



The Daily Bulletin: 2021-05-04

PUBLIC/HOUSE BILLS

H 367 (2021-2022) [UNIFORM PARTITION OF HEIRS PROPERTY ACT](#). Filed Mar 23 2021, *AN ACT TO ENACT THE UNIFORM PARTITION OF HEIRS PROPERTY ACT*.

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

Amends the following provisions to require that the court order the petitioner to send the required notice instead of the court sending it: GS 46A-92(c), (e), (g); and GS 46A-93(a), (d2), (d3). Changes the act's effective date to July 1, 2022 (was, January 1, 2022).

Intro. by Szoka, K. Hall, White, Turner.

[GS 46A](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing](#)

H 395 (2021-2022) [HIE DEADLINE EXTENSION & PATIENT PROTECTION. \(NEW\)](#) Filed Mar 24 2021, *AN ACT EXEMPTING AMBULATORY SURGICAL CENTERS FROM THE REQUIREMENT TO SUBMIT DEMOGRAPHIC AND CLINICAL DATA, EXTENDING FOR CERTAIN PROVIDERS AND ENTITIES THE DEADLINES FOR MANDATORY PARTICIPATION IN THE STATEWIDE HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS NC HEALTHCONNEX, AND INSTITUTING REFORMS TO PROTECT PATIENTS*.

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

Revises the proposed changes to and further amends GS 90-414.4. Adds a new provision, explicitly charging the Department of Information Technology (DIT), the Department of State Treasurer, State Health Plan Division, and the Department of Health and Human Services (DHHS), Division of Health Benefits (DHB) with the affirmative duty to facilitate and support participation by covered entities in the statewide health information exchange network (HIE network). Revises the mandatory HIE Network participation dates as follows. Requires participation by providers of Medicaid and State-funded health care services, now explicitly including their affiliated entities, not otherwise provided for by January 1, 2023 (was, extended to October 1, 2022, from October 1, 2021). Requires participation by licensed dentists, licensed physicians with a primary practice in psychiatry, and the State Lab of Public Health by January 1, 2023 (was, extended to June 1, 2022, from June 1, 2021). Requires participation by registered pharmacies, and State health care facilities under the Secretary of the Department of Health and Human Services' jurisdiction by January 1, 2023 (was, extended to June 1, 2022, from June 1, 2021). Makes conforming changes to the prohibitions against extensions beyond the new deadline of January 1, 2023, for these specified entities. No longer requires participation by ambulatory surgical centers by June 1, 2021 (was, extended to June 1, 2021; now eliminated with no replacement deadline). Makes conforming changes to exclude ambulatory surgical centers from the provisions of subsection (b), which condition State funding upon twice daily data submissions regarding services rendered to Medicaid and other State-funded health care program beneficiaries and paid for with Medicaid or other State-funded health care funds. Enacts a new subsection to prohibit providers or entities whose receipt of State funds is negatively impacted by a failure to connect to the HIE Network and submit required data from balance billing any services rendered to State-funded health care program beneficiaries, and deems those beneficiaries not responsible for improper charges.

Amends GS 90-414.6 to prohibit the HIE Authority from fulfilling a request for electronic health information or other medical records from an individual, an individual's personal representative, or an individual or entity purporting to act on an individual's behalf. Instead, requires the Authority to make available to the requester and the public, on its website, educational materials about how to access such information from other sources.

Directs the HIE Advisory Board to submit recommendations to the specified NCGA committee by December 1, 2022, regarding appropriate features or actions to support enforcement of the Statewide HIE Act, Article 29B of GS Chapter 90.

Changes the act's titles.

Intro. by Sasser, Potts, K. Baker, Wray.

