



The Daily Bulletin: 2021-04-20

PUBLIC/HOUSE BILLS

H 145 (2021-2022) [PROPERTY PROTECTION ACT/DVPO](#). Filed Feb 24 2021, *AN ACT TO PROTECT THE PROPERTY RIGHTS OF PERSONS SUBJECT TO A DOMESTIC VIOLENCE PROTECTIVE ORDER BY ALLOWING THEM TO STORE THEIR FIREARMS WITH OR SELL THEIR FIREARMS THROUGH A QUALIFIED LICENSED FIREARMS DEALER.*

House amendment makes the following changes to the 2nd edition.

Modifies the proposed changes to GS 50B-3.1 regarding the surrender and disposal of firearms of defendants subject to a domestic violence protective order. Now provides for the form, to be created by the Administrative Office of the Courts, used for transferring firearms, machine guns, and ammunition from the custody of the sheriff to a qualified licensed firearms dealer to allow for either the storage or sale (was, storage or immediate sale) of the firearms, machine guns, and ammunition by the qualified licensed firearms dealer. Adds a new requirement for the form to include information concerning the defendant's rights to recover the surrendered items.

Intro. by Adams, Kidwell, McNeill, Turner.

[GS 50B](#)

[View summary](#)

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

H 245 (2021-2022) [EFFICIENT GOVERNMENT BUILDINGS & SAVINGS ACT](#). Filed Mar 9 2021, *AN ACT TO SAVE NORTH CAROLINA TAXPAYER DOLLARS BY REQUIRING REDUCTIONS IN ENERGY AND WATER CONSUMPTION IN PUBLIC BUILDINGS BY 2027.*

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

Further amends GS 143-135.37 regarding energy and water use standards for public major facility construction and renovations projects. Amends subsection (c1) to require every major facility construction project or major facility renovation project of a public agency to, whenever practicable, maintain or restore predevelopment hydrology to reduce the rate and volume of stormwater runoff.

Adds to Section 4 of the act, which requires every State agency and State institution of higher learning to (1) conduct a preliminary practicality and feasibility analysis of implementing energy conservation measures for all buildings greater than 20,000 square feet in size that have been in use for more than 10 years and issue requests for proposal for guaranteed energy savings contracts for those which it determines it is practical and economically feasible to implement energy conservation measures or report findings of impracticality to the State Energy Office, and (2) repeat the process for buildings greater than 10,000 square feet in size that have been in use for more than 10 years. Provides that a State agency or State institution of higher learning can include additional improvements and upgrades to provide healthy indoor environments, increase resilience, conserve water resources, and apply to building sustainability rating or certification systems in implementing the Section's directives.

Intro. by Szoka, Arp, Saine, Zenger.

[GS 143](#)

[View summary](#)

[Education, Higher Education, Environment, Energy, Government, State Agencies, State Government, State Property](#)

H 256 (2021-2022) [SMART SCH. BUS SAFETY PILOT/CERTAIN COUNTIES](#). Filed Mar 10 2021, *AN ACT TO ESTABLISH THE SMART SCHOOL BUS SAFETY PILOT PROGRAM IN CERTAIN COUNTIES*.

House committee substitute amends the 1st edition as follows.

Expands the Smart School Bus Safety Pilot Program (program) to be established by the Department of Public Instruction (DPI), now providing for 21 (was 17) authorized local school administrative units to participate in the program, adding Burke County Schools, Chatham County Schools, Iredell-Statesville Schools, and Transylvania County Schools. Exempts the selection of qualifying vendors to contract with authorized units from the requirements of GS 115C-240(d) (regarding State Board of Education assistance with school bus operation). Increases the appropriation from the General Fund to DPI for 2021-22 from \$11,039,330 to \$13,752,000 to establish the program. Revises the allocations to be made in specified amounts to each unit authorized to participate in the program, as revised.

Intro. by Strickland, Bell, Lambeth, D. Hall.

[APPROP, STUDY, Burke, Caldwell, Catawba, Chatham, Forsyth, Gaston, Harnett, Iredell, Johnston, Martin, New Hanover, Pasquotank, Sampson, Surry, Transylvania, Union, Watauga, Wayne, Wilkes, Yadkin](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Budget/Appropriations, State Agencies, Department of Public Instruction, Transportation](#)

H 272 (2021-2022) [REVISE HEALTH STANDARD FOR LEAD](#). Filed Mar 11 2021, *AN ACT TO UPDATE THE CHILDHOOD LEAD POISONING PREVENTION LAW TO ENSURE THAT YOUNG CHILDREN ARE NOT EXPOSED TO HAZARDOUS LEAD IN DRINKING WATER*.

House committee substitute to the 1st edition makes the following changes. Amends the whereas clauses as follows. Removes the clause about the State Laboratory of Public Health having the capacity to measure lead accurately down to the level of 10 parts per billion. Amends a clause to state that lowering the definition of a lead hazard in young children's drinking water in the Childhood Lead Poisoning Prevention statute from 15 parts per billion to 10 parts per billion would extend lead exposure protection to 30,000 (was, to an additional 30,000) young children in child care settings.

Adds that nothing in the act, or the rules adopted under Section 3 of the act, alter or amend the requirements applicable to public water systems under: (1) Article 10 (North Carolina Drinking Water Act) of GS Chapter 130A and related adopted rules; (2) the federal Safe Drinking Water Act; and (3) the EPA's Lead and Copper Rule.

Intro. by Warren, Lambeth, Adcock, Potts.

[GS 130A](#)

[View summary](#)

[Health and Human Services, Health, Public Health](#)

H 334 (2021-2022) [TEMP ALIGN PPP TREATMENT TO FEDERAL TREATMENT](#). Filed Mar 17 2021, *AN ACT TO ELIMINATE THE ADDBACK FOR BUSINESS EXPENSES DEDUCTED TO THE EXTENT THE PAYMENT RESULTS IN FORGIVENESS OF A COVERED LOAN UNDER THE FEDERAL CARES ACT FOR THE 2020 AND 2021 TAXABLE YEARS AND TO EXCLUDE UNEMPLOYMENT COMPENSATION FROM STATE TAXABLE INCOME TO THE SAME EXTENT AS FEDERAL LAW*.

House amendment makes the following changes to the 2nd edition.

Changes the act's long title.

Changes the expiration of the proposed changes to the definition set forth for the defined term *Code* under GS 105-228.90(b) (7), now providing for expiration for taxable years beginning on or after January 1, 2022 (was, January 1, 2021).

Effective for taxable years beginning on or after January 1, 2022 (was, January 1, 2021), reenacts GS 105-130.5(a)(32) and GS 105-153.5(c2)(20), which require corporate and individual taxpayers to add to the taxpayer's adjusted gross income the amount of any expense deducted under the Internal Revenue Code to the extent that payment of the expense results in forgiveness of a covered loan pursuant to section 1106(b) of the federal CARES Act (governing the Payment Protection Program/PPP) and the income associated with the forgiveness is excluded from gross income pursuant to section 1106(i) of the CARES Act, as they existed immediately before their repeal, as enacted and effective for taxable years beginning on or after January 1, 2020.

Adds a new deduction to GS 105-153.5(b), allowing a taxpayer to deduct the amount excluded from the taxpayer's gross income for unemployment compensation received by the taxpayer under section 9042 of the American Rescue Plan Act of 2021, effective for taxable years beginning on or after January 1, 2020.

Intro. by Pickett, Saine.

GS 105

[View summary](#)

**Business and Commerce, Government, Public Safety and
Emergency Management, Tax**

H 366 (2021-2022) **REGULATORY REFORM ACT OF 2021**. Filed Mar 23 2021, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA*.

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

Section 1

Further amends GS 14-234, which prohibits specified public officials from benefiting from public contracts, with exceptions. Amends the exception provided in subsection (d1), expanding the exception by increasing the threshold to trigger applicability of the statute's prohibitions to include the specified public officials of villages, towns, and cities having a population of no more than 20,000 (was 15,000), so long as the existing specified criteria are met.

Section 10

Revises the proposed changes to GS 72-1 to include recreational vehicle parks and campgrounds in the types of lodging an innkeeper must provide suitable accommodations for persons accepted as guests. Includes rental of an accommodation in a recreational vehicle park or campground to the same guest or occupant for fewer than 90 consecutive days in the newly defined term *transient occupancy*. Makes technical changes to the Section.

Section 12

Eliminates the proposed changes to GS 130A-343(j) regarding approval of a wastewater system using expanded polystyrene synthetic aggregate particles as a septic effluent dispersal medium.

Intro. by Yarborough, Bradford, Moffitt, Riddell.

STUDY, GS 14, GS 18B, GS 42, GS 58, GS 72, GS 159G, GS 160D

[View summary](#)

Alcoholic Beverage Control, Business and Commerce, Insurance, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Education, Preschool, Environment, Environment/Natural Resources, Government, Ethics and Lobbying, Public Safety and Emergency Management, State Agencies, Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Department of Public Safety, Department of Revenue, Department of Transportation, Local Government, Health and Human Services, Health, Public Health, Transportation

H 372 (2021-2022) [RESTORE FUNDING/STATE CONSERVATION PURPOSES](#). Filed Mar 23 2021, *AN ACT TO RESTORE THE USE OF PROCEEDS FROM THE DEED STAMP EXCISE TAX TO THE ORIGINAL PURPOSE OF LAND CONSERVATION*.

House committee substitute to the 1st edition makes the following changes. Amends amend GS 143-215.75M regarding the Coastal Storm Damage Mitigation Fund (Fund), by providing that the Fund also consists of money credited to it under amended GS 105-228.30 (which would credit 30% of the funds collected from taxing real property conveyance instruments to the Fund).

Intro. by McElraft, Howard, Saine, Davis.

