovation of an existing facility for use as a regional headquarters and training facility for the Forest Service). Effective on the date the act becomes law.

Section 13

Makes the act effective July 1, 2021, unless otherwise provided.

Intro. by Bell, B. Jones, McElraft, Miller.

[APPROP, UNCODIFIED, GS 105, GS 143, GS 143B](#)

[Agriculture, Environment, Environment/Natural Resources, Government, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, Department of Agriculture and Consumer Services, Department of Natural and Cultural Resources \(formerly Dept. of Cultural Resources\), Department of Environmental Quality \(formerly DENR\), Department of Public Safety, Tax, Local Government, Military and Veteran's Affairs, Nonprofits](#)

[View summary](#)

H 513 (2021-2022) [PEOPLES' CHOICE FOR MARINE SOURCES](#). Filed Apr 8 2021, *AN ACT TO PROVIDE FOR A REFERENDUM TO LIMIT INDISCRIMINATE NET FISHING IN THE COASTAL WATERS OF THE STATE*.

Subject to the approval of voters at the general election in November 2022, enacts new GS 113-192 to make it unlawful to use either a gill net or other entangling net in coastal fishing waters for the purpose of catching or taking any saltwater finfish, shellfish, or other marine animals. Also prohibits any other type of net containing more than 500 square feet of mesh area from being used in coastal fishing waters. Provides that no more than two nets which must not be connected can be used from any vessel, and no person not on a vessel can use more than one net in coastal fishing waters.

Intro. by Richardson.

[GS 113](#)

[View summary](#)

[Environment, Aquaculture and Fisheries](#)

H 516 (2021-2022) [RAISE DROPOUT AGE TO 18](#). Filed Apr 8 2021, *AN ACT TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE TO EIGHTEEN YEARS OLD*.

Amends GS 115C-378 to change the compulsory school attendance age to between seven and 18 (was, 16) years old. Clarifies that this is unless the child graduates from high school. Makes conforming changes to GS 115C-238.66 (applicable to regional

schools); and GS 116-235 (applicable to NC School of Science and Math); GS 116-239.8 (applicable to laboratory schools). Amends GS 7B-1501 and GS 143B-805 by amending the definition of an undisciplined juvenile to be a juvenile less than age 18 (was, 16), but at least six who is unlawfully absent from school; makes conforming changes. Repeals Section 8.21 of SL 2016-94, which established a pilot program pursuant to increase the high school dropout age from 16 to 18. Applies beginning with the 2021-22 school year.

Intro. by A. Baker, Lambeth, Hurtado, A. Jones.

UNCODIFIED, [GS 7B](#), [GS 115C](#), [GS 116](#), [GS 143B](#)

[View summary](#)

[Courts/Judiciary](#), [Juvenile Law](#), [Delinquency](#), [Education](#), [Elementary and Secondary Education](#)

H 518 (2021-2022) [TEMPORARILY WAIVE COMMERCIAL FISHING FEES](#). Filed Apr 8 2021, *AN ACT TO WAIVE CERTAIN COMMERCIAL FISHING LICENSE AND VESSEL REGISTRATION FEES DUE BETWEEN APRIL 1, 2021, AND JUNE 29, 2022.*

Directs the Division of Marine Fisheries of the Department of Environmental Quality (DEQ), for the period April 1, 2021 through June 29, 2022, to renew standard commercial fishing licenses, retired standard commercial fishing licenses, shellfish licenses, and commercial fishing vessel registrations that are active as of June 30, 2021, without payment of any fee established in Article 14A of Chapter 113 of the General Statutes (Coastal and Estuarine Commercial Fishing Licenses).

Directs DEQ to refund any fee prepaid by a permittee or registration holder that is waived by this act no later than 30 days after receiving a request for refund.

Intro. by Goodwin, Hanig, Wray, Richardson.

UNCODIFIED

[View summary](#)

[Environment](#), [Aquaculture and Fisheries](#), [Government](#), [State Agencies](#), [Department of Environmental Quality \(formerly DENR\)](#)

H 522 (2021-2022) [MODIFY SERVICE/RELEASE OF ALTERNATE JURORS](#). Filed Apr 8 2021, *AN ACT TO MODIFY THE PROVISIONS REGULATING THE SERVICE AND RELEASE OF ALTERNATE JURORS.*

Amends GS 15A-1215(a)(seating alternate jurors) to do the following: (1) direct courts to ensure alternate jurors do not discuss the case with anyone until they become a juror or are discharged; (2) permit alternate jurors to become jurors at any time before a verdict is rendered; (3) require that jury deliberations begin anew when an alternate juror becomes a juror; (4) provide that no more than twelve jurors can participate in deliberations; (5) provide that alternate jurors must be discharged at the same time and in the same manner as the original jury. Effective October 1, 2021 and applies to jurors and alternate jurors selected on or after that date.

Intro. by Yarborough, Stevens, Zachary.

[GS 15A](#)

[View summary](#)

[Courts/Judiciary](#), [Criminal Justice](#), [Criminal Law and Procedure](#)

H 523 (2021-2022) [AMEND STREET RACING PENALTIES](#). Filed Apr 8 2021, *AN ACT TO INCREASE THE PENALTIES FOR STREET RACING.*

Amends GS 20-141.3 (Unlawful Racing on Streets and Highways) to do the following: (1) elevate the offense of pre-arranged street racing to a class A1 misdemeanor (was, Class 1); (2) elevate the offense of street racing to a Class 1 misdemeanor (was, Class 2); (3) elevate the offense of authorizing or permitting one's car to be used for pre-arranged street racing or betting on pre-arranged street racing to a Class A1 misdemeanor (was, Class 1); (4) increase the amount of time a person whose license is revoked under this statute must wait to apply for a new license from 18 months to two years; and (5) require (was, allow) the

Commissioner of Motor Vehicles to suspend the license of individuals convicted of a class 1 misdemeanor for street racing for a period not to exceed one year. Effective December 1, 2021 and applies to offenses committed on or after that date.

Intro. by Willingham.

GS 20

[View summary](#)

Courts/Judiciary, Motor Vehicle

H 524 (2021-2022) [ORAL CHEMO TREATMENT ACCESS DURING PANDEMIC](#). Filed Apr 8 2021, *AN ACT TO REQUIRE COVERAGE FOR ORALLY ADMINISTERED ANTICANCER DRUGS DURING COVID-19 STATE OF EMERGENCY*.

Includes whereas clauses.

Sets out the following requirements for every health benefit plan offered in this State that provides coverage for prescribed, orally administered anticancer drugs that are used to kill or slow the growth of cancerous cells and that provides coverage for intravenously administered or injected anticancer drugs: (1) requires the health benefit plan to cover prescribed, orally administered anticancer drugs on a basis that is no less favorable than the plan's coverage for intravenously administered or injected anticancer drugs; and (2) specifies that coverage for orally administered anticancer drugs is not subject to any prior authorization, dollar limit, copayment, coinsurance, or deductible provision or to any other out-of-pocket expense that does not apply to intravenously administered or injected anticancer drugs. Gives the Commissioner of Insurance enforcement authority and allows for the adoption of temporary rules. Prohibits an insurer from complying with this act by increasing expenses imposed on anticancer drugs. Requires any health benefit plan change increasing an out-of-pocket expense applied to anticancer drugs to also be applied to the majority of comparable medical or pharmaceutical benefits covered by that health benefit plan. Expires 60 days after the date Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, expires or is rescinded.

Intro. by Cunningham, Adcock, Sasser.

UNCODIFIED

[View summary](#)

Government, Public Safety and Emergency Management, Health and Human Services, Health, Health Insurance

H 525 (2021-2022) [ALLOW ERPOS TO PREVENT SUICIDES & SAVE LIVES](#). Filed Apr 8 2021, *AN ACT TO AUTHORIZE THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER TO RESTRICT TEMPORARILY A PERSON'S ACCESS TO FIREARMS IF THERE IS EVIDENCE THAT THE PERSON POSES A DANGER OF PHYSICAL HARM TO SELF OR OTHERS*.

Enacts new GS Chapter 50E, the *Extreme Risk Protection Orders Act*, providing a court procedure for concerned citizens and law enforcement to obtain an order temporarily restricting a person's access to firearms in situations where a person poses a significant danger of harming themselves or others by possessing a firearm. Includes related legislative findings. Sets out defined terms applicable to the Chapter.

Allows a family or household member, a current or former spouse or former dating partner, a law enforcement officer or agency, or a health care provider to file a verified petition in district court for an Extreme Risk Protection Order (ERPO) in any county authorized by the venue provisions set out in GS 1-82 (most commonly where the plaintiff or defendant resides). Defines *family or household member* to be (1) a person related by blood, marriage, or adoption to the respondent; (2) a current or former dating partner of the respondent; (3) a person who has a child in common with the respondent; (4) a domestic partner of the respondent; (5) a person who has a biological or legal parent-child relationship with the respondent, including stepparents, stepchildren, grandparents, and grandchildren; and (6) a person who is acting or has acted as the respondent's legal guardian. Sets out information required in the petition, including: (1) a factual allegation that the respondent poses a danger of physical harm to self or others (and in the case of an ex parte ERPO, poses an imminent danger of physical harm to self or others) by having in his or her care, custody, possession, ownership, or control a firearm; (2) an identification of the number, types, and locations of firearms under the respondent's custody or control; (3) an identification of any existing protection order governing the respondent; and (4) an identification of any pending legal action between the petitioner and the respondent. Clarifies that a petition for an ERPO can be granted without delay regardless of whether there is pending action between the

petitioner and the respondent. Provides for a petitioner to use the substitute address designated by the Address Confidentiality Program when filing documents required by new Chapter 50E. Requires a petitioner's address to be kept confidential if the petitioner does not have a current and valid Address Confidentiality Program authorization card if the petitioner submits either specified court orders and a signed statement that the petitioner has good reason to believe that the physical safety of the petitioner or a member of the petitioner's family residing with the petitioner would be jeopardized if the petition's address were open to public inspection. Prohibits the assessment of court costs or attorneys' fees for filing or service of an ERPO petition or service of any ERPOs, except for sanctions for violations regarding signing and verification of the pleadings under GS 1A-1, Rule 11. Authorizes electronic filing of all documents filed, issued, registered, or served in an action under new Chapter 50E. Requires annual reporting by the Administrative Office of the Court, beginning December 1, 2022, to the specified NCGA committee and division with five data components specified.

Requires a summons be issued and served no later than five days prior to the date set for the full ERPO hearing, with the ERPO petition, any ex parte ERPO that has been issued and the notice of hearing on the ex parte ERPO, and a description of an ERPO attached. Directs the clerk of court to effect service through the appropriate law enforcement agency.

Sets forth the required information that must be included in an ERPO, including (1) a statement of the grounds supporting its issuance; (2) the date and time the ERPO was issued and when it expires; (3) whether a mental health or chemical dependency evaluation of the respondent is required; (4) the court's address where a responsive pleading can be filed; (5) a description of the relinquishment and retrieval requirements for firearms, ammunition, and related permits of the respondent; (6) a description of the process for seeking termination of the ERPO; and (7) a statement that violation of the ERPO is a Class A1 misdemeanor.