GS 90

[View summary](#)

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

H 453 (2021-2022) **HUMAN LIFE NONDISCRIMINATION ACT/NO EUGENICS. (NEW)** Filed Mar 30 2021, *AN ACT TO PROTECT AGAINST DISCRIMINATION OF HUMAN LIFE.*

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

Modifies the proposed changes to GS 14-45.1(b1), regarding required recordkeeping and reporting by a physician who advises, procures, or causes a miscarriage or abortion after the sixteenth week of a woman's pregnancy, to require the physician to provide a signature attesting that the information that is contained in the report to the Department of Health and Human Services is true and correct to the best of the physician's knowledge, without a requirement for the attestation to be made under oath.

Makes a technical correction to the act's short title.

Intro. by McElraft, Bradford, K. Baker, Arp.

GS 14, GS 90

[View summary](#)

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

H 481 (2021-2022) **FIREARM DISPOSAL/UNC CAMPUS POLICE.** Filed Apr 1 2021, *AN ACT TO ALLOW EACH DEPARTMENT, AGENCY, INSTITUTION, COMMISSION, AND BUREAU OF THE EXECUTIVE, JUDICIAL, OR LEGISLATIVE BRANCH OF NORTH CAROLINA AND CAMPUS POLICE AND LAW ENFORCEMENT AGENCIES OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO SELL, TRADE, OR OTHERWISE DISPOSE OF ANY OR ALL SURPLUS WEAPONS IN THEIR POSSESSION TO ANY FEDERALLY LICENSED FIREARM DEALER.*

House committee substitute amends the 2nd edition as follows.

Further amends GS 143-63.1 to allow each department, agency, institution, commission, and bureau of the executive, judicial, or legislative branches of the State to sell, trade, or otherwise dispose of any or all surplus weapons they possess to any federally licensed firearm dealers, in addition to campus law enforcement agencies and campus policy agencies of UNC constituent institutions previously proposed to be included in the statute's authority (current law specifically authorizes the Highway Patrol, the Division of Adult Correction and Juvenile Justice, the ALE Division of the Department of Public Safety, and the SBI only). No longer provides for money or property obtained from a trade to go to the General Fund. Makes organizational changes. Makes conforming changes to the act's long title.

Intro. by C. Smith, Faircloth, Miller.

GS 143

[View summary](#)

Government, General Assembly, Public Safety and Emergency Management, State Agencies, UNC System, Department of Justice, State Government, Executive

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 2nd edition as follows.

Repeals Section 1 of the act, amending pistol permit provisions set forth in GS 14-404 and related access to mental health orders of permit applicants under GS 122C-54, if HB 398 becomes law. Effective on the date the act becomes law.

Enacts GS 14-32.5, making it a Class A1 misdemeanor to use or attempt to use physical force, or threaten the use of a deadly weapon, against another person when the offender is either (1) a current or former spouse, parent, or guardian of the victim, (2) a person with whom the victim shared a child in common, (3) a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, or (4) a person similarly situated to a spouse, parent, or guardian of the victim. Effective December 1, 2021. Makes conforming changes to the act's long title.

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

[GS 14, GS 122C](#)

[Courts/Judiciary, Civil, Civil Law, Family Law, Criminal Justice, Criminal Law and Procedure, Government, Local Government, Health and Human Services, Mental Health](#)

[View summary](#)

H 547 (2021-2022) [USE LAW ENF. DECERT INDEX. \(NEW\)](#) Filed Apr 13 2021, *AN ACT TO ESTABLISH A REQUIREMENT FOR THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION TO UTILIZE THE NATIONAL DECERTIFICATION INDEX MAINTAINED BY THE INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW ENFORCEMENT STANDARDS AND TRAINING IN THE CERTIFICATION PROCESS FOR CERTIFIED PERSONNEL.*

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

Eliminates the proposed changes to GS 150B-38, exempting the NC Criminal Justice Education and Training Standards Commission and the NC Sheriffs Education and Trainings Standards Commission from the provisions of this section. Makes conforming deletions. Makes conforming changes to the act's titles.

Intro. by Szoka, K. Baker, Hunter.