GS 105

[View summary](#)

[Agriculture, Courts/Judiciary, Civil, Civil Law, Court System, Development, Land Use and Housing, Property and Housing, Environment, Environment/Natural Resources, Government, Cultural Resources and Museums, State Agencies, Department of Revenue, Tax](#)

H 398 (2021-2022) [PISTOL PURCHASE PERMIT REPEAL \(NEW\)](#) Filed Mar 24 2021, *AN ACT TO REPEAL PISTOL PURCHASE PERMITS*.

House committee substitute deletes the content of the 1st edition and now provides the following.

Repeals the following statutes concerning pistol permits: GS 14-402 (forbidding sale of pistols without permit), GS 14-403 (concerning issuance of a permit to purchase a pistol), GS 14-404 (concerning permit denials) and GS 14-405 (concerning confidentiality and record keeping requirements). Repeals GS 14-407.1 (concerning permits for the purchase of blank cartridge pistols). Repeals GS 14-315(b1)(1) (setting out the defense for selling a weapon to a minor that the minor produced a permit under now repealed GS 14-402). Repeals GS 122C-54(d2) (giving a sheriff access to a record of involuntary commitment for mental health treatment or for substance abuse treatment that is required to be reported to the National Instant Criminal Background Check System (NICS) by GS 14-409.43, for the purposes of conducting background checks under now repealed GS 14-404).

Provides that prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Makes conforming changes to the act's titles.

Intro. by Adams, Cleveland, Goodwin, Hanig.

GS 14, GS 122C

[View summary](#)

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

H 428 (2021-2022) [TEACHER LICENSURE/RETIRED EDUCATOR PROGRAM](#). Filed Mar 29 2021, *AN ACT TO MAKE CHANGES TO TEACHER LICENSURE REQUIREMENTS AND TO EXTEND AND EXPAND THE PROGRAM TO ALLOW RETIRED EDUCATORS TO RETURN TO WORK IN HIGH-NEED SCHOOLS*.

House committee substitute amends the 1st edition as follows.

Part II.

Revises the proposed changes to GS 115C-302.4, amending the definition of *high-need retired teacher* to require the beneficiary of the Teachers' and State Employees' Retirement System who meets the existing criteria be a school personnel rather than a teacher as proposed in the previous edition. Makes conforming changes to eliminate the addition of *teacher* to the

defined terms. Adds and defines *school personnel* to mean a licensed personnel who is classified as a teacher or an instructional.

Intro. by Elmore, Brody, Miller, Clemmons.

GS 115C

[View summary](#)

**Education, Elementary and Secondary Education,
Employment and Retirement**

H 436 (2021-2022) **SUPPORT LAW ENFORCEMENT MENTAL HEALTH**. Filed Mar 29 2021, *AN ACT TO REQUIRE PSYCHOLOGICAL SCREENINGS OF LAW ENFORCEMENT OFFICERS PRIOR TO CERTIFICATION OR EMPLOYMENT, TO EDUCATE LAW ENFORCEMENT OFFICERS ON MAINTAINING GOOD MENTAL HEALTH, AND TO PROVIDE INFORMATION TO LAW ENFORCEMENT OFFICERS ON MENTAL HEALTH RESOURCES AVAILABLE*.

House committee substitute amends the 1st edition as follows.

Revises the proposed changes to GS 17C-10, concerning the NC Criminal Justice Education and Training Standards Commission and criminal justice officers, and GS 17E-7, concerning the NC Sheriff's Education and Training Standards Commission and justice officers, which require both Commissions to include the administration of a psychological screening exam prior to certification or employment to determine the officer's mental and emotional suitability to properly fulfill the responsibilities of a criminal justice or justice officer, respectively. Now more specifically requires the administration of a psychological screening exam to include an in-person interview conducted by a licensed clinical psychologist, and requires the examination to be given prior to the initial certification and before the criminal justice officer or justice officer is employed by an agency.

Intro. by K. Baker, Szoka, Hunter.

GS 17C, GS 17E

[View summary](#)

**Business and Commerce, Occupational Licensing,
Courts/Judiciary, Criminal Justice, Employment and
Retirement, Government, Public Safety and Emergency
Management, Local Government, Health and Human
Services, Mental Health**

H 468 (2021-2022) **ESTABLISH SURGICAL TECHNOLOGY STANDARDS**. Filed Mar 31 2021, *AN ACT ESTABLISHING STANDARDS FOR SURGICAL TECHNOLOGY CARE IN HOSPITALS AND AMBULATORY SURGICAL FACILITIES*.

House committee substitute makes the following changes to the 1st edition.

Revises proposed GS 131E-79.3, applicable to hospitals, and GS 131E-147.2, applicable to ambulatory surgical facilities, which establish required qualifications for surgical technologists employed by hospitals or ambulatory surgical facilities (facilities). Now bars facilities from employing or contracting for services of a surgical technologist unless the individual (1) provides evidence of successfully completing an accredited educational training program for surgical technology and holds and maintains an accredited surgical technologist certification credential (previously required evidence of successfully completing a program accredited by the Commission on Accreditation of Allied Health Education Programs or another nationally accredited educational program for surgical technologists and holding and maintaining the Certified Surgical Technologist credential issued by the National Board of Surgical Technology and Surgical Assisting or its successor), (2) provides evidence of successfully completing an appropriate training program for surgical technology in the US military or the US Public Health Service, or (3) provides documentation of employment to practice surgical technology in a licensed hospital or ambulatory surgical facility on December 31, 2021 (was, December 31, 2019), or documentation of employment to practice surgical technology during the three years immediately preceding December 31, 2021 (was, December 31, 2019).

Intro. by White, Lambeth, Sasser.

GS 131E

[View summary](#)

Business and Commerce, Employment and Retirement, Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers

H 473 (2021-2022) [REVISE LAWS/SAFE SURRENDER/INFANTS](#). Filed Mar 31 2021, *AN ACT TO REVISE THE LAWS PERTAINING TO THE SAFE SURRENDER OF INFANTS UNDER THE ABUSE, NEGLECT, AND DEPENDENCY LAWS AND TO MAKE CONFORMING STATUTORY CHANGES.*

House committee substitute makes the following changes to the 1st edition.

Modifies proposed Article 5A, *Safe Surrender of Infants*, to GS Chapter 7B as follows. Now permits a county department of social services to whom an infant has been safely surrendered to apply ex parte to the district court for an order finding that the infant has been safely surrendered and confirming that the county department of social services has the surrendering parent's right to legal custody of the minor for the purposes of obtaining a certified copy of the child's birth certificate, a social security number, or federal and State benefits for the minor (previously only permitted after the notice by publication set forth in GS 7B-526 has been completed; previously did not specify that the department's right to obtain the information was that of the surrendering parent). Makes technical changes.

Intro. by White, Bradford, Riddell.

[GS 7B, GS 14, GS 115C](#)

Courts/Judiciary, Civil, Civil Law, Juvenile Law, Abuse, Neglect and Dependency, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, Public Safety and Emergency Management, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Social Services, Child Welfare

[View summary](#)

H 483 (2021-2022) [PISTOL PERMIT/MENTAL HEALTH RECORD TO SHERIFF](#). Filed Apr 1 2021, *AN ACT TO REVISE THE LAW ON PROVIDING MENTAL HEALTH OR MENTAL CAPACITY RECORDS WHEN APPLYING FOR A PISTOL PURCHASE PERMIT.*

House committee substitute amends the 1st edition as follows.

Further amends GS 14-404, enacting new subsection (e4) to explicitly require that when a sheriff notifies the potential holder of a mental health order in writing that a particular individual has completed an application for a pistol permit, the holder of any court orders that concern the mental health or mental capacity of an applicant for a permit must, upon request, release to the sheriff any and all mental health orders concerning the applicant.

Intro. by Greene, McNeill, C. Smith, Miller.

[GS 14, GS 122C](#)

Courts/Judiciary, Civil, Civil Law, Criminal Justice, Criminal Law and Procedure, Government, Local Government, Health and Human Services, Mental Health

[View summary](#)

H 545 (2021-2022) [MANDATORY TRAINING CONTRIBUTING TO CEUS](#). Filed Apr 13 2021, *AN ACT TO ALLOW TEACHERS TO RECEIVE CONTINUING EDUCATION CREDITS FOR COMPLETING MANDATORY TRAININGS AND TO MODIFY THE DIGITAL TEACHING AND LEARNING RENEWAL REQUIREMENTS FOR PROFESSIONAL EDUCATORS.*

House committee substitute amends the 1st edition by making technical changes to remove restated existing law of GS 115C-270.30, which is not changed by the act. Changes the act's long title.

Intro. by Elmore, Clemmons, Torbett.

GS 115C

[View summary](#)**Business and Commerce, Occupational Licensing, Education, Elementary and Secondary Education**

H 606 (2021-2022) **PROHIBIT COLLUSIVE SETTLEMENTS BY THE AG.** Filed Apr 20 2021, *AN ACT TO REQUIRE JOINT APPROVAL FROM THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE BEFORE THE ATTORNEY GENERAL MAY ENTER INTO A CONSENT JUDGMENT OR SETTLEMENT AGREEMENT IN A DISPUTE, CLAIM, OR CONTROVERSY IN WHICH THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE HAVE INTERVENED OR ARE OTHERWISE NAMED PARTIES AND TO REQUIRE THAT SETTLEMENT AGREEMENTS BE SATISFIED WITH FUNDS THAT ARE AVAILABLE FOR THAT PURPOSE FOR THE CURRENT FISCAL YEAR.*

Amends GS 114-2.2 (duties of Attorney General - consent judgements) to require approval by the Speaker of the House and President Pro Tempore of the Senate of consent judgements where they are jointly, in their official capacity, parties to a dispute challenging a North Carolina statute or provision of the North Carolina Constitution.