Details the parameters of issuing an ex parte ERPO without service or notice. Requires that it appear clearly to the court from the facts shown that the respondent poses an imminent danger of causing physical injury to self or others by having in his or her custody a firearm before a judge or magistrate can issue an ex parte ERPO. Provides that the chief district court judge can designate for each county at least one judge or magistrate to be reasonably available to issue ex parte ERPOs when the court is not in session. Authorizes hearings to consider ex parte relief to be held by video conference.

Details the parameters of issuing a full ERPO, including a hearing on the petition no later than 10 days from either the date an ex parte ERPO was issued, if applicable, or the date the petition was filed. Allows for one continuance of no more than 10 days unless all parties consent or good cause is shown. Permits issuance of a full ERPO when (1) the court finds by a preponderance of the evidence that the respondent poses a danger of causing physical injury to self or others by having in his or her custody a firearm, (2) process was proper, and (3) notice of hearing was proper.

Requires the respondent to immediately surrender to the sheriff possession of all firearms, ammunition, and permits in the custody or control of the respondent upon service of an ERPO, or within 24 hours of service at a time and place specified by the sheriff in the event weapons cannot be surrendered at the time the ERPO is served. Requires the sheriff to issue receipt at the time of surrender or seizure, and file receipt with the court within 48 hours after issuing the receipt. Provides for a warrant to be issued for failure to surrender firearms. Allows the sheriff to charge the respondent a reasonable fee for the storage of any firearms and ammunition taken pursuant to an ERPO. Provides for retrieval if the ex parte ERPO expires and the court does not enter a full ERPO. Otherwise, requires the respondent to file a motion for retrieval within 90 days after an ERPO expires, whereby surrendered firearms, ammunition, and permits must be returned to the respondent within 30 days of the motion unless the court finds the respondent is otherwise precluded from owning or possessing a firearm pursuant to state or federal law. Provides for motion for return by a third party. Authorizes disposal of surrendered firearms that have not been or cannot be returned as specified.

Sets the duration of an ex parte ERPO to be from its effective date to the date the hearing is held, or if a hearing is not held or a continuance not granted, no more than 10 days from its issuance. Requires a full ERPO to be effective for a fixed period of time not to exceed one year. Provides for renewal of any ERPO by the petitioner one or more times prior to its expiration, providing the initial requirements are satisfied and there has been no material change in the circumstances since its issuance. Limits the granting of renewals to open court.

Details the process of terminating an ERPO, with the respondent limited to submitting one motion for termination for every 12-month period the full ERPO is in effect. Requires the court to set a hearing no sooner than 14 days and no later than 30 days from the date of service upon the petitioner. Requires the respondent to prove by a preponderance of the evidence that he or she does not pose a danger of causing physical harm to self or others by having a firearm in his or her custody or care.

Requires the clerk to provide same day notice of ERPO issuance to the sheriff. Requires the sheriff to promptly enter the ERPO into the National Crime Information Center registry; update the orders in the registry upon modification, termination, renewal, or dismissal; and provide 24/7 access to the orders to the courts. Also requires a copy of the ERPO be issued promptly to and retained by the municipal police department. Provides for notice to the respondent if he or she was not present when the ERPO was issued, and for notice to third parties where applicable.

Makes it a Class A1 misdemeanor for any person to possess, purchase, or receive, or attempt to possess, purchase, or receive, a firearm, ammunition, or permits to purchase or carry concealed firearms for so long as an effective ERPO is entered against that person.

Makes it a Class 2 misdemeanor for any person to knowingly make a false statement when petitioning for an ERPO, and for any person to knowingly make a false statement to law enforcement that an ERPO remains in effect.

Clarifies that the remedies provided in new GS Chapter 50E are not exclusive, and that the Chapter does not affect the ability of law enforcement to remove a firearm or permit from any person, or conduct any search and seizure for firearms, pursuant to other lawful authority.

Specifies that Chapter 50E does not impose any criminal or civil liability on any person or entity for acts or omissions related to obtaining an ERPO.

Amends GS Chapter 15C, providing for the inclusion of petitioners for an ERPO in the Address Confidentiality Program. Makes conforming changes.

Directs the Administrative Office of the Courts to develop the appropriate forms to implement the processes set out in new GS Chapter 50E.

Effective December 1, 2021.

Intro. by Morey, Autry, Gill, Martin.

[GS 15C, GS 50E](#)

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

PUBLIC/SENATE BILLS

S 646 (2021-2022) [MARIJUANA JUSTICE AND REINVESTMENT ACT](#). Filed Apr 6 2021, *AN ACT TO LEGALIZE AND REGULATE THE SALE, POSSESSION, AND USE OF CANNABIS IN NORTH CAROLINA*.

Part I.

Enacts new GS Chapter 18D, establishing registration and licensure requirements and procedures governing the operation of cannabis establishments, and making possession and use of cannabis for personal use by persons at least 21 years of age lawful within the statutory possession limit. States legislative findings. Excludes Article 43 of GS Chapter 90, as enacted and governing medical cannabis, from the scope of the new Chapter. Creates the Office of Social Equity (Office) within the Department of Public Safety, and provides for the Office's executive director, funding, and powers and duties, which include defining *social equity applicant*, advising the Department of Public Safety, providing reporting, investigating establishments, and administering three funds established by the act: the Community Reinvestment and Repair Fund, the Social Equity Fund, and the Cannabis Education and Technical Assistance Fund.

Charges the Department of Public Safety (Department) with cannabis establishment registration issuance and annual renewal. Provides for conditional approval for applicants that have not yet purchased or leased the establishment location. Subjects registered establishments to Department inspection. Requires establishments operating with on-site consumption to be issued a permit, license, or registration that expressly allows such operation by the local regulatory authority of the locality. Authorizes local prohibition of establishments by ordinance, so long as transportation through or delivery within the locality is permitted.

Authorizes localities to govern the time, place, manner, and number of operations consistent with the Chapter. Bars host community agreements whereby establishments or applicants provide anything of value to the locality.

Makes possession, transfer, and use of cannabis by persons at least 21 years of age lawful within the statutory possession limit, defined as: (1) two ounces of cannabis, excluding concentrated cannabis or cannabis products; (2) 15 grams of concentrated cannabis; (3) cannabis products containing no more than 2,000 mg of tetrahydrocannabinol; (4) six cannabis plants; or (5) any additional cannabis produced by the person's cannabis plants provided that possession exceeding these limits is limited to the same property of cultivation. Establishes restrictions for cultivating cannabis plants, including requiring cultivation out of public view and taking reasonable precautions to secure the plants from unauthorized access by minors, with violations constituting infractions punishable by up to \$750 or up to 75 hours of community service. Makes it an infraction, punishable by a fine of up to \$50 or up to five hours of community service, to smoke cannabis in a public place or in an area of an on-site consumption establishment where smoking is prohibited. Makes it an infraction to operate a motor vehicle or motorized device used for transportation, punishable by a fine of up to \$250, up to 25 hours of community service, and/or license suspension for up to six months. Provides increased penalties for subsequent offenses.

Makes it an infraction, punishable by a fine of up to \$150 or up to 15 hours of community service, for a person under 21 to present false identification in procuring or attempting to procure cannabis, or gaining access to a cannabis establishment. Makes specified extractions from cannabis a Class E felony, punishable by a fine of up to \$5,000. Makes possession, use, distribution, or manufacture of cannabis accessories by persons 21 or older lawful, subject to Department rules. For violations, makes a first offense an infraction punishable by a fine of up to \$1,000 and forfeiture, and a second offense a Class A1 misdemeanor punishable by a fine of up to \$5,000 and/or up to 180 days in jail and forfeiture. Establishes penalties and court-ordered entry into substance abuse treatment and/or education programs for juveniles and persons over 18 for possessing, using, or purchasing cannabis or cannabis accessories. Prohibits discrimination in employment and professional licensure and public assistance benefits, and prohibits arresting, prosecuting, or assessing a penalty solely for conduct permitted by the Chapter. Provides other protections relating to child custody or visitation, State or local government benefits and entitlement, medical care, and conditions of pretrial release.

The Chapter does not prevent government employers from disciplining employees or contractors for consumption in the workplace or working while impaired, nor prevent penalization of conduct under the influence which would constitute negligence or professional malpractice. Provides for the Chapter to not apply when it conflicts with the governmental employers' federal obligations or federal monetary or licensing-related benefits. Deems operation of a registered establishment lawful, subject to the Chapter, Department rules, and local authorities. Details requirements for establishments to verify that consumers are 21 or older and provides for an affirmative defense to prosecutions for violations. Provides protections from discrimination for the provision of services to or previous employment at a cannabis establishment. Provides for the rights of property owners and protections for tenants with prior cannabis-related convictions. Deems contracts related to establishment operation enforceable. Details restrictions of law enforcement and State and local governments with respect to conduct permitted under the Chapter.

Requires the Department to adopt necessary implementing rules within 180 days of January 1, 2022, as specified, and including 27 specified regulations.

Establishes a 20% cannabis excise tax for sales of cannabis and cannabis products, excluding sales of medical cannabis under Article 43 of GS Chapter 90, as enacted. Details tax collection and administration. Allows municipalities to levy a local option sales tax of 3%, excluding sales of medical cannabis. Details local tax collection and administration. Provides for apportionment of the cannabis excise tax for specified funds and purposes.

Effective January 1, 2022, and applies to offenses committed on or after that date.

Part II.

Enacts new Article 43, NC Medical Cannabis Act, to GS Chapter 90. Provides broad civil and criminal immunity for a patient or a designated caregiver for purchasing or possessing cannabis for medical use if the quantity does not exceed an adequate supply as determined by the NC Medical Care Commission. Requires the Department of Health and Human Services (DHHS) to issue "registry identification cards" to persons who qualify as patients or designated caregivers, and provides that a card creates a rebuttable presumption of permissible use if the person does not possess more than an adequate supply. Specifies conditions under which provisions of the act are applicable to minors. Prohibits a school, employer, or landlord from refusing to enroll, employ, or lease to, or to otherwise penalize, a person because of his or her status under the act or the permissible

possession or use of cannabis. Also provides immunity and protection from penalties for physicians for conduct consistent with the act. Provides other protections relating to conduct of law enforcement, child custody or visitation, constructive possession, and the unauthorized substances tax. Specifies criteria and procedures for DHHS issuance or renewal of registry identification cards and requires that DHHS maintain a confidential list of persons to whom cards are issued. Allows DHHS to verify for law enforcement whether a card is valid and to report to law enforcement about falsified or fraudulent information submitted to DHHS. Makes violation of the confidentiality provision a Class 1 misdemeanor, subject to a fine of up to \$1,000.