[GS 17C, GS 17E](#)

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

[View summary](#)

H 557 (2021-2022) [REOPEN GYM WATER FOUNTAINS/BOTTLE STATIONS](#). Filed Apr 13 2021, *AN ACT TO REQUIRE FITNESS CENTERS AND GYMS TO PROVIDE AT LEAST ONE WATER FOUNTAIN OR TOUCHLESS WATER BOTTLE REFILLING STATION DURING THE COVID-19 STATE OF EMERGENCY.*

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

Modifies the directive that all interim guidelines issued by the Department of Health and Human Services, executive orders issued by the Governor, and other guidance issued by executive or local government agencies in response to the COVID-19 pandemic relating to fitness centers and gyms require indoor fitness centers and gyms to provide at least one operating water fountain or touchless water bottle refill station. Conditions the requirement upon the facility currently having an operational water fountain or touchless water bottle refilling station. Eliminates the proposed provision explicitly providing that the act does not require installation of water fountains or refill stations where not required by law.

Intro. by Johnson.

[UNCODIFIED](#)

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

[View summary](#)

H 560 (2021-2022) **PUBLIC SAFETY REFORM**. Filed Apr 14 2021, *AN ACT TO MODIFY THE LAWS OF THE STATE RELATING TO PUBLIC SAFETY*.

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

Section 2

Modifies the proposed changes to GS 14-258.4(b) to sentence any prisoner who knowingly and willfully exposes genitalia to an employee while the employee is performing the employee's duties to an active punishment with a minimum term of six months (was a minimum term of six months and a maximum of 12 months in prison). Eliminates the proposed technical changes.

Section 3

Amends the proposed changes to GS 14-258(c) to require that any prisoner possessing a letter, weapon, tool, good, article of clothing, device, or instrument to effect an escape or aid in an assault or insurrection must be sentenced to an active sentence with a minimum term of 12 months (was a minimum term of 12 months and a maximum of 24 months in prison. Eliminates the proposed technical changes.

Eliminates the proposed changes to GS 15A-1368.1, specifying that Article 84A (Post-Release Supervision) of GS Chapter 15A is applicable to felons sentenced to an active punishment under GS 14-258 (providing forbidden articles or tools for escape), and GS 14-258.4 (malicious conduct by prisoner).

Section 4

Makes technical and clarifying changes to GS 143-18.2 and GS 143-295.2, regarding property of inmates in the custody of the Division of Adult Correction and Juvenile Justice (Division), Department of Public Safety (DPS).

Makes a technical change to the proposed changes to GS 143-291.2, regarding the Industrial Commission's authority to tax costs against the losing party.

Section 5

Revises the proposed provisions related to powers of a probation officer under GS 15-205, clarifying that new subsection (c) gives probation officers the authority of peace officers for the purpose of protecting life and property on prison property (was the authority of peace officers on prison property for the purpose of protecting life and property) for the purpose of transferring prisoners from place to place, and for apprehending, arresting, and returning escaped prisoners to prison.

Section 6

Makes a technical change to the proposed changes to GS 143B-720 to specify that CJLEADS stands for the Criminal Justice Law Enforcement Automated Data System.

Intro. by Boles, A. Jones, Logan, McNeill.

UNCODIFIED, GS 8, GS 14, GS 15A, GS 15B, GS 86A, GS 143, GS 143B, GS 148, GS 166A

[View summary](#)

Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure, Government, Public Safety and Emergency Management, State Agencies, Department of Public Safety

H 584 (2021-2022) **VET. POSTTRAUMATIC STRESS/MITIGATING FACTOR**. Filed Apr 15 2021, *AN ACT TO PROVIDE THAT A COURT MAY CONSIDER POSTTRAUMATIC STRESS DISORDER AS A MITIGATING FACTOR WHEN SENTENCING A PERSON WHO IS A VETERAN*.

House committee substitute to the 1st edition makes the following changes. Amends new GS 15A-1340.16(e)(14a) by correcting the reference to the federal definition of combat zone. Makes additional clarifying and technical changes. Changes the effective date of the act to December 1, 2021 (was, October 1, 2021).

Intro. by Hardister, Szoka, Martin.