Amends GS 114-2.4 (duties of Attorney General - settlement agreements) to require approval by the Speaker of the House and President Pro Tempore of the Senate of settlement agreements where they are jointly, in their official capacity, parties to a dispute challenging a North Carolina statute or provision of the North Carolina Constitution.

Also amends GS 114-2.4 to require that the State's entire obligation for the current and future fiscal years under a settlement agreement be satisfied by funds available in the current fiscal year, including funds the Council of State allots from the contingency and emergency fund, and to require the Director of the Budget to report to the General Assembly's appropriation committees on funds made available from the contingency and emergency fund for settlement agreements in the previous fiscal year.

Effective October 1, 2021, and applies to disputes, claims, and controversies arising on or after that date.

Intro. by McNeill, Torbett, Sauls, Warren.

GS 114

[View summary](#)**Courts/Judiciary, Civil, Civil Law, Government, General Assembly**

H 607 (2021-2022) **LEO BACKGROUND CHECKS/FBI RAP BACK SERVICES.** Filed Apr 20 2021, *AN ACT TO REQUIRE THE STATE BUREAU OF INVESTIGATION TO PROVIDE CRIMINAL BACKGROUND CHECKS FOR THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION AND TO IMPLEMENT THE USE OF THE FEDERAL BUREAU OF INVESTIGATION'S RECORD OF ARREST AND PROSECUTION BACKGROUND (RAP BACK) SERVICE FOR LAW ENFORCEMENT HIRING PURPOSES.*

Amends Article 13 of Chapter 143B of the General Statutes (Department of Public Safety and various criminal background checks) by adding GS 143B-972.1 to (1) direct the Department of Public Safety (DPS) to provide the NC Criminal Justice Education and Training Standards Commission and the NC Sheriffs Education and Training Standards Commission (Commissions) the criminal history of applicants seeking certification by either commission; (2) direct the Commissions to provide the State Bureau of Investigation (SBI) fingerprints and relevant information of applicants for certification and already certified individuals; (3) direct individuals already certified by the Commissions to submit fingerprints to the SBI by June 30, 2022, for a State and national criminal history check; (4) direct the SBI to enroll all individuals whose fingerprints are collected under this section in the Federal Bureau of Investigation's (FBI) Rap Back service; (5) direct the SBI to maintain fingerprints collected under this section in the Statewide Automated Fingerprint Identification System (SAFIS); and (6) direct the SBI to remove a certified individual's fingerprint from SAFIS within 15 days of receiving notice that the certified individual has separated from employment. Effective December 1, 2021.

Intro. by McNeill, C. Smith, Greene, Miller.

GS 143B

H 608 (2021-2022) **DIGNITY FOR WOMEN WHO ARE INCARCERATED**. Filed Apr 20 2021, *AN ACT TO PROMOTE THE DIGNITY OF WOMEN WHO ARE INCARCERATED*.

Enacts new Article 83A, *Dignity for Women Who are Incarcerated Act*, to GS Chapter 15A. Sets forth 11 defined terms.

Prohibits Department of Public Safety (DPS) and correctional facility employees from using leg restraints, wrist restraints, restraints connected to other incarcerated persons, or waist shackles on pregnant female incarcerated persons during the second and third trimester of pregnancy, during labor and delivery, and during the six-week postpartum recovery period. Defines *correctional facility employee* to include any person who is employed by a State or local government agency or unit who works at or in a *correctional facility*, defined to mean any unit of the State prison system, a local confinement facility, a juvenile detention facility, or other entity under the authority of any State or local law enforcement agency that has the power to detain or restrain a person under State law. Restricts use of wrist handcuffs during the postpartum recovery period to being held in front of her body, if the employee determines *important circumstance* exists, as defined, and the employee makes a written report to the warden or administrator within five days containing justification for the use of the restraints. Specifies that the provisions do not prohibit the use of wrist restraints held in front of the female incarcerated person's body when in transport outside of the facility, except during labor or suspected labor. Clarifies that the provisions do not affect licensed health care professionals' use of medical restraints to ensure the medical safety of a pregnant female incarcerated person.

Prohibits correctional facility employees, other than a certified health care professional, from conducting body cavity searches of female incarcerated persons who are pregnant or in the postpartum recovery period unless the employee has probable cause to believe the person is concealing contraband that presents a threat of harm to the person, fetus, or another person, and the employee submits a written report to the warden or the administrator within five days containing the justification for the search.

Requires DPS and administrators of correctional facilities to ensure pregnant female incarcerated persons are provided sufficient food and dietary supplements, and access to food at appropriate times of day, as ordered by a physician, physician staff member, or a correctional facility nutritionist as specified. Establishes similar requirements for pregnant female incarcerated persons and female incarcerated persons in the postpartum recovery period by requiring access to the full range of meal options provided by the hospital to meet the person's nutritional needs.

Prohibits DPS and administrators of correctional facilities from placing pregnant female incarcerated persons or female incarcerated persons in the six-week postpartum recovery period in *restrictive housing*, as defined, unless the employee makes a determination that an *important circumstance* exists, as defined, and submits a written report to the warden or administrator within five days containing the justification for the placement.

Prohibits DPS and correctional facility administrators from assigning female incarcerated persons who are pregnant or in the postpartum recovery period to any bed that is elevated more than 3 feet from the floor of the facility.

Requires prenatal, labor, and delivery care to be provided to pregnant female incarcerated persons at no cost to the incarcerated person.

Directs the warden or administrator of the correctional facility to compile a monthly summary of all written reports received as required under the Article and submit the summary to the Chief Deputy Secretary of Adult Correction and Juvenile Justice.

Requires DPS and correctional facility administrators to permit a newborn to remain with the female incarcerated person while the female incarcerated person is in the hospital following the delivery unless the medical provider has a reasonable belief that doing so poses a health or safety risk to the newborn. Requires DPS and administrators to make all necessary nutritional and hygiene products available during the postpartum recovery period, provided at no cost to the incarcerated person.

Mandates that DPS place female incarcerated persons in the custody of the State prison system who are mothers of minor children under the age of 1 within 250 miles of the child's permanent address to the extent practicable and after accounting for security and capacity. Requires DPS to authorize visitation of incarcerated persons with low- or minimum-security classifications who are parents to minor children under the age of 1 to allow for visitation by the minors at least twice a week by contact visit (except as specified).

Requires a limitation on inspections by male employees when a female incarcerated person is in a state of undress to the greatest extent practicable and consistent with safety and order, and availability of female employees. Requires male correctional employees to make a written report within five days containing the justification for inspection of a female incarcerated person while in a state of undress.

Requires DPS and administrators of correctional facilities to ensure availability of sufficient menstrual products for all female incarcerated persons as appropriate, at no cost to the incarcerated person.

Directs DPS to develop and provide all State prison system employees who have contact with pregnant female incarcerated persons training related to the physical and mental needs of pregnant female incarcerated persons and fetuses, as specified. Requires consultation with specified divisions of the Department of Health and Human Services. Also directs DPS to develop and provide educational programming for pregnant female incarcerated persons, as specified. Requires training and curricula to be made available to administrators of local confinement facilities.

Revises GS 143B-702 to make rules and regulations adopted by the Division of Adult Correction and Juvenile Justice subject to new Article 83A, GS Chapter 15A.

Enacts GS 153A-221.2 to subject local confinement facilities to the requirements of new Article 83A, GS Chapter 15A.

Effective October 1, 2021.

Intro. by K. Baker, Clemmons, White, K. Hall.

[GS 15A, GS 143B, GS 153A](#)

[View summary](#)

Courts/Judiciary, Criminal Justice, Corrections (Sentencing/Probation), Government, State Agencies, Department of Public Safety, Local Government, Health and Human Services, Health

H 609 (2021-2022) [ORANGE CO. MUSEUM BLACK HS FILM FUNDS](#). Filed Apr 20 2021, *AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE ORANGE COUNTY HISTORICAL MUSEUM'S PRODUCTION OF A DOCUMENTARY FILM MEMORIALIZING THE TOWN OF HILLSBOROUGH'S ONLY BLACK HIGH SCHOOL BETWEEN 1936 AND 1968*.

Appropriates \$2,000 from the General Fund to the Historical Foundation of Hillsborough and Orange County, Inc. in fiscal year 2021-2022 to support production of a documentary film, as the title indicates. Effective July 1, 2021.

Intro. by Insko, Elmore, Carney.

[APPROP, Orange](#)

[View summary](#)

Government, Budget/Appropriations, Cultural Resources and Museums

H 610 (2021-2022) [RESPIRATORY CARE MODERNIZATION ACT](#). Filed Apr 20 2021, *AN ACT TO UPDATE THE GENERAL STATUTES OF NORTH CAROLINA GOVERNING THE PRACTICE OF RESPIRATORY CARE TO BETTER REFLECT THE CHANGES IN EDUCATION, EXPERIENCE, AND PRACTICE OF THE PROFESSION IN ORDER TO ENHANCE THE HEALTH AND WELFARE OF NORTH CAROLINA CITIZENS*.

Substantively identical to [S 520](#), filed 4/5/21.

Includes whereas clauses. Makes the following changes to Article 38, Respiratory Care Practice Act, of GS Chapter 90. Adds and modifies defined terms as follows. Adds advanced respiratory care practitioner, advanced respiratory care procedures, endorsement, practice of advanced practice respiratory therapy, and prescriptive and dispensing authorization to the Article's defined terms.

Expands licensure to include advanced respiratory care practitioners who have met the requirements and have been issued a certificate by the NC Respiratory Care Board (Board). Revises the practice of respiratory care to specify the term is as defined

by the written order of a licensed physician for respiratory care practitioners, as specified, and the performance of diagnostic testing and therapeutic application of the use of associated respiratory care equipment for medical gases, humidity, and aerosols, except anesthesia. Revises support activities to mean tasks that do not require formal academic training, including the delivery, setup, and routine maintenance and repair of respiratory care equipment, and includes giving instructions on the use, fitting, and application of respiratory care equipment, excluding therapeutic evaluation and assessment for an individual patient as defined by Board rules.