Directs the NC Medical Care Commission to adopt rules to implement the provisions regarding registry cards, establishing requirements for the issuance of registry identification cards to patients and designated caregivers who meet certain minimum specifications. Requires the rules be adopted no later than 120 days after the effective date of the act.

Defines *patient* and *physician*.

Effective January 1, 2022.

Part III.

Enacts GS 15A-145.8B, mandating the automatic expunction of convictions for offenses involving marijuana or hashish that is legal under new GS Chapter 18D by July 1, 2024. Charges the Administrative Office of the Courts (AOC) with determining eligible offenses, creating an electronic list of offenses, and providing the list to clerks of superior court by October 1, 2023, to prepare and complete orders of expungement. Provides for expungement of related government records, except DNA records and samples stored, and reversal of administration actions taken as a result from the charges or convictions expunged. Provides for the effect of the expunction. Effective January 1, 2022.

Part IV.

Makes conforming repeals in the following statutory sections to reflect the new enactments: GS 90-87, GS 90-94, GS 90-95, GS 90-113.22A, GS 90-113.21, GS 105-113.106, GS 105-113.107, GS 105-113-107A, GS 105-113.108, GS 106-134, GS 148-64.1, and GS 90-94.1.

Makes conforming changes to GS 105-113.106, defining *dealer* to exclude possession of marijuana.

Effective January 1, 2022.

Part IV.

Includes a severability clause.

Provides a savings clause for prosecutions for offenses committed before the effective date of the act.

Intro. by Chaudhuri, Woodard, Foushee.

[GS 15A](#), [GS 18D](#), [GS 90](#), [GS 105](#), [GS 106](#), [GS 148](#)

[Agriculture, Business and Commerce](#), [Occupational Licensing, Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Criminal Justice](#), [Corrections \(Sentencing/Probation\)](#), [Criminal Law and Procedure](#), [Development, Land Use and Housing](#), [Property and Housing](#), [Employment and Retirement](#), [Government, State Agencies](#), [Department of Public Safety](#), [Tax](#), [Local Government](#), [Health and Human Services](#), [Health](#), [Social Services](#), [Public Assistance](#)

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S 649 (2021-2022) [NORTH CAROLINA VENTURE FUND](#). Filed Apr 6 2021, *AN ACT TO PROVIDE FUNDING FOR INITIAL CAPITAL FOR DEVELOPING TECHNOLOGY COMPANIES AND VENTURES*.

Makes organizational changes and now adds a new Subpart B, Technology Development Funding, to Part 2I of Article 10 of GS Chapter 143 B, providing as follows. Establishes the North Carolina Technology Development Investment Program (Program) to provide early-stage, evergreen venture capital for the purpose of fostering and funding upcoming businesses in

the state and supporting entrepreneurs in their efforts to build valuable companies. Creates the North Carolina Technology Development Corporation (Corporation) as a State agency, within the Department of Commerce, to perform at least the nine listed functions, including: assisting in transferring to the private sector the results and products of scientific research and development conducted by higher education and federal research institutions in the state, assisting in commercializing those results and products, investing in NC-based technology companies and promoting the commercialization and growth of technology companies and jobs in the state, and building a long-term entrepreneurial capacity and sustained venture capital presence in the state. Creates a 15-member Board of Directors (Board) to oversee the Corporation; allows the Board to create an advisory committee. Sets out additional provisions governing the Board. Requires the Corporation to adopt a policy for conflicts of interest and gifts to guide the Board, officers, and employees. Requires the Corporation to adopt regulations establishing the investment committee, its responsibilities, and the procedures for appointing members of the committee.

Allows the Corporation to make grants to or provide equity investment financing for qualifying businesses that are technology-based if the investments are made on review and approval of a written application that meets the specified requirements. Requires the Corporation to adopt regulations to govern investments that specify: (1) types of qualified businesses in which an investment may be made; (2) basic standards an enterprise must meet to qualify for an investment; (3) amount of money available for investment; (4) the Corporation's investment policy statement describing the procedures, criteria, investment philosophy, and guidelines for how investment decisions will be made; and (5) process for the consideration of whether investments help to foster inclusive and diverse entrepreneurship. Allows the Board of Governors and the State Board of Community Colleges to contract with the Corporation or its subsidiaries, assign to the Corporation or its subsidiaries intellectual property and other resources to assist it in development and activities, and assign faculty and staff to the Corporation. Requires outreach to rural areas. Subjects the Corporation's books and records to audit. Requires the Corporation to report on specified issues to the named NCGA committee and division.

Creates the nine-member Startup Capital Authority (Authority) within the Corporation, with members serving four-year terms. Charges the Authority with providing advice to and consulting with the Corporation in connection with the administration of the Program. Requires the Authority to meet at least quarterly to review the Corporation's investment policies, investment decisions, and adherence to the statutory and regulatory requirements imposed on the Corporation.

Creates the Startup Capital Enterprise Fund to make qualified investments in qualified businesses, with the funds to be used as follows: (1) 67% to venture firms to fund the making of qualified investments based on the criteria set forth in this subpart, with no more than 20% invested in sidecar fund affiliates of the venture firms and (2) the remainder for qualified investment in qualified businesses.

Requires the Authority to use a third party to establish application procedures for an entity to be certified as a venture firm for participation in the Program and to review and evaluate applications for venture firm certification. Upon recommendation from the third party, requires the Authority to select venture firms to (1) receive funds from the Fund consistent with the investment criteria set forth in this subpart and (2) make investments in the state equal to or exceeding the amount of funds received. Sets out issues the Authority must consider when selecting applicants for venture firm certification. Sets out requirements for certification as a venture firm for participation in the Program, including that the applicant have an equity capitalization, net assets, or written commitments of a least \$500,000. Requires a venture to inform the Corporation in writing when it needs funds from the Fund for investment or for the payment of approved fees and expenses. Requires the venture firms to make specified reports to the Corporation. Allows certified venture firms to make a qualified distribution at any time; sets out the process under which a distribution can be made if it is not a qualified distribution. Requires each venture firm certified to participate in the Program to make equity investments of no less than 50% of the capital allocated to qualified businesses within three years of each capital allocation; sets out actions that may be taken against the firm if it fails to comply.

Requires the Corporation to administer the Fund and allows rulemaking to do so. Requires the Corporation to report annually on the tax credits generated under the subpart to the specified NCGA committees and division. Specifies what is to be included in the report.

States the NCGA's intent to use funds from the American Rescue Plan Act of 2021 to fund the Program.

Effective when an act of the NCGA appropriating funds for its implementation becomes effective.

Intro. by Salvador, Newton, deViere.

GS 143B

[View summary](#)

Business and Commerce, Government, State Agencies,

**Community Colleges System Office, UNC System, Department
of Commerce**

S 669 (2021-2022) **ENACT MEDICAL CANNABIS ACT**. Filed Apr 7 2021, *AN ACT ENACTING THE NORTH CAROLINA MEDICAL CANNABIS ACT*.

Adds new Article 43, *North Carolina Medical Cannabis Act*, to GS Chapter 90. Provides legislative findings. Provides broad civil and criminal immunity for a "qualified patient" or a "designated caregiver" for purchasing or possessing cannabis for medical use if the quantity does not exceed an "adequate supply" for the patient as determined by his or her physician. *Adequate supply* is defined by the act as an amount of usable cannabis derived solely from an intrastate source that does not exceed what is reasonably necessary to assure the uninterrupted availability of cannabis in any form recommended by the qualified patient's physician for the purpose of alleviating the symptoms or effects of the qualified patient's medical condition. Conditions the Article's protections upon the qualified patient or designated caregivers' possession of a *written certification*, defined as a statement in a patient's medical records or a statement signed by a physician indicating that, in the physician's professional opinion, the patient has a medical condition and the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the patient, and provides that a written certification creates a rebuttable presumption of permissible use if the person does not possess more than an adequate supply. Prohibits a school, employer, or landlord from refusing to enroll, employ, or lease to, or to otherwise penalize, a person because of his or her status under the act or the permissible possession or use of cannabis. Also provides immunity and protection from penalties for licensed producers of medical cannabis and for physicians for conduct consistent with the act. Provides other protections relating to conduct of law enforcement, child custody or visitation, constructive possession, and the unauthorized substances tax, including prohibiting law enforcement from invading private property on suspicion of cannabis possession of an amount less than 2 ounces.

The act does not permit a person to control a motor vehicle, aircraft, or motorboat while impaired by cannabis; undertake any task under the influence of cannabis that would constitute negligence or malpractice; or smoke cannabis in a school bus or on public transportation, on school grounds, in a correctional facility, or in any public place in the state. No government-sponsored medical assistance program or private health insurer is required by the act to cover costs of medical use of cannabis, and an employer is not required to accommodate use in the workplace.

Directs the Department of Agriculture and Consumer Services to establish a medical cannabis supply system to provide a safe, regulated supply of cannabis appropriate for medical use by qualified patients with a written certification and to generate revenue sufficient to maintain and operate the system. Prohibits use of appropriations from the General Fund to establish or operate the system, which must be funded by authorized fees. Establishes criteria for licensing of medical cannabis supply centers (for the sale of cannabis, cannabis-infused products, and related paraphernalia to qualified patients and caregivers holding a written certification), producers of medical cannabis, and producers of cannabis-infused products, as well as for suspending or revoking licenses. Requires the Department of Agriculture and Consumer Services to maintain a confidential list of licensees and specifies when it may release information to law enforcement. Requires the Board of Agriculture, in consultation with the Medical Care Commission, to adopt rules to implement the supply system, and provides for temporary rules in the interim. Specifies when medical use of cannabis may be asserted by qualified patients and caregivers as an affirmative defense to a criminal charge. Expresses the General Assembly's intent that the University of North Carolina system undertake scientific research regarding the efficacy and safety of the medical use of cannabis and, subject to approval by the UNC Board of Governors, directs the university to create the North Carolina Cannabis Research Program. Provides a severability clause. Directs the Department of Health and Human Services to issue temporary certificates for participation in the regulated medical supply system, as established, in the manner specified, and maintain a list of all temporary certificates issued. Makes conforming changes to GS 106-121 (definitions under Food, Drugs, and Cosmetics Act).

Intro. by Nickel, Murdock, Marcus.

GS 90, GS 106

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, UNC System, Department of Agriculture and Consumer Services, Department of Health and Human Services, Tax, Health and Human Services, Health

S 673 (2021-2022) [UP MINIMUM WAGES/NO SUBMINIMUM OR EXEMPTIONS](#). Filed Apr 7 2021, *AN ACT INCREASING THE REGULAR MINIMUM WAGE TO FIFTEEN DOLLARS PER HOUR BY 2023, INCREASING AND PHASING OUT THE TIPPED EMPLOYEE MINIMUM WAGE THROUGH 2025, PROVIDING FOR INFLATIONARY ADJUSTMENTS TO THE MINIMUM WAGE BASED UPON INCREASES IN THE CONSUMER PRICE INDEX, REPEALING THE SUBMINIMUM WAGE FOR SPECIFIED WORKERS, AND REPEALING EXEMPTIONS FROM THE MINIMUM WAGE FOR AGRICULTURAL AND DOMESTIC WORKERS.*

Section 1

Current law, GS 95-25.3(a), sets the minimum wage that every employer must pay to each employee who performs any work during any workweek at the higher of \$6.15 per hour or the minimum wage set forth in 29 USC 206(a)(1) (the Fair Labor Standards Act, which may change with time), except as otherwise provided in the statute.