GS 15A

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Military and Veteran's Affairs

H 644 (2021-2022) **REMOTE ACADEMIES**. Filed Apr 21 2021, *AN ACT TO AUTHORIZE THE USE OF REMOTE ACADEMIES BY LOCAL SCHOOL ADMINISTRATIVE UNITS*.

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

Adds the following uncodified content.

Provides that a local school administrative unit that has been assigned a school code to operate a school with virtual instruction as the primary means of instruction by May 1, 2021, may continue operation to satisfy the minimum required number of instructional days or hours for the school calendar during the 2021-22 school year, notwithstanding new Part 3A, Article 16 of GS Chapter 115C as enacted.

Allows charters schools to provide blended learning that includes virtual instruction during the 2021-22 school year if the Office of Charter Schools has approved a curriculum amendment allowing blended learning for that school for the 2021-22 school year by September 1, 2021.

Intro. by Elmore, Saine, Torbett.

GS 115C

[View summary](#)

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

H 647 (2021-2022) **ENHANCED IN-SERVICE RETIREMENT FOR LEOS**. Filed Apr 22 2021, *AN ACT ALLOWING CERTAIN RETIRED LAW ENFORCEMENT OFFICERS WHO ARE BENEFICIARIES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO WORK AS SCHOOL RESOURCE OFFICERS OR ELECTED SHERIFFS WITHOUT ADVERSELY IMPACTING THEIR RETIREMENT BENEFITS*.

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

Modifies the proposed definition given for the new term *in-service retired law enforcement officer* in proposed GS 128-21(11e). Expands the term to provide an alternate definition to include a member of the Local Governmental Employees' Retirement System (LGERS) who (1) is at least 59.5 years of age, with at least five years of membership service as a law enforcement officer, (2) is actively employed as a deputy and transitions to employment by a sheriff's office or a police department as a school resource officer in a capacity that meets the definition of *employee* under the Chapter, or is elected to the office of sheriff, and (3) elects to commence receiving a retirement allowance during employment as an in-service law enforcement officer (subdivision a.). Revises the previously proposed definition to include a beneficiary of LGERS who (1) is at least 59.5 years of age, with at least five years of membership service (was creditable service) as a law enforcement officer, (2) is reemployed by a sheriff's office or a police department as a school resource officer in no less than 90 days after separation from service in a capacity that meets the definition of *employee* under the Chapter (previously did not provide a time period limitation), or is elected to the office of sheriff, and (3) elects to continue receiving a retirement allowance during employment as an in-service law enforcement officer (previously not included) (subdivision b.).

Revises proposed GS 128-24(5)f., to specify that the previous provision providing that in-service retired law enforcement officers are not subject to the reemployment limitations specified in sub-subdivision c. applies to in-service retired law enforcement officers meeting the definition set forth in new GS 128-21(11e)b. Adds the following, applicable to in-service

retired law enforcement officers meeting the definition set forth in new GS 128-21(11e)a. Requires continued receipt of a retirement allowance for the duration of the employment as an in-service retired law enforcement officer, without limitation, and requires the employee to contribute as a member of LGERS at the applicable uniform contribution rate. Requires recomputation of the member's allowance in accordance with the service retirement provisions pertaining to law enforcement officers upon separation from service as an in-service retired law enforcement officer and upon written notification to the Board of Trustees of the member's desire to retire, as specified.

Requires LGERS to correct any sheriff's office or police departments' noncompliance with new GS 128-21(11e) as the Retirement System determines to be appropriate under State and federal law, with the employing sheriff's office or police department liable for costs of the correction. Provides for correction costs to be transferred to the Pension Accumulation Fund under rules adopted by the LGERS Board of Trustees.

Intro. by McNeill, Potts.