Modifies membership of the Board set forth in GS 90-649 to include one member who must be a state resident to represent the Atlantic Coast Medical Equipment Services Association (replaces the member to represent the NC Association of Medical Equipment Services). Amends GS 90-650 to provide for appointment of this member by the Atlantic Coast Medical Equipment Association.

Revises and adds to the Board's powers and duties set forth in GS 90-652. No longer requires the Board to submit a signed form of the licensure applicant consenting to a criminal record check or the use of fingerprints or other identifying information to the Department of Public Safety. Grants authority to establish and adopt rules defining the education and credential requirements for persons seeking endorsement, defined to mean a designation issued by the Board recognizing the person named as having met the requirements to perform advanced respiratory care procedures as defined by the Board's rules.

Enacts GS 90-652.1 to authorize the Board to waive the Article's requirements in order to permit the provision of drugs, devices, and professional services to the public in the event of a gubernatorially declared state of emergency; a locally declared state of emergency; or to protect the public health, safety, or welfare of citizens under specified state law.

Distinguishes licensure requirements for respiratory care practitioner licenses and advanced respiratory care practitioner licenses under GS 90-653. Revises respiratory care practitioner licensure requirements to require applicants to submit a completed application that includes a signed form consenting to a criminal background check and the use of fingerprints and other identifying information; submit verification of completion of entry-level degree requirements of a respiratory care education program approved by the Commission on Accreditation for Respiratory Care (CoARC) or its successor through submission of an official transcript to the Board; and submitting written evidence, verified by oath, that the applicant passed the exam requirements defined by Board rules given by the National Board for Respiratory Care Inc. (National Board) or its successor for entry-level care practitioners. Eliminates previous provisions regarding provision of the entry-level exam throughout the year. Establishes licensure requirements for advanced respiratory care practitioners, mirroring those for respiratory care practitioners, except as follows. Requires verification of successful completion of the postgraduate requirements of respiratory care education for the advanced practice respiratory therapist approved by CoARC or its successor through submission of an official transcript to the Board, requires verification of successful completion of the minimal requirements for Basic Cardiac Life Support recognized by the specified national entities, and requires verification that the applicant passed the exam requirements defined by Board rules given by the National Board or its successor for advanced-level respiratory care practitioners defined by Board Rules. Adds a new requirement for the Board to state the terms and conditions of use of the license to the licensee upon issuance.

Revises parameters for issuance of a provisional license under GS 90-656 to provide for issuance to any applicant who has completed the education requirements for respiratory care practitioners set forth in GS 90-653(a)(3), as amended, and passed the written exam required under GS 90-653(a)(5), as amended (was upon making application to take the exam). No longer specifies a 12-month maximum term for the license.

Eliminates the statutory fee set in GS 90-660 for exams. No longer distinguishes a fee for a provisional or temporary endorsement.

Expands the unlawful practices of unlicensed persons under GS 90-661 to include the use of advanced respiratory care practitioner title, letters, or indications.

Repeals GS 90-665, which provides that the Article does not require direct third party reimbursement to licensees.

Makes the above provisions effective October 1, 2022.

Further amends GS 90-652 to grant the Board the authority to appoint and maintain a subcommittee to develop rules to govern the performance of medical acts by advanced respiratory care practitioners. Provides for subcommittee membership and consultation with the NC Medical Board in developing the rules. Conditions the effect of the rules recommended by the

subcommittee upon both the Medical Board and the Board adopting the rules, provided adoption complies with GS Chapter 150B.

Enacts GS 90-18.8, authorizing any advanced respiratory practitioner who is licensed under GS 90-648(9a) (as enacted, effective October 1, 2022) to perform medical acts, tasks, and functions to use such title; provides any other use of the title or indication as such to be a violation of Article 1 (practice of medicine) and 38. Establishes conditions under which advanced respiratory care practitioners are authorized to practice advanced respiratory care as defined by GS 90-648(9a) (as enacted, effective October 1, 2022) under the supervision of a physician, including adoption of governing rules by the Board and the Medical Board, approval of both Boards, and assignment of an identification number that is shown on written prescriptions. Establishes conditions under which advanced respiratory care practitioners that have prescriptive and dispensing authorization under GS 90-648(10a) (as enacted, effective October 1, 2022) can order medications, tests, and treatments, including adoption of governing rules by both Boards, current approval of both Boards, and provision of specified instructions from the supervising physician. Deems written prescriptions or orders of an advanced respiratory care practitioner authorized by the physician approved by the Board as the supervisor, with liability on the supervisor. Authorizes registered nurses or licensed practical nurses to perform orders received from advanced respiratory care practitioners as if received from a licensed physician.

Amends GS 90-8.2 to direct the Medical Board to appoint and maintain a subcommittee to work jointly with the Board to develop rules to govern the performance of medical acts by advanced respiratory care practitioners. Provides for membership and mirrors procedure and effect for rulemaking provided in GS 90-652(15), as enacted.

Makes the above provisions effective October 1, 2021.

Directs the Medical Board and the Board to make subcommittee appointments by January 1, 2022, with initial appointees from the Board required to be licensed health care providers currently serving the Board. Further charges the joint subcommittee with developing rules to implement the act, with the approval of both Boards and in compliance with GS Chapter 150B.

Intro. by Adcock, Sasser, Cunningham, Boles.

GS 90

[View summary](#)

[Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers](#)

H 611 (2021-2022) **STUDY ELECTRIC UTILITIES' RESILIENCY**. Filed Apr 20 2021, *AN ACT TO DIRECT THE NORTH CAROLINA UTILITIES COMMISSION TO CONDUCT A STUDY OF NORTH CAROLINA WHOLESALE ELECTRICITY MARKET REFORMS AND ISSUE A REPORT TO THE GENERAL ASSEMBLY REGARDING ANY PROPOSED REFORMS AND PUBLIC BENEFITS ASSOCIATED THEREWITH.*

Includes whereas clauses. Directs the NC Utilities Commission (Commission) to conduct a study to evaluate the reform of the regulatory wholesale electricity market in the State. Requires the Commission to (1) evaluate proposed market structures, including four specified, such as participation in the Southeastern Energy Exchange Market (defined as a proposed 15-minute automated energy exchange market between balancing authorities in the southeastern US involving over 15 entities), (2) examine five specified components, including the legal and procedural requirements in NC, at the Federal Energy Regulatory Commission, or in other states associated with adoption of any recommended electricity market reform measures, and (3) consider how to maintain or enhance stakeholders' input into the electricity regulatory and policy development processes and social equity in providing affordable electricity to all communities and customer classes under the proposed wholesale market reform structure.

Directs the Commission to initiate the study within 30 days of the date the act becomes law, and by that date, establish an advisory board for the conduct of the study. Establishes minimum membership of the advisory board, including representatives from the Department of Environmental Quality, the NC Public Staff, the Attorney General, Duke Energy, Dominion Energy, municipal and cooperative utilities, the NC Clean Energy Business Alliance, the NC Sustainable Energy Association, as well as representatives of each class of consumers, power producers, academia, and environmental advocacy and social equity and justice communities.

Directs the Commission to report to the NCGA upon its convening of the 2023 Regular Session. Authorizes a one-year extension as deemed necessary by the Commission to adequately evaluate all matters required by the study. Requires legislative recommendations regarding whether to enact reforms to NC's wholesale electricity marketplace, including draft legislation, applicable requirements under statute and rule, and a proposed schedule, as specified.

Sets forth four defined terms used in the act.

Appropriates \$500,000 from the General Fund to the Commission for 2021-22 to engage an independent consulting firm with experience and expertise in wholesale electricity markets to assist the Commission with the study.

Intro. by Strickland, Goodwin, K. Hall.

APPROP, STUDY

[View summary](#)

Environment, Energy, Government, Budget/Appropriations, Public Enterprises and Utilities

H 612 (2021-2022) **UP MINIMUM WAGES/NO SUBMINIMUM OR EXEMPTIONS**. Filed Apr 20 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.*

Substantively identical to [S 673](#), filed 4/7/21.

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 Fisher, Cunningham, Gailliard, Harrison.

GS 95

[View summary](#)

Agriculture, Business and Commerce, Employment and

**Retirement, Government, State Agencies, Department of
Labor**

H 613 (2021-2022) **GTCC/AVIATION TRAINING FACILITY**. Filed Apr 20 2021, *AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR A NEW TRAINING FACILITY FOR THE AVIATION PROGRAMS AT GUILFORD TECHNICAL COMMUNITY COLLEGE*.

Transfers \$18 million from the General Fund to the State Capital and Infrastructure Fund for fiscal year 2021-2022. Appropriates \$18 million from the State Capital and Infrastructure Fund to the Community Colleges System Office for fiscal year 2021-2022 for the construction of new aviation training facilities at Guilford Technical Community College. Effective July 1, 2021.

Intro. by Clemmons, Faircloth, Hardister, Brockman.

APPROP

[View summary](#)

**Government, Budget/Appropriations, State Agencies,
Community Colleges System Office, Transportation**

H 614 (2021-2022) **LEMON LAW FOR EMERGENCY VEHICLES**. Filed Apr 20 2021, *AN ACT TO EXPAND THE LEMON LAW PROTECTIONS TO EMERGENCY VEHICLES*.