This act increases the state's minimum wage in three phases. Effective January 1, 2022, sets the minimum wage at the higher of \$10.35 per hour or the minimum wage set forth in 29 USC 206(a)(1). Effective January 1, 2023, sets the minimum wage at the higher of \$15.00 per hour or the minimum wage set forth in 29 USC 206(a)(1). Beginning September 1, 2023, requires an annual adjustment by the Commissioner of Labor, calculated as specified.

Eliminates the remaining content of GS 95-25.3, except existing subsection (f), which permits tipped employees to have tips counted as wages up to a certain federally specified limit.

Section 2

Further amends GS 95-25.3, setting a statutory cap on the amount of tips earned by tipped employees that can be counted as wages at \$6.50 per hour. Eliminates employee notice and employer record keeping requirements. Effective January 1, 2022, until December 31, 2022. Gradually increases the statutory cap, further amending the statute effective for the following specified terms: \$9.50 per hour, effective January 1, 2023, until December 31, 2023; \$12.50 per hour, effective January 1, 2024, until December 31, 2024; and \$15.00 per hour, effective January 1, 2025. Further amends the statute, effective January 1, 2026, setting the minimum wage rate of a tipped employee at the amount set by the Commissioner of Labor as annually adjusted, with no tips counted as wages. Bars reducing an employee's wages under a tip pooling arrangement.

Section 3

Amends GS 95-25.14 to no longer exclude the following individuals from the provisions of GS 95-25.3 (Minimum Wage); GS 95-25.4 (Overtime); GS 95-25.5 (Youth Employment); and GS 95-25.15(b) (Record Keeping): (1) any persons employed in agriculture, as defined by federal law; and (2) any person employed as a domestic, including baby sitters and companions, as defined by federal law. Makes clarifying and technical changes.

Intro. by Nickel, Murdock, Foushee.

GS 95

[View summary](#)

[Agriculture, Business and Commerce, Employment and Retirement, Government, State Agencies, Department of Labor](#)

S 682 (2021-2022) [CITIZENS REVIEW BOARD](#). Filed Apr 7 2021, *AN ACT TO AUTHORIZE THE USE OF CITIZENS REVIEW BOARDS TO INVESTIGATE OR REVIEW ALLEGATIONS OF CERTAIN MISCONDUCT BY LAW ENFORCEMENT OFFICERS.*

Enacts new GS 160A-289.3 to allow a city, by ordinance, to establish a citizens' review board (board) to review appeals of disciplinary actions involving allegations of misconduct by law enforcement officers employed by the city's law enforcement agency. Limits misconduct to excessive use of force, abuse of power, and discriminatory profiling. Sets board membership at 5-11 members and sets out membership qualifications, including prohibiting members from being city employees, requiring members to attend a citizens' academy where available, and requiring members to have completed a ride-along with law enforcement. Members serve for two years and may not serve two consecutive terms; provides for member removal, filling of vacancies, and election of a chair and vice-chair. Requires members to sign a confidentiality agreement; violations of the agreement are a Class 1 misdemeanor, with up to \$1,000 fine, and cause for removal.

Sets the board's powers and duties as: (1) advising the chief officer of a law enforcement agency; (2) making findings and recommendations on disciplinary action of a law enforcement officer alleged to have committed misconduct; and (3) recommending changes in policy or training of law enforcement officers to the city council and the head of the law enforcement agency within the city that established the citizens' review board. Allows specified board members to subpoena witnesses and compel the production of evidence. Allows any person involved in a hearing or proceeding before the board to be represented by an attorney. Sets out seven additional rights given to a law enforcement officer that is the subject of a hearing or proceeding before the board, including 15 days' notice; receipt of all documents, communications, and other evidence provided to the board related to the hearing or proceeding; and offering evidence, including, but not limited to, witnesses, documents, and other items. Prohibits a board from reviewing appeals of decisions to the city manager or the city's governing board. Requires the head of the law enforcement agency employing the officer in question to provide the board with the officer's personnel file and other necessary material; requires the board to keep the information confidential. Requires each element of the board's findings or recommendations to be predicated upon substantial, clear, and convincing evidence. Places the burden of proof on the city that established the board. Makes the board's recommendations as to disciplinary actions binding and confidential. Allows for appeal to the superior court. Sets out reporting requirements. Excludes from the board's authority: law enforcement officers employed by a county police department or sheriff's department located in a county, law enforcement officers employed by a company police agency, law enforcement officers employed by a campus police agency, and law enforcement officers employed by a special police agency.

Amends GS 132-1.4A to expand upon when a custodial law enforcement agency is allowed to disclose or release a recording to also include: (1) local agencies that partner with the custodial law enforcement agency, including specified emergency personnel for any internal investigation, administration decision making, or training purpose; (2) school resource officers to disclose the recordings to a juvenile whose image or voice is captured in the recording, the juvenile's parents or the legal guardians and school administrators; (3) a citizens' review board for review of complaints, if members execute a confidentiality agreement prior to viewing the recording; (4) to identify or locate a potential criminal suspect, victim of a crime, or missing person, so long as only a single or limited number of randomly selected still images of the face are released; (5) to the city or county manager for management and administrative purposes, so long as there is a confidentiality agreement in place before the viewing; and (6) to the city or town council in closed session and upon recommendation of the city or town manager and majority vote of the city or town council, so long as there is a confidentiality agreement in place before the viewing. Makes it a Class 3 misdemeanor, to be fined up to \$500, to knowingly and willfully disclose or release a recording.

Makes clarifying changes to GS 143-318.11.

Effective December 1, 2021.

Intro. by deViere, Chaudhuri, Foushee.

[GS 132, GS 143, GS 160A](#)

[View summary](#)

**Government, Public Safety and Emergency Management,
Local Government**

S 688 (2021-2022) [SPORTS WAGERING](#). Filed Apr 7 2021, *AN ACT TO AUTHORIZE AND REGULATE SPORTS WAGERING IN NORTH CAROLINA*.

Adds Article 9, Sports Wagering, to GS Chapter 18C, providing as follows.

Makes sports wagering legal. Defines *sports wager or sports wagering* as placing of wagers on any portion of a sporting event (professional sports, college sports, electronic sports, and amateur sports as well as any other approved event), or on the individual performance statistics of athletes in a sporting event or combination of sporting events, by any system or method of wagering, that may include in-person, over the internet through websites, or mobile devices. This also includes single-game wagers, teaser wagers, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play wagers, proposition wagers, and straight wagers. Excludes: (1) pari-mutuel sports wagering on horse racing as authorized under GS 14-292.2 and (2) fantasy or simulated games or contests. Specifies that this also does not authorize: (1) wagering involving youth sports; (2) wagering on the occurrence of injuries, penalties, outcome of disciplinary proceedings against a sporting participant, or outcome of replay reviews; and (3) the Commission serving as an operator of a sports wagering platform. Gives the the North Carolina State Lottery Commission (Commission) or the Department of Revenue (DOR) authority, upon request and

with notice, to audit an interactive sports wagering operator or its service providers as related to the wagering activities. Allows commercial agreements between a sports governing body on whose sporting events sports wagering is authorized and interactive sports wagering operators or other entities in which the sports governing body may share in the amount bet from sports wagering on the governing body's sporting events.

Requires a sports wagering license before offering or accepting sport wagers. Requires the Commission to authorize 10-12 interactive sports wagering operators to offer and accept wagers to and from registered players on sporting events. Sets out licensing application procedures and requirements, including paying a \$500,000 licensing fee and undergoing a credit history check, tax record check, and criminal history record check. Prohibits licensure of a person who has been convicted, or a key person of the applicant has been convicted, of a felony or any gambling offense in any state or US federal court within 10 years of application or renewal. Requires the Commission to select the best qualified applicants for licensure and sets out factors that are to be considered in making the selection. Allows licensure, without further examination, of a person holding a license issued by another state having comparable licensing requirements. Requires application decisions to be made in 60 days. Sets out five categories of applicant information that will be public record, including the name of key persons, whether the application was approved or denied, and the documented history of working to prevent compulsive gambling.

Requires a service provider license before providing covered services to an interactive sports wagering operator. Defines *covered services* as any service involving the operation, management, or control of sports wagers authorized by this Article, including the development or operation of the sports wagering platform and the provision of odds and line information, excluding the following: payment processing and similar financial services, customer identity, age verification, geolocation services, streaming or other video and data that does not include odds or line information, telecommunications, internet service provision, and other similar services not specifically designed for sports wagering, and other goods or services not specifically designed for use in connection with sports wagering. Excludes from this license requirement an interactive sports wagering operator who provides covered services in-house. Sets out licensing application procedures and requirements, including paying a \$25,000 licensing fee and undergoing a credit history check, tax record check, and criminal history record check. Requires an application decision in 60 days. Prohibits licensure of any applicant who has been convicted, or a key person of the applicant has been convicted, of a felony or any gambling offense in any state or federal US court within 10 years of application or renewal. Allows licensure, without further examination, of a person holding a license issued by another state having comparable licensing requirements. Specifies eight grounds for denying licensure. Sets out three application items that will be public record.

Licenses are valid for five years. Sets out the procedure for renewing the license, including paying a renewal fee of \$100,000 for an interactive sports wagering license and \$10,000 for a service provider license. Sets out grounds for denial of a renewal.

Sets out nine duties of an interactive sports wagering operator and its service providers, including: preventing persons who are not registered players from placing sports wagers through its sports wagering platform, preventing persons who are not physically located in the state from placing a wager through its sports wagering platform, establishing procedures to detect suspicious or illegal sports wagering activity, and providing for the reporting of income tax of registered players where required by applicable State or federal law. Sets out records that must be retained for three years and requires the records to be disclosed to the Commission when requested. Lists information that the interactive sports wagering operators must share with a sports governing body when the body has notified the Commission that real-time information sharing for sports wagers placed on events is necessary. Sets out requirements for the advertising of the sports wagering platform including that it not target persons under age 18. Establishes background check requirements for new employees of interactive sports wagering operators. Requires interactive sports wagering operators to use commercially reasonable methods to maintain security of wagering data, registered players and other customer data, and any other confidential information.

Requires being a registered player to deposit cash or cash equivalents, or to place a sports wager, with an interactive sports wagering operator. Sets out requirements for the registered players' interactive account and limits registered players to one interactive account with each interactive sports wagering operator. Sets out seven classes of individuals who are prohibited from engaging in sports wagering, including: a person under age 21; any Commission member, officer, or employee if placing a sports wager in this state; any employee or key person of an interactive sports wagering operator or service provider licensee when placing sports wagers with that interactive sports wagering operator; and any participant in the sporting event being bet on. Sets out conditions under which a registered player's interactive account may be suspended or terminated.