GS 128

[View summary](#)

Employment and Retirement, Government, Public Safety and Emergency Management, Local Government

H 658 (2021-2022) **DEPLOY CHILD WELFARE & AGING COMPONENT/NCFAST**. Filed Apr 22 2021, *AN ACT AUTHORIZING THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BEGIN DEPLOYMENT OF THE NORTH CAROLINA FAMILIES ACCESSING SERVICES THROUGH TECHNOLOGY (NC FAST) CASE MANAGEMENT FUNCTIONALITY FOR THE CHILD WELFARE SYSTEM AND AGING AND ADULT SERVICES' PROGRAMS AND APPROPRIATING FUNDS FOR THAT PURPOSE.*

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

Requires the Department of Health and Human Services (Department), Division of Social Services (Division), to resume (was, begin) deployment of the North Carolina Families Accessing Services through Technology (NC FAST) system as it relates to case management functionality for the child welfare system and aging and adult services' programs. Requires the Division to enter into a contract to augment and enhance the child welfare case management component of the NC FAST system before January 1 2022 (was, August 1, 2021).

Intro. by Lambeth.

APPROP, UNCODIFIED

[View summary](#)

Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Adult Services, Child Welfare

H 674 (2021-2022) **REQUIRE DNA FOR VARIOUS CHARGES. (NEW)** Filed Apr 22 2021, *AN ACT TO REQUIRE THAT A DNA SAMPLE BE OBTAINED FROM ANY PERSON WHO IS ARRESTED FOR COMMITTING VARIOUS ASSAULT AND DOMESTIC VIOLENCE OFFENSES.*

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

Eliminates the proposed appropriations to the Department of Justice. Makes conforming changes. Makes conforming changes to the act's titles.

Intro. by Richardson, Szoka, Wheatley.

GS 15A

[View summary](#)

Courts/Judiciary, Evidence, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Justice, State Government, State Personnel

H 752 (2021-2022) [AMEND CONTROLLED SUBSTANCES ACT](#). Filed Apr 29 2021, *AN ACT REVISING THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT*.

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

Amends GS 90-93 which includes anticonvulsants under Schedule V controlled substances, to also include as anticonvulsants any material, compound, mixture, or preparation which contains any quantity of Cenobamate or Lasmiditan including their salts, isomers, and salts of isomers.

Intro. by Blackwell, Sasser, C. Smith, Stevens.

[GS 90](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Health and Human Services, Health, Public Health](#)

H 755 (2021-2022) [ACADEMIC TRANSPARENCY](#). Filed Apr 29 2021, *AN ACT TO ENSURE ACADEMIC TRANSPARENCY*.

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

Amends new GS 115C-102.1 by no longer authorizing a public school unit to provide lesson plans to be updated throughout the school year if all updates are completed by June 30, and use online collaborative software, documents, or spreadsheets to allow multiple users to update content, during the school year. Adds the requirement that the Department of Public Instruction (DPI) make available to public school units one or more templates for providing information as required by the statute. Allows a public school unit flexibility in determining the most effective means of compliance with the statute's requirements, including, but not limited to, using any of the following in its discretion: (1) providing a template created by the DPI to teachers to facilitate reporting of lesson plans; (2) creating one or more templates to provide to teachers to facilitate reporting of lesson plans and the unit to customize templates for grades or courses and auto-populate any instructional materials required by the public school unit as part of the curriculum for a particular grade or course; (3) allowing the use of online collaborative software, documents, or spreadsheets to allow multiple authorized users to update content; and (4) authorizing updating lesson plans throughout the school year, if all updates are completed by June 30.

Intro. by Blackwell, Torbett, Hardister, Elmore.

[GS 115C, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, UNC System](#)

H 755 (2021-2022) [ACADEMIC TRANSPARENCY](#). Filed Apr 29 2021, *AN ACT TO ENSURE ACADEMIC TRANSPARENCY*.

House committee substitute deletes the content of the 1st edition and replaces it with the following.