Amends Article 15A, New Motor Vehicles Warranties Act, of GS Chapter 20 as follows. Adds that for a new motor vehicle that is an emergency vehicle, this Article requires the manufacturer, co-manufacturer, and post-manufacturing modifier to correct defects covered under warranty that are identified and reported within a specified period. Adds and defines the term *emergency vehicle* as a fire department vehicle, law enforcement vehicle, or ambulance designed and equipped with specialized equipment for responding to an emergency and owned, leased, or used by an authorized entity (an agency of the State, a municipality, or a county, or a volunteer fire department or volunteer rescue squad) for responding to an emergency. Adds and defines the terms *co-manufacturer*, *post-manufacturing modifier*, and *warranty*. Amends the definition of *manufacturer* by adding that with respect to an emergency vehicle, this term includes within its meaning a co-manufacturer and post-manufacturing modifier. Makes conforming changes to the definition of *motor vehicle*. Makes additional technical and clarifying changes throughout the Article; makes language gender-neutral. Effective July 1, 2021.

Intro. by Hardister, McNeill, Pierce.

GS 20

[View summary](#)

**Courts/Judiciary, Motor Vehicle, Government, Public Records
and Open Meetings**

H 615 (2021-2022) **JUVENILE COURT MENTAL HEALTH ASSESSMENTS**. Filed Apr 20 2021, *AN ACT TO PROVIDE FOR AN APPROPRIATE MENTAL HEALTH ASSESSMENT TO BE PROVIDED FOR JUVENILES WHO HAVE BEEN ADJUDICATED DELINQUENT*.

Amends GS 7B-2502, which allows the court to order that a juvenile be examined by a physician, psychiatrist, psychologist, or other qualified expert as may be needed for the court to determine the juvenile's needs. Adds the requirement that the court, in the case of a juvenile with a suspected mental illness or developmental disability that has been adjudicated delinquent, order a comprehensive clinical assessment or other appropriate mental health assessment, unless the court finds an appropriate assessment has been conducted within the last 45 days before the adjudication hearing. Requires that the ordered assessment evaluate the juvenile's developmental, emotional, behavioral, and mental health needs. Adds that if an assessment ordered by the court under the statute, it must be reviewed before the date of disposition in the case. Requires a care review team to be assigned to the case if the court finds sufficient evidence that the juvenile has severe emotional disturbance, or a developmental disability, that, in the court's discretion, substantially contributed to the juvenile's delinquent behavior. Defines *severe emotional disturbance* (under GS 7B-1501) as a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within DSM-5 that resulted in functional impairment that substantially interferes with or

limits the child's role or functioning in family, school, or community activities in a person who is under the age of 18. Further amends the statute to require the care review team, which consists of specified individuals, to develop a recommendation plan for appropriate services and resources that address the juvenile's identified needs and submit the recommendation to the court in 30 calendar days. Requires the court to review the recommendation plan when determining the juvenile's disposition. Removes the already specified requirement that the court conduct a hearing to determine whether the juvenile is in need of medical, surgical, psychiatric, psychological, or other evaluation or treatment. Requires the county to pay for the evaluation or treatment if the court finds the parent or funding from the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety (was, parent only) is unable to pay the cost of evaluation or treatment. Deletes the requirement that the county department of social services recommend the facility that will provide the juvenile with evaluation or treatment. Amends all of subsection (c), concerning the referral of a juvenile to the area mental health, developmental disabilities, and substance abuse services director when the court believes, or if there is evidence presented to the effect, that the juvenile has a mental illness or a developmental disability, as well as the resulting duties and process. Effective October 1, 2021.

Intro. by Davis.

GS 7B

[View summary](#)

Courts/Judiciary, Juvenile Law, Delinquency, Health and Human Services, Mental Health

H 616 (2021-2022) **CHARTER REPLICATION ACT**. Filed Apr 20 2021, *AN ACT TO REMOVE CERTAIN BARRIERS RELATED TO FAST-TRACK REPLICATION OF HIGH-QUALITY CHARTER SCHOOLS*.

Amends GS 115C-218.3 (Fast track replication of high-quality charter schools) to change the requirements a charter applicant must satisfy in the fast track replication process adopted by the State Board of Education. Charter applicants must either (1) demonstrate that the majority of the charter schools in the state governed by the board of directors seeking fast track replication have had student outcomes over the previous three school years equal to or greater than the student outcomes of the local school administrative unit in which each charter school is located and provide three years of financially sound audits for each of the schools it governs; or (2) contract with a education or charter management organization that can demonstrate that the majority of the charter schools in the state managed by the organization have had student outcomes over the previous three school years equal to or greater than the student outcomes of the local school administrative unit in which each charter school is located and provide three years of financially sound audits for each of the schools it manages.

Intro. by Torbett.

GS 115C

[View summary](#)

Education, Elementary and Secondary Education

H 617 (2021-2022) **CANNABIS LEGALIZATION & REGULATION**. Filed Apr 20 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, 2024, as specified, and including 27 specified regulations.

Establishes a 30% cannabis excise tax for sales of cannabis and cannabis products, excluding sales of medical cannabis pursuant to applicable law. Details tax collection and administration. Allows municipalities to levy a local option sales tax of 2%, 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, 2024, and applies to offenses committed on or after that date.

Part II.

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 III.

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, 2024.

Part IV.

Includes a severability clause.

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

Intro. by Autry, Dahle, Harrison, Hawkins.

GS 18D, GS 90, GS 105, GS 106, GS 148

[View summary](#)

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, Social Services, Public Assistance

H 618 (2021-2022) **PANDEMIC EVICTION PROTECTION**. Filed Apr 20 2021, *AN ACT TO PROVIDE A PROCESS TO SEAL CERTAIN RECORDS AND PROCEEDINGS FOR SUMMARY EJECTMENT IN RESPONSE TO THE HOUSING INSTABILITY CREATED BY THE COVID-19 PANDEMIC AND TO MAKE DENIAL OF A RENTAL APPLICATION BASED UPON A SEALED RECORD A DISCRIMINATORY PRACTICE UNDER THE FAIR HOUSING ACT.*

States legislative findings.

Directs clerks of superior court to seal the court file for summary ejectment proceedings filed on or after March 10, 2020, except those initiated under Article 7 of GS Chapter 42, *Expedited Eviction for Drug Traffickers and Other Criminals*. Sunsets this directive 90 days after the expiration or rescission of the Governor's Executive Order No. 116 (2020).

Enacts GS 42-36.4 as follows, effective upon the expiration or rescission of the Governor's Executive Order No. 116 (2020), and applies to summary ejectment proceedings filed before, on, or after that date. Directs clerks of superior court to cause all records of all summary ejectment proceedings to be sealed and removed from publicly accessible records in the following circumstances: (1) after three years from the date the judgement was entered; (2) a pending proceeding where no decision has been entered; (3) a pending proceeding that has been dismissed or where judgement was entered in favor of the respondent tenant; and (4) a proceeding that names a respondent that is under 18. Defines *seal* or *sealed*. Clarifies that the statute does not limit the docketing or execution of a judgement for monetary damages in connection with a summary ejectment proceeding filed under GS 42-26. Excludes summary ejectment proceedings filed under Article 7 of GS Chapter 42. Effective upon the expiration or rescission of the Governor's Executive Order No. 116 (2020), and applies to summary ejectment proceedings filed before, on, or after that date.

Expands GS 41A-4, making it an unlawful discriminatory housing practice to deny an applicant on a rental agreement based upon a proceeding for summary ejectment that has been sealed pursuant to GS 42-36.3 (appears to intend new GS 42-46.4). Effective upon the expiration or rescission of the Governor's Executive Order No. 116 (2020), and applies to summary ejectment proceedings filed before, on, or after that date.

Intro. by Alston, Autry, Hawkins, Hurtado.UNCODIFIED, [GS 41A](#), [GS 42](#)[View summary](#)[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing, Government, Public Safety and Emergency Management](#)

H 619 (2021-2022) [ALCOHOL BEV. MANUFACTURE SALES TAX EXEMPTION](#). Filed Apr 20 2021, *AN ACT TO PROVIDE A SALES TAX EXEMPTION FOR EQUIPMENT, MACHINERY, AND SUPPLIES USED IN CREATING CERTAIN TYPES OF ALCOHOLIC BEVERAGES*.

Enacts a new sales tax exemption to GS 105-164.13 to exempt from sales tax sales of machinery, equipment, parts, and accessories used in the manufacture of the following specified items by the following specified permittees, as well as supplies and ingredients used or consumed in the manufacture: unfortified winery permittees for the manufacture of unfortified wine; fortified winery permittees for the manufacture of fortified wine; brewery permittees for the manufacture of malt beverages; and distillery permittees for the manufacture of spirituous liquor. Applies to sales made on or after July 1, 2021.

Intro. by Moffitt, Richardson, Setzer, Winslow.[GS 105](#)[View summary](#)[Alcoholic Beverage Control, Government, Tax](#)

H 620 (2021-2022) [UPDATE ALJ CODE OF CONDUCT](#). Filed Apr 20 2021, *AN ACT TO UPDATE THE CODE OF JUDICIAL CONDUCT FOR ADMINISTRATIVE LAW JUDGES*.

Amends GS 7A-754 (qualifications, standards of conduct, and removal of administrative law judges) to change the code of conduct for administrative law judges to the American Bar Association's Model Code of Judicial Conduct for State Administrative Law Judges dated August 2018, except with respect to private practice or political activity, in which case the statute applies instead of the specified rule and provides that GS 126-13 controls as to political activity in lieu of Canon 4 (was, in lieu of Canon 5).

Intro. by Moffitt, Mills, Setzer, Wray.[GS 7A](#)[View summary](#)[Courts/Judiciary, Court System](#)

H 621 (2021-2022) [INCREASE DROPOUT AGE/COMPLETION INDICATOR](#). Filed Apr 20 2021, *AN ACT TO RAISE THE COMPULSORY SCHOOL ATTENDANCE AGE TO EIGHTEEN YEARS OLD OVER A FIVE-YEAR PERIOD AND TO ESTABLISH A COMPLETION RATE INDICATOR FOR SCHOOL PERFORMANCE GRADES*.