Allows a sports governing body to request in writing that the Commission restrict, limit, or exclude a certain type, form, or category of sports wagering with respect to the body's sporting events, if the body believes that the type, form, or category of

sports wagering may undermine the the sporting event's or body's integrity. Requires the request to be granted upon demonstration of good cause that the wagering is likely to undermine the body's or event's integrity. Sets out additional guidelines governing this process. Requires the Commission and interactive sports wagering operators to cooperate with investigations conducted by sports governing bodies or law enforcement agencies. Provides that interactive sports wagering operators are not required to use official league data to determine: (1) the results of tier one (a wager that is determined solely by the final score or final outcome of the sporting event and is placed before the event begins) sports wagers on sporting events of any organization whether headquartered in the United States or elsewhere or (2) the results of tier two (anything other than a tier one) sports wagers on sporting events of organizations that are not headquartered in the United States. Allows a sports governing body to notify the Commission that it wants interactive sports wagering operators to use official league data to settle tier two sports wagers on sporting events of such sports governing body; sets out the process to be followed when such a request is made.

Allows the Commission to take the following actions, after notice and hearing, when a license holder violates the Article: (1) suspend or revoke the license; and/or (2) impose a penalty of up to \$10,000 for each violation.

Sets out the following criminal penalties: (1) Class 2 misdemeanor to knowingly offer or engage in sports wagering in violation of this Article or for a person under age 21 to engage in sports wagering, (2) Class G felony to knowingly attempt to influence the outcome of any competition or aspect of any competition that is the subject of sports wagering, and (3) Class I felony for any license applicant to willfully give false information on the interactive sports wagering license application.

Imposes an 8% tax on each interactive sports wagering operator's gross revenue. Requires 50% of this collected tax to be remitted to the North Carolina Major Events, Games, and Attractions Fund.

Allows individuals to voluntarily exclude themselves from placing sports wagers through a program to be established by the Commission; requires interactive sports wagering operators to use reasonable means to comply with the exclusion of individuals participating in the program. Requires the Commission to adopt rules to establish the program, subject to five specified requirements, including requiring a process by which participants can petition for removal from the program.

Requires the Commission to adopt rules that allow but do not require interactive sports wagering operators and their service providers to employ systems that offset loss or manage or lay off risk. Allows sports facility owners or operators to establish a place of public accommodation for the purpose of accessing a sports wagering platform through mobile devices, computer terminals, or similar access devices; set out requirements for the location of such accommodations.

Requires that all sports wagering authorized under this Article be initiated, received, and otherwise made within this state unless otherwise determined by the Commission. Deems the activities allowed under this Article to be conducted solely under this Article's authority, not under the federal Indian Gaming Regulatory Act. Deems a tribal gaming enterprise an interactive wagering operator upon submitting an application, paying the required fees, and entering into an agreement that contains the specified content. Specifies that a tribal gaming enterprise deemed an interactive sports wagering operator does not count towards the total number of authorized interactive sports wagering operators in this state.

Adds new Part 2L, under Article 10B of GS Chapter 143B, establishing the North Carolina Major Events, Games, and Attractions Fund (Fund). Sets out NCGA findings. Allows the Department to enter into multiparty agreements with site selection organizations and local entities to provide grants from the Fund. Sets out nine conditions to be met, including that the economic activity directly or indirectly attributable to the major event is sufficient to justify the use of State funds to attract or retain the event in this state, and that a grant is necessary to attract or retain the major event to the state. Defines a *major event* as an entertainment, musical, political, sporting, or theatrical event where: (1) the event is held at a sports facility or is sponsored by the specified golf associations, (2) the event is not held more often than annually, (3) the location of the event is determined by a site selection organization through a competitive process, (4) the site selection organization considered multiple sites located outside of the state, and (5) the site selection organization selected a site within this state as the sole location for the event. Sets out the process under which a local entity can apply for a grant. Requires the Department to report annually on the Fund to the specified NCGA committees and division. Requires the Department to conduct a study to determine the minimum funding level needed to successfully implement the Fund; requires reporting the study results to the specified NCGA committees and division annually. Sets out the process under which the Department, with the Governor, is to establish guidelines for the administration of the Fund, for the selection of projects, and for the disbursement of grants.

Amends GS 18C-114 by making conforming changes to the Commission's powers. Amends GS 18C-120 to make conforming changes by allowing the State Lottery Director to conduct background investigations of interactive sports wagering operators.

Amends GS 143B-947 to allow the Department of Public Safety to provide the Commission and Director with criminal histories for prospective sports wagering operators or service providers; also allows fingerprints of potential interactive sports wagering operators to be forwarded to the SBI for a criminal history record search.

Includes a severability clause.

Requires the Commission to adopt temporary rules to implement the Article. Allows the Commission to accept and issue applications for licensure in accordance with the Article, with licenses becoming effective October 1, 2021. Requires selecting the applicants that will maximize revenue to the State while preserving the integrity of sports wagering and ensuring accountability and preserving the public trust in licensed sports wagering activities, if more than 12 completed applications are received. Effective when the act becomes law.

Effective October 1, 2021, unless otherwise indicated.

Intro. by Perry, Lowe.

GS 18C, GS 143B

[View summary](#)

Lottery and Gaming

S 689 (2021-2022) **COUNTY BROADBAND AUTHORITY**. Filed Apr 7 2021, *AN ACT TO FACILITATE THE EXPANSION OF BROADBAND SERVICE IN UNSERVED AREAS OF THE STATE BY ENSURING TIMELY AND NONDISCRIMINATORY ACCESS TO MUNICIPAL AND ELECTRIC MEMBERSHIP COOPERATIVE UTILITY POLES, DUCTS, AND CONDUITS AT JUST AND REASONABLE RATES; TO AUTHORIZE COUNTIES TO PROVIDE GRANTS TO HIGH-SPEED INTERNET ACCESS SERVICE PROVIDERS AND TO BUILD FACILITIES AND EQUIPMENT OF A BROADBAND SERVICE AND TO LEVY TAXES FOR THOSE PURPOSES; TO FURTHER DEFINE THE TERM "CITY UTILITY POLE"; TO PROHIBIT CERTAIN FEES FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES; AND TO MAKE RELATED CHANGES.*

Enacts GS 62-350.1, requiring a municipality or membership corporation to replace a pole in any instance where a communications service provider (provider) is granted access under GS 62-350(a) for the purpose of offering broadband service in an unserved area which requires replacement of the pole consistent with applicable safety requirements, and the provider has requested replacement. Defines "unserved area" and "for the purpose of offering broadband service in an unserved area." Bars requiring reimbursement for the replacement costs except costs incurred solely because of attachment, defined to mean the reasonable costs of advancing the retirement of the pole that would have occurred in the absence of the attachment, as evidenced by specified records maintained by the municipality or membership corporation. Details the required actions of a municipality or membership corporation upon a provider's request for the purposes of offering broadband service in an unserved area and facilitating access to the poles within the time lines and procedures of utility poles set forth in specified federal law. Provides for dispute resolution before the Utilities Commission regarding denied requests for access or attachment, initiated by the municipality, the membership corporation or any attaching party. Requires the Utilities Commission to issue a final order within 120 days of initiation, with extension permitted for good cause subject to agreement of the parties. Authorizes the Utilities Commission to adopt necessary implementing rules.

Amends GS 153A-149, authorizing counties to levy property taxes, up to the specified rate limitation, for the purpose of providing grants to high-speed internet access service (as defined) providers or building facilities and equipment of a broadband service (as defined).

Revises GS 153A-459 to now allow counties to provide grants to private or nonprofit providers of high-speed internet access service to expand service in the county. Requires awarding grants on a technology neutral basis. Permits requiring matching funds. Allows counties to seek and consider requests for proposals from providers prior to awarding a grant. Allows a county to use general fund revenue and State or federal funds for the grants. Authorizes counties to construct internet technology infrastructure capable of delivering high-speed Internet access service within the county, and lease or sell technology infrastructure to private or nonprofit providers to increase access within the county. Allows the county to use general fund revenue and State or federal funds to construct the technology infrastructure. Does not authorize counties to provide high-speed internet broadband service.

Amends GS 160D-931 to include that *city utility poles* are part of a public enterprise owned or operated by a city under Article 16 of GS Chapter 160A consisting of an electric power generation, transmission, or distribution system (previously only

provided for its ownership, location and function).

Enacts GS 160D-935(a1) to prohibit a city from charging a wireless provider who is taxed under specified state law who submits an application under GS 160D-935(d) or GS 160D-936(j) for permit fees for the collocation of a small wireless facility or the installation, modification or replacement of a utility pole or city utility pole in the city right-of-way; or recurring charges for the collocation of a small wireless facility in the city right-of-way or the installation, modification, or replacement of a utility pole or city utility pole in the city right-of-way, except for just, nondiscriminatory fees and attachment fees authorized under GS 160D-937(a), (c), and (d). Regarding application fees and consulting fees, no longer limits cities authorities to charge these fees upon the limitations set forth in GS 160A-296(a)(6) (which prohibits charging fees for certain entities regarding activities conducted in its right-of-way). Amends GS 160D-936 to similarly no longer limit a city's authority to assess a right-of-way charge for use or occupation by a wireless provider to the limitations of GS 160A-296(a)(6).

Amends GS 160D-937 to specify that Part 3 of Article 9, which governs wireless telecommunication facilities, is not to be construed to apply to an electric membership corporation organized under GS Chapter 117 that owns or controls poles, ducts, or conduits and is exempt from regulation under specified federal law. Eliminates the term excluded entity and the exemption of excluded entities from the statute, which governs access to city utility poles to install small wireless facilities. Makes the provisions regarding the statute's effect on the authority of an excluded entity to apply to electric membership corporations instead, except no longer provides for authority over city utility poles, and more specifically provides for use by communications services providers of poles, ducts, or conduits owned by electric membership corporations.

Intro. by Corbin, Hise, Foushee.