Enacts GS 115C-102.1 to require the governing bodies of public school units to ensure the following information is posted on each school's website, organized by subject area and grade level: (1) the lesson plans that were used at the school during the prior school year, identifying, describing, and linking the instructional materials and associated activities; (2) any procedures for the documentation, review, or approval of the lesson plans by the principal, curriculum administrators, or other teachers; and (3) the procedure established by the governing board for requesting an in-person review of instructional material not publicly available online. Specifies that digital reproduction of the materials or separate reporting of material components is not required, and requires listing the teacher as the author when appropriate. Defines *instructional material* and *lesson plan*. Requires the governing board to provide access from the public school unit's website to the required information by June 30th annually through a manner specified, with public access maintained by fiscal year. Authorizes the public school unit to provide lesson plans to be updated throughout the school year if all updated are completed by June 30, and use online collaborative software, documents, or spreadsheets to allow multiple users to update content, during the school year. Does not require compliance by a governing body that is responsible for the operation of schools with fewer than 400 students cumulatively.

Amends GS 115C-12, GS 115C-47, GS 115C-238.66, and GS 115C-218.85 to require the State Board, local boards, regional school boards of directors, and charter schools to ensure that the information about instructional materials is displayed on the websites of innovative schools, schools for students with visual and hearing impairments, each school in the respective administrative unit, regional schools and charter schools as appropriate for each authority and in accordance with new GS 115C-102.1.

Similarly enacts GS 116-69.2, and enacts a new subsection to GS 116-235, to provide identical requirements of the Boards of Trustees of the NC School of the Arts and the NC School of Science and Math to ensure that information about instructional materials is displayed on the each school's website for all programs of the School of the Arts and for the School of Science and Math, respectively, in accordance with new GS 115C-102.1.

Similarly amends GS 116-239.8(b), enacting a new subdivision to require chancellors to ensure that information about instructional materials is displayed on the website of laboratory schools in accordance with new GS 115C-201.1.

Applies beginning with the display of instructional materials used during the 2021-22 school year, no later than June 30, 2022.

Intro. by Blackwell, Torbett, Hardister, Elmore.

[GS 115C, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, UNC System](#)

H 792 (2021-2022) [BARBERS/ELECTROLYSIS BOARDS/MERGER](#). Filed May 3 2021, *AN ACT TO MERGE THE BARBER AND ELECTROLYSIS LICENSING BOARDS*.

Part I.

Enacts new GS Chapter 86B entitled "Barber and Electrolysis Practice Act." Organizes the new Chapter into three Articles. Recodifies specified sections of GS Chapter 86A, governing the Board of Barber Examiners, barber certification, and barbershop and barber school permitting, into Articles 1 and 2 of new GS Chapter 86B. Recodifies specified sections of GS Chapter 88A, governing the Board of Electrolysis Examiners and electrologist licensure, into Article 3 of new GS Chapter 86B.

Revises and adds to the sections recodified in new GS Chapter 86B as follows.

Makes the following changes to Article 1. Eliminates the NC Board of Barber Examiners. Establishes the seven-member NC Board of Barber and Electrolysis Examiners (Board), consisting of four licensed barbers, one practicing electrologist, one licensed physician, and one unlicensed public member, all of which are appointed by the Governor. Eliminates the prohibition of the previous Board of Barber Examiners which prohibits serving more than three complete consecutive three-year terms. Eliminates the powers and duties of the Board of Barber Examiners, and grants the Board of Barber and Electrolysis Examiners the powers and duties necessary to carry out and enforce the provisions of GS Chapter 86B. Authorizes the Board to adopt necessary rules. Empowers the Board to investigate any licensee or establishment subject to the Chapter's provisions if the Board has reasonable cause to believe a violation of the Chapter's provisions has occurred, either on its own motion or upon receipt of a complaint from any individual. Provides for the Board to maintain a Wake County, rather than Raleigh, office. Eliminates the annual reporting requirement to the Governor, previously required of the Board of Barber Examiners. Authorizes the Board to apply for an injunction or restraining order to prevent further violation of the Chapter's provisions, but not to prevent violations of the Chapter or the Board's rules, as the Department of Health and Human Services and local health directors are authorized to do. Makes conforming changes throughout the Chapter to refer to the NC Board of Barber and Electrolysis Examiners.