Amends GS 115C-378 to change the compulsory school attendance age in four stages, to (1) between seven and 16 years and six months for the 2022-23 school year, effective July 1, 2022, (2) between seven and 17 for the 2023-24 school year, effective July 1, 2023, (3) between seven and 17 years and six months for the 2024-25 school year, effective July 1, 2024, and (4) ultimately to between seven and 18 years old (currently, between seven and 16), effective July 1, 2025, applicable beginning with the 2025-26 school year. 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 in identical phases GS 7B-1501 and GS 143B-805 by amending the definition of an *undisciplined juvenile* to be a juvenile less than age 16 and six months, 17, 17 and six months, and ultimately 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 to increase the high school dropout age from 16 to 18, effective July 1, 2025.

Makes the following provisions effective on the date the act becomes law, applicable to school performance scores and grades issued based on data from the 2021-22 school year.

Adds to GS 115C-83.15(b)(2) to require the State Board of Education (State Board) to add one half a point to a 9-12 school's achievement score for each percent of students who graduate from high school, earn a high school diploma, or earn an adult high school equivalency diploma within five years of entering high school.

Adds to GS 115C-83.16(a)(2) to require the State Board to include in the 9-12 school student quality and student success indicator the percentage of students who graduate from high school, earn a high school diploma, or earn an adult high school equivalency diploma within five years of entering high school.

Adds to GS 115C-12 to require the State Board to annually provide the State Board of Community Colleges with identifying information for any student who is unenrolled from a public school unit before graduation or completion of a program of study without transferring to another secondary school, who entered high school no more than five years earlier. Additionally amends GS 115D-5 to require the State Board of Community Colleges to annually provide the State Board with the dates that students identified through the above requirement earned an adult high school equivalency diploma.

Intro. by Elmore, Graham, Setzer.

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

[View summary](#)

[Courts/Judiciary](#), [Juvenile Law](#), [Delinquency](#), [Education](#), [Elementary and Secondary Education](#), [Government](#), [State Agencies](#), [Community Colleges System Office](#)

H 622 (2021-2022) [AEROX FUNDING/UAS INTEGRATION PILOT PROGRAM](#). Filed Apr 20 2021, *AN ACT TO FUND THE RESEARCH AND DEVELOPMENT OF AN ELECTRIC VERTICAL TAKEOFF AND LANDING (EVTOL) SYSTEM*.

Designates \$5 million of the funds allocated to the Department of Transportation from the Highway Fund in fiscal year 2021-2022 in recurring funds to be allocated to AeroX as a grant to develop the nation's first electric unmanned vertical take-off and landing system. Effective July, 2021.

Intro. by Shepard.

[APPROP](#)

[View summary](#)

[Government](#), [Budget/Appropriations](#), [State Agencies](#), [Department of Transportation](#), [Transportation](#)

H 623 (2021-2022) [PURCHASE PERMIT REQ'D/LONG GUN](#). Filed Apr 20 2021, *AN ACT TO REQUIRE A PERMIT FOR THE PURCHASE OF A LONG GUN*.

Amends GS 14-402 (prohibiting transfer of firearms without permit) making it unlawful to sell, give, transfer, or receive a pistol or long gun (was, pistol only) without a permit and defining long gun as a rifle or shotgun that is not considered an antique firearm.

Amends GS 14-403 (form of Sheriff's firearm permit) to make conforming changes.

Amends GS 14-404(c)(1) (relating to issuance and denial of firearm permits) to make conforming changes.

Effective December 1, 2021.

Intro. by von Haefen, Richardson, Logan, Majeed.

[GS 14](#)

[View summary](#)

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

H 624 (2021-2022) [NORTH CAROLINA REGULATORY SANDBOX ACT](#). Filed Apr 20 2021, *AN ACT TO ENACT THE NORTH CAROLINA FINANCIAL AND INSURANCE REGULATORY SANDBOX ACT AND TO ESTABLISH THE NORTH CAROLINA FINANCIAL AND INSURANCE INNOVATION COMMISSION.*

Identical to [S 470](#), filed 4/1/21.

Enacts new GS Chapter 169, to be known as the North Carolina Regulatory Sandbox Act of 2021. Sets out and defines terms as they are used in the Chapter, including defining regulatory sandbox, sandbox, or sandbox program as the program established by this Chapter that permits a person or entity to temporarily test an innovative financial or insurance product or service (as defined in the act) and make it available to consumers on a limited basis without being subject to certain licensing or other regulatory obligations imposed under applicable State law. Includes numerous NCGA findings related to the banking and insurance industry as well as emerging technology.

Allows a person who makes an innovative product or service available to consumers in the regulatory sandbox to be granted a waiver of specified requirements imposed by statute or rule, if these statutes or rules do not currently allow the product or service to be made available to consumers. Specifies that the waiver is to be no broader than necessary to accomplish the purposes set forth in this Act. Sets the duration of the waiver as the duration of participation in the regulatory sandbox, not to exceed 24 months from the date of admission into the regulatory sandbox program unless granted an extension.

Establishes the 11-member North Carolina Innovation Council (Council) to support innovation, investment, and job creation within the state by encouraging participation in the regulatory sandbox. Gives the Council the power to set standards, principles, guidelines, and policy priorities for the types of innovations that the regulatory sandbox program will support. Makes the Council responsible for admission into the regulatory sandbox program and for assigning selected participants to the applicable State agency. Sets out membership on the Council, including expertise requirements for the public members; prohibits paying members compensation except reasonable travel expenses.

Allows a designated nonprofit organization that has been authorized by the Office of the Secretary of State to be recognized as partners that may help sandbox applicants navigate the application process. Also allows certain participating nonprofit organizations to assist sandbox participants with the design and implementation of products and services during the regulatory sandbox program period. Sets out the application process for nonprofits. Also allows those nonprofit partners to explore, provide input, analyze, and make recommendations with respect to innovations and the application of innovative technologies that would benefit the state, its consumers, and its industry.

Allows entities to apply to participate in the regulatory sandbox by submitting an application to the Council. Sets a \$50 application fee and a \$450 fee to participate in the 24-month sandbox period. Allows for additional participation fees. Requires applicants to be a corporation or other organized entity with a physical presence in North Carolina. Sets out six items the Council is to consider when determining admission, including the nature of the innovation product or service proposed, including the potential risk to consumers; whether the entity's management has the necessary expertise to conduct a pilot of the innovative product or service during the sandbox period; and whether any person substantially involved in the development, operation, or management of the innovative product or service has been convicted of or is currently under investigation for fraud or State or federal securities violations. Allows the Council to deny an application in its discretion, but requires defined reasons to be given. Sets out the process by which an applicant may resolve the denial; denies judicial review.

Upon approval, gives an applicant 24 months to test the innovative product or service; allows the period to be extended by agreement of the applicable State agency. Requires innovations to be offered only to customers who are state residents, with a qualified exception for products or services associated with money transmitters; allows the applicable State agency to cap the number of participants, which may be increased by agreement. Allows the Council or State agency to publish a list of participants or innovation waivers. Allows requiring participants to post a consumer protection bond, or alternatively, a deposit of cash or marketable securities. Requires a final report at the end of the sandbox period. Provides that if the sandbox participant cannot obtain regulatory compliance within 90 days following the expiration of the sandbox period, the participant must wind down operations with existing consumers within 90 days after the conclusion of the sandbox period; sets out actions that may be taken after that period. Sets out notice requirements to be met when a participant's business objectives fail before the end of the testing period.

Require a participant to make four specified disclosures to consumers before offering an innovative product or service, including that the innovative product or service is authorized under the regulatory sandbox for a temporary testing period and that neither the State nor any of the State agencies endorse or recommend the innovative product or service and is not subject

to any liability for losses or damages caused by the product or service. Requires specified records, documents, and data to be kept for five years. Allows the applicable State agency to set reporting requirements.

Sets out provisions governing the confidentiality of various personal information and documents and materials; provides for when certain information may be disclosed.

Allows the Council to explore, receive input, analyze, and make recommendations, with respect to blockchain initiatives and their application. Defines blockchain technology as an electronic method for storing cryptographically secure data in a database or distributed ledger technology that is decentralized, consensus-based, mathematically verified, and distributed across multiple locations.

Deems a participant to possess an appropriate license under the State's laws for purposes of any provision of federal law that requires State licensure or authorization. Allows the Council to enter into agreements with other State, federal, or foreign regulators to advance the purpose of the regulatory sandbox. Specifies that this Chapter allows persons, applicants, or entities authorized in other jurisdictions or that hold a license in other jurisdictions to be recognized as sandbox participants in this state.

Effective October 1, 2021.

Intro. by Saine, Turner, Lofton, Szoka.

[GS 169](#)

[View summary](#)

[Business and Commerce, Insurance](#)

H 625 (2021-2022) [CRIMINAL SENTENCE REDUCTION REFORM](#). Filed Apr 20 2021, *AN ACT TO IMPLEMENT CRIMINAL SENTENCE REDUCTION REFORM*.

Amends Article 83 of Chapter 15A of the General Statutes (Imprisonment) by adding section GS 15A-1357 to do the following:

- (1) Authorize filing motions for appropriate relief to reduce an imposed sentence by those serving a term under GS 20-179 (Sentencing hearing after conviction for impaired driving; determination of grossly aggravating and aggravating and mitigating factors; punishments, or Article 81B (Structured Sentencing of Persons Convicted of Crimes) or 82 (Probation) of GS Chapter 15A;
- (2) Direct the court to reduce an individual's sentence on a motion for appropriate relief if (i) the individual was sentenced following a DUI conviction or is serving probation or a structured sentence and has served at least five years in prison and (ii) the individual is no longer a danger and the interests of justice warrant a sentence modification;
- (3) Outline several factors the court should consider in determining if an individual is a danger and if the interest of justice require sentence modification, including age of the individual at time of offense, good behavior, completion of behavioral health treatment, recommendation or report from the prosecuting district attorney, statements by victims, family and community circumstances of the individual at time of offense, etc.;
- (4) Require a hearing on a motion to reduce a sentence; and
- (5) Direct the court to resentence individuals whose sentence is reduced by a successful motion for appropriate relief.