[GS 62](#), [GS 153A](#), [GS 160A](#), [GS 160D](#)

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[Government, Local Government, Public Enterprises and Utilities](#)

S 693 (2021-2022) [EXPEDITE CHILD SAFETY AND PERMANENCY](#). Filed Apr 7 2021, *AN ACT TO AMEND VARIOUS ABUSE, NEGLECT, AND DEPENDENCY LAWS TO ENSURE THE SAFETY OF CHILDREN IN OUT-OF-HOME PLACEMENTS; TO EXPEDITE PERMANENCY PLANNING HEARINGS FOR CHILDREN WHO HAVE BEEN REMOVED FROM THE HOME; TO CREATE A PRESUMPTION THAT FOSTER PARENTS WITH WHOM A CHILD HAS LIVED CONTINUOUSLY FOR NINE MONTHS ARE DEEMED NONRELATIVE KIN; AND TO CREATE AN AGGRAVATING CIRCUMSTANCE FOR THE EXPOSURE TO UNLAWFUL CONTROLLED SUBSTANCES IN UTERO OR CONTROLLED SUBSTANCES USED IN VIOLATION OF THE LAW IN UTERO.*

Amends GS 7B-100 by amending the purpose of Subchapter I, Abuse Neglect Dependency, of Article 1 of GS Chapter 7B so that it includes providing standards for ensuring that the best interests of the juvenile are of paramount consideration by the court and that when it is not in the juvenile's best interest to be returned home, the juvenile will be placed in a safe, permanent home within one year from the date of the initial order removing custody (was, within a reasonable amount of time).

Amends GS 7B-101, which sets out the terms used in Subchapter I, as follows. Includes in the definition of a *neglected juvenile* a juvenile less than age 18 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. Adds and defines the term *relative* as an individual directly related to the juvenile by blood, marriage, or adoption including, but not limited to, a grandparent, sibling, aunt, or uncle. Makes technical conforming changes.

Amends GS 7B-503 by extending the conditions under which an order for nonsecure custody is to be made when there is a reasonable factual basis to believe the allegations in the petition are true, to also include when the juvenile is an infant who was born drug-exposed to alcohol, unlawful controlled substances, or controlled substances used in violation of the law; specifies that the alcohol or substance use is not be the sole grounds for ordering nonsecure custody if the parent is enrolled in and meeting or exceeding the benchmarks of a substance abuse treatment program. Adds the requirement that the developmental and attachment needs of the juvenile be considered in making nonsecure custody determinations.

Amends GS 7B-505 to require the department of social services to use due diligence to identify and notify adult relatives, next of kin, and other persons with legal custody of a juvenile's sibling within 30 days after the initial order removing custody. Requires the department to file information on such attempts with the court. Adds the juvenile's developmental and attachment needs to the issues to be considering when considering whether to order a juvenile in nonsecure custody to be placed with a relative.

Amends GS 7B-901 to provide that when a juvenile is placed in the custody of a county department of social services, the court is to direct that reasonable efforts for reunification are not required if the court determines that aggravated circumstances exist because the parent has exposed the juvenile to unlawful controlled substances in utero or controlled substances were used in violation of the law in utero. In these instances or where there is chronic or toxic exposure to alcohol or controlled substances that causes impairment or addiction in the juvenile, requires the court to consider where a parent is enrolled in and meeting or exceeding the benchmarks of a substance abuse treatment program.

Amends GS 7B-903 to require the court to also consider the juvenile's developmental and attachment needs when deciding whether to place a juvenile in out-of-home care with a relative. Adds that if the court does not place the juvenile with a relative, the court may consider whether nonrelative kin or other persons with legal custody of the juvenile's sibling are willing and able to provide proper care and supervision of the juvenile in a safe home. Allows the court to order the department to notify the juvenile's State-recognized tribe of the need for nonsecure custody for the purpose of locating relatives or nonrelative kin for placement. Allows placing a juvenile with nonrelative kin if the court finds it is in the juvenile's best interests. Adds that once a juvenile who is not a member of a State-recognized tribe has resided in a foster parent's home continuously for at least nine months, the foster parent is deemed to be nonrelative kin for these purposes.

Amends GS 7B-906.1, concerning review and permanency planning hearings, to require a permanency planning hearing to be conducted within nine (was, 12) months of the date of the initial order removing custody. Requires the court to consider and make written findings at each hearing on whether efforts to reunite the juvenile with either parent clearly would be unsuccessful or inconsistent with the juvenile's health or safety and need for a safe, permanent home within a reasonable period of time; adds that this includes whether a parent has engaged in any of the factors described under GS 7B-901(c) (conditions under which the court is to direct that reasonable efforts for reunification not be required). Prohibits the court from waiving or refusing to conduct a permanency planning hearing (was, a review hearing) if a party files a motion seeking the hearing.

Amends GS 7B-905 to require that an initial dispositional order direct that the review hearing be conducted within 90 days from the date of the initial dispositional hearing (was, applicable to a dispositional order under which a juvenile is removed from the custody of a parent, guardian, custodian, or caretaker).

Amends GS 7B-906.2 to require that in a permanency planning hearing, reunification must be a primary or secondary plan unless the court makes or has made written findings (was, unless the court made findings), or one of the already listed conditions are met.

Amends GS 7B-1103 by amending who can file a petition or motion to terminate the parental rights of either or both parents, to include any person with whom the juvenile has resided continuously for 15 months (was, two years) or more next preceding the filing of the petition or motion.

Applies to actions filed or pending on or after October 1, 2021.

Intro. by Jarvis, Krawiec, Edwards.

GS 7B

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Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency

S 703 (2021-2022) **STRENGTHEN CHILD FATALITY PREVENTION SYSTEM.** Filed Apr 7 2021, *AN ACT ESTABLISHING A STATE OFFICE OF CHILD FATALITY PREVENTION WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO SERVE AS THE LEAD AGENCY RESPONSIBLE FOR OVERSEEING COORDINATION OF STATE-LEVEL SUPPORT FUNCTIONS FOR THE ENTIRE NORTH CAROLINA CHILD FATALITY PREVENTION SYSTEM AND APPROPRIATING FUNDS FOR THAT PURPOSE; ESTABLISHING A TRANSITION PLAN FOR SHIFTING STATE SUPPORT OF THE CHILD FATALITY PREVENTION SYSTEM TO THE STATE OFFICE OF CHILD FATALITY PREVENTION; CREATING AND SUPPORTING A CENTRALIZED DATA AND REPORTING SYSTEM; RESTRUCTURING EXISTING CHILD DEATH REVIEW TEAMS; MAKING MODIFICATIONS AND ADDITIONS TO CHILD FATALITY PREVENTION SYSTEM STATUTES TO RESTRUCTURE CHILD DEATH REVIEW TEAMS, IMPLEMENT PARTICIPATION IN THE NATIONAL CHILD DEATH REVIEW CASE REPORTING SYSTEM, AND CLARIFY THE FUNCTIONS OF THE NORTH CAROLINA CHILD FATALITY TASK FORCE; AND ESTABLISHING CITIZEN REVIEW PANELS.*

Part I.

Enacts new Part 4C to Article 3 of GS Chapter 143B, establishing the State Office of Child Fatality Prevention (State Office) within the Department of Health and Human Services, Division of Public Health (DPH), to oversee coordination of State-level support functions for the NC Child Fatality Prevention System to maximize efficiency, effectiveness, and capacity. Grants DHHS discretion over staffing of the State Office, except requires the medical examiner child fatality staff to work under the Chief Medical Examiner. Enumerates 11 powers and duties of the State Office, including creating and implementing tools, guidelines, resources and training, and provide technical assistance, to Local Teams, defines to mean a multidisciplinary child death review team that is either a single or multicounty team responsible for performing and type of child fatality review pursuant to Article 14 of GS Chapter 7B.

Appropriates \$389,998 in recurring funds for 2021-22 and \$551,861 in recurring funds for 2022-23 from the General Fund to DPH to establish and operate the State Office. Effective July 1, 2021.

Part II.

States legislative intent to restructure the NC Child Fatality Prevention System (System) as provided. Charges DHHS with the following to implement the described legislative intent. Directs DHHS to have management staff in place at the State Office by July 1, 2022, with Local Teams receiving continuous support throughout the restructuring of the System. Requires DHHS to ensure that the State Office has sufficient staffing by January 1, 2023, to support the restructured System, with execution of any necessary contractual agreements or interagency data sharing for participation in the National Child Death Review Case Reporting System (National System) completed. Requires DHHS to ensure that by July 1, 2023, all Local Teams have been provided guidelines and training addressing their participation in the National System, and that Local Teams have begun using the System for reporting.

Part III.

Makes the following changes to Article 14, GS Chapter 7B, which governs the System.

Revises the declared State policy in GS 7B-1400 as follows. Now states legislative intent to establish a statewide multidisciplinary, multiagency child fatality prevention system to assess the records of child deaths in the State from birth up until the child's 18th birthday, to study data and prevention strategies related to child abuse, neglect, and death, and to use multidisciplinary teams to review these deaths to (1) develop a communitywide approach to child abuse and neglect; (2) understand the causes and contributing factors of childhood deaths; (3) identify any existing gaps or deficiencies in the delivery of services to children and their families by public agencies; (4) identifying and aiding in facilitating the implementation of evidence-driven strategies to prevent child death and promote child well-being; and (5) make and implement recommendations for changes to laws, rules, and policies that support safe and healthy child development.

Revises the defined terms set forth in GS 7B-1401 to now define Child Fatality Prevention System; Local Team; medical examiner child fatality staff; National Child Death Review Case Reporting System; State Office; and Task Force. Enacts new GS 7B-1402.5 to establish three committees with stated subject matter parameters through which the existing Child Fatality Task Force (Task Force) is to carry out its duties: a Perinatal Health Committee, an Unintentional Death Prevention Committee, and an Intentional Death Prevention Committee. Directs each committee to develop and submit recommendation to the Task Force, with the recommendations becoming final upon majority vote of the Task Force. Provides for leadership and staffing of the Task Force, and the development of Task Force policies and procedures, with four components addressed at minimum. Makes conforming deletions to GS 7B-1402.

Replaces the duties of the Task Force under GS 7B-1403 to now require the Task Force to do the following. Requires undertaking a study of the incidences and causes of child deaths in the State as well as evidence-driven strategies for preventing future child deaths, abuse, and neglect. Details three components the study must include, such as information from subject matter experts that informs the understanding of the causes of child deaths and/or prevention strategies, as well as aggregate information and data analysis of child deaths. Charges the Task Force with advising the State Office regarding operation of a statewide system for multidisciplinary review of child deaths and implementation of evidence-driven strategies to prevent child deaths, abuse, and neglect. Places the responsibility of receiving and considering specified reports from the State Office upon the Task Force. Charges the Task Force with developing recommendations for changes in law, policy, rules or the implementation of evidence-driven prevention strategies to be included in its annual reports required under GS 7B-1412. Maintains that the Task Force can perform other studies or determinations necessary to carry out its mandate.

Repeals GS 7B-1404, which creates the NC Child Fatality Prevention Team. Makes conforming repeals of GS 7B-1405 and 7B-1406.

Enacts new GS 7B-1406.5, directing each county to have its own Local Team or participate in a multicounty Local Team. Provides for county governing boards to consult with relevant local authorities specified and State Office guidance in determining whether to be a part of a multicounty team. Charges Local Teams with reviewing all child deaths of resident children under 18 in the county or counties respective to the Local Team which fall under one of nine specified categories, including violence, motor vehicle accidents, and suicide, with consultation required of the State Office when the Local Team is uncertain if the death falls within a specified category requiring review. Allows the Local Team to review deaths child deaths that fall outside of the specified categories. Allows for a Local Team to review an active case in which a child or children are being served by child protective services upon request of a director of a department of social services (dss director), and make recommendations to the Citizen Review Panel serving the area, as well as recommendations based on the review with its annual report to the county board of commissioners required under new GS 7B-1407.10. Requires Local Teams to participate in periodic training provided by the State Office, and employ best practices outlined by the State Office.

Makes conforming changes to GS 7B-1407 regarding Local Teams. Adds to Local Team membership to allow for a designee of the consolidated human services agency in lieu of the dss director, with the following new member requirements: an emergency medical services provider or firefighter, a district court judge, a county medical examiner, a representative of a local child care facility or Head Start program, and a parent of a child who died before reaching the child's 18th birthday (previously, these members were included as additional members when the Local Team reviews the records of additional child fatalities). Provides for the appointing authority of each new member. Authorizes the chair to invite up to five additional individuals to participate on an ad hoc basis for specific review, subject to the chair's discretion and confidentiality agreements. Allows for a staff member of the State Office to serve as an ex officio member. Requires Local Teams to meet at least twice a year (was, at least four times a year), and as frequently as necessary to fulfill the Article's requirements. Provides for meetings at the call of the chair. Requires the chair to participate in training by the State Office prior to presiding over a Local Team meeting. Makes conforming changes and deletions.

Enacts GS 7B-1407.5, enacting additional requirements that apply to child deaths that meet one of four stated conditions, such as the decedent being known to be reported as abused or neglected or the decedent or the decedent's family was involved with child protective services within three years preceding a child's death. Create seven additional duties of the State Office in regards to these cases, and three additional duties of Local Teams in regards to these cases.

Enacts GS 7B-1407.6, directing the State Office to consult with perinatal health experts and participants in reviews of infant deaths to develop criteria for Local Teams to identify a subset of additional infant deaths subject to review that fall outside of required reviews under the nine categories under GS 7B-1406.5(c), as enacted, updating specified information biannually based on emerging information and data.

Establishes four findings the must be made for each child death reviewed by a Local Team. Requires that case information for cases requiring review be entered into the National System, with authority to enter information for cases which the Local Team is permitted to review. Requires annual reporting to the board of county commissioners on recommendations for systemic improvements and needed resources to address identified gaps and deficiencies in the existing system, and requires simultaneously providing a copy of the annual report to the State Office.

Directs medical examiner child fatality staff to work with the State Office and Local Teams to carry out the System's purposes. Charges such staff with four responsibilities, including providing Local Teams with access to completed medical examiner reports for purposes of review.

Repeals GS 7B-1408, GS 7B-1409, and GS 7B-1411, which provide for a Child Fatality Prevention Team Coordinator and Community Child Protection Teams.

Revises GS 7B-1410, which sets forth the duties of the director of the local department of health (who is included in Local Team membership). Adds that the director must serve along with the Local Team chair as a liaison between the State Office and the Local Team to communicate information. Maintains other existing duties, with a conforming repeal relating to Team Coordinators, which are eliminated by the act. Establishes four duties of the dss director (who is included in Local Team membership), including serving along with the Local Team chair as a liaison between the State Office and the Local Team to communicate information, providing staff support for cases reviewed, quarterly reporting to the county board of social services

or as the board requires, and determining whether and when to request the Local Team or a Citizen Review Panel to review an active child protective services case.

Revises the reporting duties of the Task Force under GS 7B-1412, now requiring annual reporting to the specified NCGA committee chairs and the Secretary of Health and Human Services, in addition to the Governor and the NCGA. Adds to the reporting requirements a summary of activities and functioning of the System as a whole. Expands the reporting requirements with respect to recommendations, and allows the Task Force to request assistance from the specified NCGA division in development fiscal information to accompany recommendations (previously required a fiscal note with the recommendations).

Amends GS 7B-413 regarding access to records to make the provisions applicable to Local Teams, the Task Force, and the State Office staff providing technical assistance with a review. Deems the access granted subject to and limited by all relevant state and federal laws. Allows for entities to apply for a court order to compel disclosure of requested information that the entity is entitled to access under the statute which has not been received within 30 days of request. Provides for application procedures. Provides for making certain information regarding the death of a child from suspected abuse or neglect public pursuant to state and federal law. Grants Citizen Review Panels access to information related to child deaths and child death reviews of active child protective services cases under the Article when relevant to the Panel's purposes in evaluating the provision of child protective services. Make conforming changes and deletions. Makes clarifying and technical changes.

Enacts GS 7B-1413.5, mandating use of the National System by Local Teams, the State Office, and medical examiner child fatality staff, with training, assistance and management by the State Office. Requires the State Office to provide guidance, policies and training for Local Teams on the specified parameters of the National System. Effective July 1, 2023.

Amends GS 7B-1414 to require the chairs of the Task Force to work with the Secretary of Health and Human Services in hiring or designating staff or consultants to assist the Task Force and its committees.

Makes conforming deletions in GS 7B-2902, regarding disclosure in child fatality or near fatality cases. Makes conforming repeal of GS 143B-150.20.

Makes the above provisions effective January 1, 2023, unless otherwise provided.

Part IV.

Enacts GS 108A-15.20, directing DHHS, Division of Social Services (DSS) to ensure at least three citizen review panels (panels) exist which meet the federal Child Abuse Prevention and Treatment Act standards specified, operated and managed by a qualified, independent organization, with DSS assisting the organization in information, reporting, and support needs. Provides that panel membership is volunteer based. Charges panels with evaluating the extent to which the State is fulfilling its child protection responsibilities in accordance with the Child Abuse Prevention and Treatment Act State Plan by examining policies, procedures and practices of State and local agencies, and reviewing specific cases as appropriate. Includes a non-exhaustive list of other criteria panel may review, with panels choosing to review child fatalities permitted to use information and reports pursuant to new Article 14 of GS Chapter 7B. Requires the State Office and Local Teams to provide specified information upon request. Permits review of specific child protective services cases upon its own directive or upon request from the dss director. Provides for access to necessary government information, subject to specified confidentiality requirements. Directs panels to provide for public outreach and comment to assess the impact of current procedures and practices on children and families. Requires the panel to prepare and make available to the State and the public annual reports of summaries of the panels' activities and recommended improvements. Requires DSS to submit a written response to the report within six months. Effective January 1, 2023.

Intro. by Edwards, Burgin.

GS 7B, GS 108A, GS 143B

[View summary](#)

Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Government, State Agencies, Department of Health and Human Services, Local Government, Health and Human Services, Health, Social Services, Child Welfare

S 711 (2021-2022) [NC COMPASSIONATE CARE ACT](#). Filed Apr 7 2021, *AN ACT ENACTING THE NORTH CAROLINA COMPASSIONATE CARE ACT*.

Enacts new Article 5H to GS Chapter 90, to be cited as the "NC Compassionate Care Act," requiring the Department of Health and Human Services (DHHS) to issue "registry identification cards" to persons who qualify as qualified patients or designated caregivers. Sets forth legislative findings, the purpose of the Act, and defined terms for the Article. Specifies conditions under which provisions of the act are applicable to minors. Specifies criteria and procedures for DHHS issuance or renewal of registry identification cards and requires that DHHS maintain a confidential list of persons to whom cards are issued. Allows DHHS to verify for law enforcement whether a card is valid and to report to law enforcement about falsified or fraudulent information submitted to DHHS. Makes violation of the confidentiality provision a Class 1 misdemeanor, subject to a fine of up to \$1,000. Directs the NC Medical Care Commission to adopt rules to implement the provisions regarding registry cards, establishing requirements for the issuance of registry identification cards to qualified patients and designated caregivers who meet certain minimum specifications. Requires the rules be adopted no later than 120 days after the effective date of the act.

Provides civil and criminal immunity for a registry identification card holder for purchasing or possessing cannabis for medical use if the quantity does not exceed an "adequate supply" for the patient as determined by his or her physician. *Adequate supply* is defined by the act to, among other things, (1) apply only to cannabis from an intrastate source and (2) limit permitted supply to an amount needed for a 30-day period. Provides for exclusion of the weight of other ingredients infused or added to cannabis for consumption or use by a qualified patient in determining whether the patient is in possession of an amount that exceeds the patient's adequate supply. Also provides immunity and protection from penalties for licensed producers and distributors of cannabis or cannabis-infused products consistent with the Article.

Directs the Medical Cannabis Production Commission, as established below, to establish a medical cannabis supply system to provide a safe, regulated supply of cannabis appropriate for medical use by qualified patients with a valid registry identification card and to generate revenue sufficient to maintain and operate the system. Allows for legislative appropriations to establish the system, but requires operation to be funded by authorized fees. Establishes criteria for licensing of medical cannabis suppliers (for the sale of cannabis, cannabis-infused products, and related paraphernalia to qualified patients and caregivers holding a valid registry identification card, establishing or operating a business to produce cannabis-infused products, and cultivating cannabis for use by a licensed medical cannabis center or licensed producer of cannabis-infused products), as well as for suspending or revoking licenses. States sales and supply restrictions of licensees. Provides for criminal immunity for licensed medical cannabis suppliers as specified, excluding conduct described in four instances, such as driving while impaired by cannabis. Provides for monthly fees and reporting of licensees. Requires revenues remaining after fully funding the established priorities to be transferred to the General Fund. Limits the Commission to licensing 10 medical cannabis suppliers, with each supplier limiting to operating no more than four medical cannabis centers. Provides for administrative and judicial review of administrative decisions.

Establishes the Medical Cannabis Production Commission with oversight of medical cannabis supplier licensing and licensee discipline. Requires approval of licensee applications upon recommendation by the Department of Agriculture and Consumer Services by majority vote of members present and voting. Details Commission membership, terms, leadership, vacancies, removal, quorum, and member expenses. Details disciplinary authority. Requires the Commission to consult with the NC Medical Care Commission to adopt implementing provisions to establish qualifications and requirements of licensure, for production be a supplier, and for proper regulation of medical cannabis centers and cannabis product facilities operated by suppliers, and well as establishing civil penalties for minor violations.

Expresses the General Assembly's intent that the University of North Carolina system undertake scientific research regarding the administration of cannabis as a part of medical treatment and, subject to approval by the UNC Board of Governors, directs the university to create the North Carolina Cannabis Research Program.

Provides for construction of the Article. Provides a severability clause. Directs the Department of Health and Human Services to issue temporary certificates for participation in the regulated medical supply system, as established, in the manner specified, and maintain a list of all temporary certificates issued. Makes conforming changes to GS 106-121 (definitions under Food, Drugs, and Cosmetics Act). Amends GS 105-164.4(a) to impose a privilege tax of 18% on specified cannabis sales.

Intro. by Rabon, Lee, Lowe.