Effective December 1, 2021 and applies to motions filed on or after that date.

Intro. by Alston, Clemmons, Gailliard, Morey.

[GS 15A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Corrections \(Sentencing/Probation\)](#)

H 626 (2021-2022) [FORENSIC MEDICAL EXAMINATION COSTS/REVISIONS](#). Filed Apr 20 2021, *AN ACT TO REVISE THE LAW GOVERNING THE ASSISTANCE PROGRAM FOR VICTIMS OF RAPE AND SEX OFFENSES TO CLARIFY THE DEFINITION OF THE TERM "FORENSIC MEDICAL EXAMINATION" AND REQUIRE THE SECRETARY OF PUBLIC SAFETY TO ASSESS A CIVIL PENALTY ON A MEDICAL FACILITY OR MEDICAL PROFESSIONAL WHO BILLS A VICTIM, THE VICTIM'S PERSONAL*

INSURANCE, MEDICAID, MEDICARE, OR ANY OTHER COLLATERAL SOURCE FOR THE COST OF A FORENSIC MEDICAL EXAMINATION.

Amends GS 143B-1200 to bar a medical facility or medical professional that performs a forensic medical examination from billing the victim of rape or sexual offenses, the victim's personal insurance, Medicaid, Medicare, or any other collateral source for the examination and other eligible expenses, with violations punishable by a civil penalty of up to \$25,000 per violation (currently prohibited with no civil penalty specified). Revises the definition given for the term forensic medical examination to require (was encouraged) at minimum an exam of physical trauma, a patient interview, a determination of penetration or force, a collection and evaluation of evidence, and any other act or procedure listed in the federal definition of the term (previously not specified). Adds that the term includes any costs associated with items listed under the definition, including equipment or supplies. Effective October 1, 2021.

Intro. by Richardson, Goodwin.

GS 143B

[View summary](#)

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

H 627 (2021-2022) **BE PRO BE PROUD NC PILOT PROGRAM.** Filed Apr 20 2021, *AN ACT TO APPROPRIATE FUNDS FOR THE BE PRO BE PROUD NORTH CAROLINA PILOT PROGRAM.*

Directs the Department of Labor (DOL) to establish the Be Pro, Be Proud initiative, a three-year mobile statewide workforce development pilot program to develop student, parent, and educator interest in technical career fields in the construction, manufacturing, transportation, and utility industries.

Outlines certain operations of the pilot program, including cooperation between DOL and the Department of Public instruction, the Community College System Office, and various professional organizations.

Appropriates \$5 million from the General Fund to DOL in fiscal year 2021-2022 to fund the Be Pro, Be Proud initiative.

Unspent funds do not revert to the General Fund until June 30, 2024.

Authorizes DOL to create a time-limited position to administer the Be Pro, Be Proud initiative.

Requires DOL to report on program activities to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Division of the General Assembly by April 1 of each year it spends State funds on the Be Pro, Be Proud initiative.

Effective July 1, 2021.

Intro. by Willis, Saine, Arp, Winslow.

APPROP, STUDY

[View summary](#)

Employment and Retirement, Government, Budget/Appropriations, State Agencies, Community Colleges System Office, Department of Labor

PUBLIC/SENATE BILLS

S 56 (2021-2022) **TRYON PALACE - CAPITAL PROJECT.** Filed Feb 4 2021, *AN ACT TO AUTHORIZE A CAPITAL PROJECT USING NON-GENERAL FUND REVENUES TO BE CONSTRUCTED AT TRYON PALACE.*

AN ACT TO AUTHORIZE A CAPITAL PROJECT USING NON-GENERAL FUND REVENUES TO BE CONSTRUCTED AT TRYON PALACE. SL 2021-10. Enacted April 20, 2021. Effective April 20, 2021.

Intro. by Sanderson.

UNCODIFIED

[View summary](#)

**Government, Cultural Resources and Museums, State
Agencies, Department of Natural and Cultural Resources
(formerly Dept. of Cultural Resources)**

S 410 (2021-2022) **NONPROFIT ELECTRONIC BUSINESS/REMOTE MEETINGS**. Filed Mar 30 2021, *AN ACT TO AUTHORIZE NONPROFIT CORPORATIONS TO CONDUCT BUSINESS ELECTRONICALLY AND HOLD REMOTE MEETINGS, EXCEPT AS LIMITED BY THE NONPROFIT, AND TO MAKE TECHNICAL CHANGES IN THE SURROUNDING LANGUAGE.*

House committee substitute makes the following changes to the 1st edition.

Makes the following revisions to the proposed changes to, and further amends, GS Chapter 55A, governing nonprofit corporations.

Amends GS 55A-1-40 to include authorization by written ballot and written consent through an electronic voting system in the definition of the term *vote*.

Revises GS 55A-1-70 to require members who wish to communicate and conduct business with a corporation by electronic means to first designate the email address to be used for communication and business between the member and the corporation and any other information required by the corporation to facilitate communication and business conducted between the member and the corporation (was, prior agreement from a member, delegate, officer, or director to conduct transactions by electronic means). Requires informing the members on how to designate an email address, of any additional information required and how to provide it, and how to update an email address or other required information previously provided. No longer specifically requires informing the person of how to revoke the agreement. Makes conforming changes.

Amends GS 55A-3-03, which governs emergency powers of a board directors, to define emergency to mean a natural or man-made disaster which impedes the ability of the corporation's board or members to comply with one or more provisions of the corporation's bylaws (was, if the quorum of the corporation's directors cannot readily be assembled because of some catastrophic event).

Amends GS 55A-7-08, regarding member action without a meeting, to provide for action by both written ballot or electronic voting. Makes organizational changes to the existing provisions regarding written ballots and electronic submission. Provides for electronic voting for members who have complied with GS 55A-1-70, as amended, with the corporation providing an electronic ballot or electronic notice with proposed actions and the opportunity and instructions on voting using the electronic ballot or an electronic voting system. Requires that all members entitled to vote on the matter are given the opportunity to vote on the proposed action by written ballot or electronic voting, or both. Grants the board of directors discretion in determining the method of voting, with votes to be cast solely by electronic voting only if all members entitled to vote on the proposed action have complied with GS 55A-1-70, as amended. Requires that the deadline for the return of written ballots and electronic ballots and for the casting of electronic votes on any proposed action to be identical. Makes conforming changes.

Revises proposed GS 55A-7-09, governing remote participation in meetings, to require corporations to provide the members a reasonable opportunity to participate in the meeting and to vote on matter submitted to members to the same extent they could participate if present in person (previously, not specified) as a condition for member remote participation. Adds that notices of meetings held solely by means of remote communication must notice that the meeting will be held solely by means of remote communication and sufficient instruction and information on how members can join the meeting remotely.

Amends GS 55A-7-24, regarding proxies, to provide for valid appointments in the form of an electronic record submitted by a member who has agreed as provided in GS 55A-1-70, as amended, that either bears the member's electronic signature or is sent from the member's designated email address which can be directly reproduced in paper form by an automated process.

Amends GS 55A-8-20 to allow for remote participation or remote meetings of directors if all directors participating can simultaneously hear and be heard by each other during the meeting (previously, only hear each other).

Makes technical changes.

Eliminates the content of previous Part II of the act, which amended GS 47C-3-108, regarding condominium association meeting notices, and GS 47F-3-108, regarding planned community association notices.

Makes technical changes. Changes the act's long title.

Intro. by Galey, Perry, Lazzara.

GS 55A

[View summary](#)

Nonprofits

S 449 (2021-2022) [REVISE MANUFACT. HOME TITLE LAWS](#). Filed Apr 1 2021, *AN ACT TO REVISE LAWS GOVERNING MANUFACTURED HOME TITLES*.

Senate committee substitute makes the following changes to the 1st edition.

Adds the following. Directs the Division of Motor Vehicles (DMV) to create a form, and publish the form on its website and make the form available to the public by December 1, 2021, for use by employees, agents, and license plate contractors of the DMV in the cancellation, release, or renewal of a security interest in a manufactured home and the surrender of title to a manufactured home.

Intro. by Galey, Britt, Daniel.

GS 20

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Development, Land Use and Housing, Property and Housing, Government, State Agencies, Department of Transportation

S 539 (2021-2022) [DISCLOSE HUMAN TRAFFICKING CONVICTION/CUSTODY](#). Filed Apr 5 2021, *AN ACT TO REQUIRE DISCLOSURE OF A CONVICTION FOR HUMAN TRAFFICKING IN A CHILD CUSTODY PROCEEDING AND TO EXPAND THE CONDUCT PROHIBITED BY THE HUMAN TRAFFICKING LAW*.

Senate committee substitute amends the 1st edition as follows.

Modifies the proposed changes to GS 50-13.1, concerning convictions that must be disclosed in the pleadings by a person instituting an action or proceeding for custody of a child. No longer makes the willful failure to make any of these required disclosures punishable as perjury.

Amends GS 14-43.11 to include in the offense of human trafficking when a person knowingly patronizes a person that is held in servitude or sexual servitude (was, amended to include knowingly or in reckless disregard of the consequences, patronizes another person with the intent that the other person be held in involuntary or sexual servitude). Changes the effective date of these proposed changes to December 1, 2021 (previously, October 1, 2021).

Changes the act's long title.

Intro. by Sanderson.