[GS 90](#), [GS 105](#), [GS 106](#)

[View summary](#)

[Agriculture, Courts/Judiciary, Criminal Justice, Criminal](#)

Law and Procedure, Government, State Agencies, UNC System, Tax, Health and Human Services, Health

S 713 (2021-2022) **GO BIG FOR EARLY CHILDHOOD EDUCATION**. Filed Apr 7 2021, *AN ACT TO APPROPRIATE FUNDS TO PROVIDE AN ONGOING, INCREASED SOURCE OF FUNDS ABOVE THE BASE BUDGET FOR THE NORTH CAROLINA PREKINDERGARTEN (NC PRE-K) PROGRAM AND THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC., TO INCREASE THE REIMBURSEMENT RATE FOR NC PRE-K SLOTS BY THREE PERCENT FOR THE 2021-2022 FISCAL YEAR, AND TO PROVIDE A TAX CREDIT TO CERTAIN EARLY EDUCATION TEACHERS AND DIRECTORS.*

Appropriates the following amounts from the General Fund to the Department of Health and Human Services, Division of Child Development and Early Education (Division), to increase funding for the North Carolina Prekindergarten (NC Pre-K) program: (1) \$87,877,017 for 2021-22; (2) \$104,582,345 for 2022-23; (3) \$121,287,673 for 2023-24; (4) \$137,991,673 in 2024-25; and (5) \$154,695,673 for 2025-26 and in subsequent fiscal year thereafter. Requires for the 2021-22 fiscal year, that the Division increase the per-slot reimbursement rate for NC Pre-K program by 3%. Sets out how the base rate is to be determined.

Appropriates the following amounts from the General Fund to the Division to increase funding for the North Carolina Partnership for Children, Inc: (1) \$167,013,453 for 2021-22; (2) \$187,013,453 for 2023-24; (3) \$207,013,453 for each year 2023-26. Appropriate from the General Fund to the Division \$267,013,453 for 2026-27 and each subsequent fiscal year thereafter.

Effective July 1, 2021.

Enacts new GS 105-153.11 providing an income tax credit for eligible early education teachers or directors with the amount of the credit a sum of two amounts that vary depending on years of service uninterrupted by more than six months and on education level obtained. Effective for taxable years beginning on or after January 1, 2022 and repealed effective for taxable years beginning on or after January 1, 2026.

Intro. by J. Jackson, Foushee, Waddell.

APPROP, GS 105

[View summary](#)

Education, Preschool, Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Tax

S 714 (2021-2022) **HUMAN TRAFFICKING/CHILD EXPLOITATION PREV.ACT**. Filed Apr 7 2021, *AN ACT RELATING TO THE HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION ACT CONCERNING INDECENT DECEPTIVE TRADE PRACTICES TO CREATE ONGOING DUTIES FOR RETAILERS OF INTERNET-ENABLED DEVICES, AND TO SET A CONTINGENCY ENACTMENT DATE THAT DEPENDS ON FIVE OTHER STATES PASSING SIMILAR LEGISLATION.*

Includes whereas clauses.

Adds new Article 9 to GS Chapter 73, to be known as the "Human Trafficking and Child Exploitation Prevention Act." Requires a retailer that manufactures, sells, offers for sale, leases, or distributes an internet-enabled device (retailer) to ensure that the product is equipped with an active and operating filter before sale that blocks, by default, websites that: (1) are known to facilitate human trafficking or prostitution; or (2) display child pornography, revenge pornography, or obscene material harmful to minors. Requires those same retailers to (1) make ongoing efforts to ensure that a product's filter functions properly; (2) establish a reporting mechanism for consumer to report unblocked websites displaying the content described above or to report blocked websites that are not displaying such content; (3) report child pornography received through the reporting mechanism; and (4) establish a procedure to avoid blocking access to websites that are social media sites that allow users to report obscene materials and have a process for remove that material, serve as a search engine, or display movies that have the specified ratings. Sets out conditions under which the retailer must deactivate a consumer's filter.

Sets out the process for unblocking a website that is not displaying the above described content, including allowing a consumer to seek judicial relief. Allows the Attorney General to file suit when a retailer fails to respond to a report of a website displaying the described content that has breached the filter; set out allowable damages in such cases, which may also be brought by a consumer.

Prohibits a retailer from knowingly: (1) selling an internet-enabled device without an activated filter that at least makes an attempt to block by default websites that display the described content; (2) violating GS 75-153(c) which prohibits providing provide a consumer with instructions on deactivating a product's filter; (3) failing to comply with the requirements of GS 75-153(d) setting out requirements to be met before deactivating a filter; and (4) disclosing to a third party the name or the personal identification information of adult consumers who have elected to deactivate a product's filter. First offenses are subject to a fine of not to exceed \$1,000, increasing to \$2,500 for each subsequent offense. Makes it a Class 3 misdemeanor when a retailer that commits an offense under this statute while already having one such prior conviction; makes it Class 2 misdemeanor when there are two or more such prior convictions. Also makes violations an unfair and deceptive practice subjected to the penalties under GS 75-15-2.

Exempts from the act: (1) an occasional sale of an internet-enabled device by a person that is not regularly engaged selling internet-enabled devices; (2) products produced or sold before the act's effective date; (3) independent third-party routers that are not affiliated with an internet service provider; and (4) a retailer of an internet-enabled device that is not subject to NC jurisdiction.

Effective on the first day of January following the day on which at least five other states enact substantially similar legislation.

Intro. by Alexander, Krawiec.

[GS 73](#)

[View summary](#)

[Business and Commerce, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure](#)

S 715 (2021-2022) [HOSPITALITY BUSINESS ASSISTANCE](#). Filed Apr 7 2021, *AN ACT TO PROVIDE FUNDS TO ASSIST HOSPITALITY BUSINESSES*.

Appropriates \$300 million from the funds received under the American Rescue Plan Act of 2021, to the Department of Revenue (DOR) for a new Hospitality Business Recovery Program to provide a one-time grant to each qualifying hospitality business. Defines a a qualifying hospitality business as an entity that: (1) is subject to income tax; (2) experienced a reduction of at least 15% in sales tax collections resulting from the COVID-19 pandemic for at least one quarter in the 2020 tax year; (3) is classified in Sector 72 of the North American Industry Classification System; (4) has not received a notice of an overdue tax debt that has not been satisfied or otherwise resolved; (5) is a Count on Me NC business; and (6) has not received any other State or federal assistance. Allows DOR to accept applications until the appropriated funds have been fully awarded. Sets grant amounts at the lesser of: (1) \$5,000, or (2) 10% of the amount of reduction in sales tax collections of the business due to the COVID-19 pandemic for the 2020 tax year when compared to collections for the 2019 tax year. Allows grant funds to be used for: (1) the business's rent or mortgage; (2) payroll; (3) uncompensated property damage; (4) business expenses for personal protective equipment; (5) local property taxes paid for the qualifying hospitality business location; or (6) any other operating expenses for which the qualifying hospitality business has not received State or federal COVID-19 relief funds. Requires the funds to be used by December 31, 2021, with unused portions returned to DOR. Conditions funding on a recipient business maintaining operations for at least six months following receipt of the grant; allows clawback of funds when this requirement is not fulfilled.

Amends GS 105-153.5 to allow a taxpayer to deduct from the taxpayer's adjusted gross income the amount of a grant under the Hospitality Business Recovery Program. Effective for taxable years beginning on or after January 1, 2021, expires for taxable years beginning on or after January 1, 2022.

Intro. by Edwards.

[GS 105](#)

[View summary](#)

[Business and Commerce, Government, Public Safety and Emergency Management, State Agencies, Department of](#)

Revenue, Tax**LOCAL/HOUSE BILLS**

H 515 (2021-2022) [ALEXANDER CO. BD. OF ED./PARTISAN ELECTION](#). Filed Apr 8 2021, *AN ACT TO CHANGE THE ELECTION METHOD FOR THE ALEXANDER COUNTY BOARD OF EDUCATION FROM NONPARTISAN TO PARTISAN*.

Amends SL 1969-774, as follows. Changes the method of electing members of the Alexander County Board of Education (Board of Education) from non-partisan to partisan, beginning in 2022. Requires the primary and election to be held and conducted in accordance with general law governing primaries and elections for county officers. Deletes existing provisions governing filing notice of candidacy and paying a filing fee. Requires beginning in 2022 that vacancies be filled by appointment by the remaining members of the Board of Education under GS 115C-37.1.

Specifies that the act does not effect the terms of office of any person elected to the Board of Education in 2018 or 2020.

Makes conforming changes to GS 115C-37.1.

Intro. by Elmore.

[Alexander](#)

[View summary](#)

[Education, Government, Elections](#)

H 517 (2021-2022) [EMER. MGT./POWERS/CABARRUS COUNTY](#). Filed Apr 8 2021, *AN ACT TO RESTRICT THE APPLICATION OF CERTAIN EMERGENCY MANAGEMENT ACT POWERS TO THE COUNTY OF CABARRUS*.

Requires concurrence from the Council of State or a majority vote of the Cabarrus County Board of County Commissioners for the application of powers to Cabarrus County, in order for the Governor to exercise his powers under GS 166A-19.30(c), which sets out specified additional powers of the Governor during a gubernatorially or legislatively declared state of emergency when the Governor has determined that local control of the emergency is insufficient to assure adequate protection for lives and property. Defines concurrence of Council of State to mean consensus, within 48 hours of contact, of a majority of the Council of State prior to the Governor exercising a power or authority requiring a concurrence of the Council of State. Requires actions for declaratory or injunctive relief arising from a case or controversy from this act's application to be filed in superior court. Applies to the exercise of power under a state of emergency declared by the Governor or NCGA existing on or after the date that the act becomes law. Sets any power exercised under a state of emergency by the Governor existing on that date and applicable to Cabarrus County to expire two calendar days after this act becomes law, unless a concurrence of the Council of State is sought and received in accordance with this act or approved by a majority of the members of the Cabarrus County Board of Commissioners.

Intro. by Pittman.

[UNCODIFIED, Cabarrus](#)

[View summary](#)

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

H 520 (2021-2022) [WS/FORSYTH BD. OF ED/VACANCY METHOD](#). Filed Apr 8 2021, *AN ACT TO CHANGE THE METHOD OF FILLING VACANCIES ON THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION*.

Amends Section 2 of SL 1961-112 to require vacancies on the Winston-Salem/Forsyth County Board of Education be filled according to GS 115C-37.1 (vacancies in offices of county boards elected on partisan basis in certain counties); makes conforming changes.

Intro. by Terry, A. Baker.

[Forsyth](#)

[View summary](#)[Education](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 53: EDUC. CHANGES FOR MILITARY-CONNECTED STUDENTS.

House: Signed by Gov. 4/9/2021

House: Ch. SL 2021-9

H 82: SUMMER LEARNING CHOICE FOR NC FAMILIES.

House: Signed by Gov. 4/9/2021

House: Ch. SL 2021-7

S 387: EXCELLENT PUBLIC SCHOOLS ACT OF 2021.

Senate: Signed by Gov. 4/9/2021

Senate: Ch. SL 2021-8

No local actions on bills

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