GS 14, GS 50

[View summary](#)

Courts/Judiciary, Civil, Family Law, Criminal Justice, Criminal Law and Procedure

S 718 (2021-2022) [CONFIRM ADRIAN PHILLIPS/INDUSTRIAL COMMISSION](#). Filed Apr 20 2021, *A JOINT RESOLUTION CONFIRMING THE APPOINTMENT OF ADRIAN A. PHILLIPS TO THE NORTH CAROLINA INDUSTRIAL COMMISSION*.

Includes whereas clauses. Confirms the appointment of Adrian Phillips to the North Carolina Industrial Commission, to a term expiring April 30, 2027.

Intro. by Rabon.

JOINT RES

[View summary](#)[Employment and Retirement](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 145: PROPERTY PROTECTION ACT/DVPO.

House: Amend Adopted A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Engrossed

H 156: UNCLAIMED PROP. DIV. AMEND./DMV TECH CHNGS-AB. (NEW)

House: Ratified

H 176: ENHANCE SHP DEBT COLLECTION ABILITIES.-AB

House: Reptd Fav

House: Re-ref Com On Finance

H 230: NC MANAGING ENVIRONMENTAL WASTE ACT OF 2021.

House: Reptd Fav

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 243: UNC LEGISLATIVE PRIORITIES/COVID-19 IMPACTS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

H 245: EFFICIENT GOVERNMENT BUILDINGS & SAVINGS ACT.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/21/2021

H 256: SMART SCH. BUS SAFETY PILOT/CERTAIN COUNTIES.

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 269: GIVE STATE RETIREES 2% COLA/FUNDS.

House: Reptd Fav

House: Re-ref Com On Appropriations

H 272: REVISE HEALTH STANDARD FOR LEAD.

House: Reptd Fav Com Substitute

House: Re-ref Com On Health

H 295: DSS REVIEW OF PROCEDURES/OAH.

House: Reptd Fav

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 334: TEMP ALIGN PPP TREATMENT TO FEDERAL TREATMENT.

House: Amend Adopted A1

House: Ruled Material

H 366: REGULATORY REFORM ACT OF 2021.

House: Reptd Fav Com Sub 2

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/21/2021

H 372: RESTORE FUNDING/STATE CONSERVATION PURPOSES.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

H 398: PISTOL PURCHASE PERMIT REPEAL (NEW)

House: Reptd Fav Com Substitute

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 425: DEVELOPMENT REGULATIONS/MULTIJURISDICTION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/21/2021

H 428: TEACHER LICENSURE/RETIRED EDUCATOR PROGRAM.

House: Reptd Fav Com Substitute

House: Re-ref Com On Pensions and Retirement

H 436: SUPPORT LAW ENFORCEMENT MENTAL HEALTH.

House: Reptd Fav Com Substitute

House: Re-ref Com On Health

H 447: THE JEFF RIEG LAW/PATIENTS RELIGIOUS RIGHTS.

House: Reptd Fav

House: Re-ref Com On State Government

H 468: ESTABLISH SURGICAL TECHNOLOGY STANDARDS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 473: REVISE LAWS/SAFE SURRENDER/INFANTS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Health

H 483: PISTOL PERMIT/MENTAL HEALTH RECORD TO SHERIFF.

House: Reptd Fav Com Substitute

House: Re-ref Com On Judiciary 2

H 518: TEMPORARILY WAIVE COMMERCIAL FISHING FEES.

House: Reptd Fav

House: Re-ref Com On Finance

H 545: MANDATORY TRAINING CONTRIBUTING TO CEUS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 582: CONFIRM GOVERNOR'S BUSINESS CT APPTS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/21/2021

H 589: PROHIBIT LEO USE OF CHEMICAL AGENTS ON MINORS.

House: Passed 1st Reading

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

H 590: MOBILE BARBERSHOPS/MOBILE SALONS.

House: Passed 1st Reading

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

H 591: FINES AND FORFEITURES/PAYMENT TO SCHOOLS.

House: Passed 1st Reading

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

H 592: REMOVE RESTRICTION ON PUBLIC SCHOOL CAP. FUND.

House: Passed 1st Reading

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

H 593: FORSYTH SENIOR SERVICES FACILITY FUNDS.

House: Passed 1st Reading

House: Ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 594: TRAVELING ANIMALS/PUB. SAFETY PROTECTION ACT.

House: Passed 1st Reading

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

H 595: HYGIENE PRODUCT SALES TAX EXEMPTION.

House: Passed 1st Reading

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

H 596: HEALTHY FAMILIES & WORKPLACES/PAID SICK DAYS.

House: Passed 1st Reading

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

H 597: NC PAID FAMILY LEAVE INSURANCE ACT.

House: Passed 1st Reading

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

H 598: RESTITUTION/SEXUAL EXPLOITATION OF MINOR.

House: Passed 1st Reading

House: Ref to the Com on Judiciary I, if favorable, Rules, Calendar, and Operations of the House

H 599: VETS/MIL. FREE ADMISSION STATE ATTRACTIONS.

House: Passed 1st Reading

House: Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Rules, Calendar, and Operations of the House

H 600: CLARIFY OCCANEECHI BAND OF SAPONI NATION.

House: Passed 1st Reading

House: Ref to the Com on Federal Relations and American Indian Affairs, if favorable, Judiciary I, if favorable, Rules, Calendar, and Operations of the House

H 601: FUNDS/INDIAN AFFAIRS COMM. ASST DIRECTOR.

House: Passed 1st Reading

House: Ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 602: UNC LEGISLATIVE PRIORITIES/HR/REPORTS.

House: Passed 1st Reading

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

H 603: STATE OF STATE.

House: Passed 1st Reading

House: Cal Pursuant 32

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Passed 1st Reading

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

H 604: REQUIRE SAFETY CALL/CHILD CARE FACILITIES.

House: Passed 1st Reading

House: Ref to the Com on Families, Children, and Aging Policy, if favorable, Rules, Calendar, and Operations of the House

H 605: VOTERS RIGHT TO KNOW ACT.

House: Passed 1st Reading

House: Ref to the Com on Election Law and Campaign Finance Reform, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 606: PROHIBIT COLLUSIVE SETTLEMENTS BY THE AG.

House: Filed

H 607: LEO BACKGROUND CHECKS/FBI RAP BACK SERVICES.

House: Filed

H 608: DIGNITY FOR WOMEN WHO ARE INCARCERATED.

House: Filed

H 609: ORANGE CO. MUSEUM BLACK HS FILM FUNDS.

House: Filed

H 610: RESPIRATORY CARE MODERNIZATION ACT.

House: Filed

H 611: STUDY ELECTRIC UTILITIES' RESILIENCY.

House: Filed

H 612: UP MINIMUM WAGES/NO SUBMINIMUM OR EXEMPTIONS.

House: Filed

H 613: GTCC/AVIATION TRAINING FACILITY.

House: Filed

H 614: LEMON LAW FOR EMERGENCY VEHICLES.

House: Filed

H 615: JUVENILE COURT MENTAL HEALTH ASSESSMENTS.

House: Filed

H 616: CHARTER REPLICATION ACT.

House: Filed

H 617: CANNABIS LEGALIZATION & REGULATION.

House: Filed

H 618: PANDEMIC EVICTION PROTECTION.

House: Filed

H 619: ALCOHOL BEV. MANUFACTURE SALES TAX EXEMPTION.

House: Filed

H 620: UPDATE ALJ CODE OF CONDUCT.

House: Filed

H 621: INCREASE DROPOUT AGE/COMPLETION INDICATOR.

House: Filed

H 622: AEROX FUNDING/UAS INTEGRATION PILOT PROGRAM.

House: Filed

H 623: PURCHASE PERMIT REQ'D/LONG GUN.

House: Filed

H 624: NORTH CAROLINA REGULATORY SANDBOX ACT.

House: Filed

H 625: CRIMINAL SENTENCE REDUCTION REFORM.

House: Filed

H 626: FORENSIC MEDICAL EXAMINATION COSTS/REVISIONS.

House: Filed

H 627: BE PRO BE PROUD NC PILOT PROGRAM.

House: Filed

S 56: TRYON PALACE - CAPITAL PROJECT.

Senate: Signed by Gov. 4/20/2021

Senate: Ch. SL 2021-10

S 113: MODIFY TERMINATION OF PARENTAL RIGHTS APPEALS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/21/2021

S 202: NO LAPSE, NO PROBLEM.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 212: BENNETT COLLEGE ACCREDIT./PRIVATE NEED-BASED.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 04/21/2021

S 237: REINSURANCE FACILITY BOARD OF GOV. APPOINTEES.

Senate: Withdrawn From Com

Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate

S 299: NCDOT NAIC ACCREDITATION.-AB

Senate: Withdrawn From Com

Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate

S 389: DEQ/DNCR OMNIBUS.-AB

Senate: Reptd Fav

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

S 390: UNC LAW ENFORCEMENT RECRUITMENT.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

S 410: NONPROFIT ELECTRONIC BUSINESS/REMOTE MEETINGS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 448: AMENDMENTS TO SCHEDULE VI OF THE CSA.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Health Care. If fav, re-ref to Rules and Operations of the Senate

S 449: REVISE MANUFACT. HOME TITLE LAWS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 539: DISCLOSE HUMAN TRAFFICKING CONVICTION/CUSTODY.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 574: LIFE INSURANCE BENEFICIARY CHANGES.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate

S 666: UPDATE REQS./ADVANCE HEALTH CARE DIRECTIVES.

Senate: Withdrawn From Com

Senate: Re-ref to Health Care. If fav, re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

S 718: CONFIRM ADRIAN PHILLIPS/INDUSTRIAL COMMISSION.

Senate: Filed

LOCAL BILLS

S 233: MODIFY FOX/COYOTE TAKING FOR CERTAIN COUNTIES. (NEW)

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

© 2021 School of Government The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on

intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

[Print Version](#)