Makes the following changes to Article 2. Now provides for licensure to practice barbering rather than certificates of registration, and expands shop permitting to include mobile barbershops. No longer requires applications for examination to include proof of the applicant's qualifications under oath, or places a deadline to require applications to be submitted at least 30 days before the examination. Modifies the qualifications for licensure of applicants who hold a license in another state to require the applicant to have practices one of the last five immediately preceding years (was, three out of five years).

Modifies language to consistently refer to the permitting of barbershops, mobile barbershops, and barber schools. Enacts a new section, authorizing motor homes to be used as a mobile barbershop for the practice of barbering. Provides for permitting, the Board's rulemaking, and other requirements regarding mobile barbershops, including sanitation standards that must be met and requiring owners to provide the Board with a written monthly itinerary listing locations, dates, and hours of operation. Sets the permit application and annual fee for mobile barbershops at \$50, with a \$45 late fee, and sets inspection of newly established mobile barbershops at \$120. Expands the sanitary rules and regulations and inspection requirements applicable to barbers, barbershops, and barber schools to include mobile barbershops. Now requires the Board to adopt rules regarding the disposal of wastewater in a barbershop or mobile barbershop (previously required lavatories to have a drain pipe to drain wastewater out of the building). Provides for use of Board-approved sanitizing solutions for equipment and instruments, rather than providing specified solution ingredients and thresholds.

Modifies the qualifications of barber schools or colleges to now require the school to employ at least one (was, two) instructors for the first 20 (was, 40) enrolled students and employ one additional instructor for every additional 20 enrolled students. Allows for online theoretical training with one instructor present (two instructors required for simultaneous practical training and theoretical training).

Makes the following changes to Article 3. Eliminates the Board of Electrolysis Examiners and makes changes throughout to refer to the new Board of Barber and Electrolysis Examiners as the governing board of electrologist licensing. Eliminates outdated language which grandfathered in electrologists practicing before July 1, 1993, for licensure without examination. Enacts a new statute to require the Board to issue a license to any individual who completes a Board-approved electrology apprenticeship program consisting of 625 hours, visits two electrologist offices that are not the same office as the program instructor, and passes a clinical exam conducted by the Board. Requires the Board to inspect an electrology apprenticeship program's facility prior to approval. Requires application to the Board for a student permit prior to enrollment in a program. Establishes four qualifications for apprenticeship program instructors. Provides for the Board's rulemaking regarding apprenticeship programs, including reporting and record-keeping. Revises fees for licensure, setting the fee for an initial electrologist license at \$125 (was \$150) and examination or reexamination at \$150 (was, \$125).

Makes technical and clarifying changes throughout the new Chapter; makes language gender neutral. Updates statutory and internal cross-references throughout. Makes conforming repeals of specified sections of GS Chapter 88A, and conforming repeals of references to that Chapter in new GS Chapter 86B.

Makes the above changes effective January 1, 2022, and applicable to applications for licensure, examination, and renewal submitted on or after that date.

Part II.

Directs the Board of Barber and Electrolysis Examiners (Board), as established, to review the licensing fee limitations and fees adopted by rule of the now abolished Board of Barber Examiners and Board of Electrolysis Examiners to determine if fee reduction is appropriate given consolidation of the Boards. Directs the Board to report to the specified NCGA committee by March 1, 2023.

Directs the Board to review the licenses established by the act and determine where consolidation or elimination of licenses is appropriate given consolidation of the Boards. Directs the Board to report to the specified NCGA committee by March 1, 2023.

Provides that licenses and registrations issued by either abolished Board prior to January 1, 2022, remain valid until their expiration, revocation, or renewal by the Board of Barber and Electrolysis Examiners.

Vests and transfers all property and assets owned by the now abolished Board of Electrolysis Examiners to the Board.

Provides for continuance of all proceedings pending prior to January 1, 2022, in the name of or against either abolished Board in the name of the Board of Barber and Electrolysis Examiners.

Directs the Department of the State Treasurer to separate funds received in the name of the new Board from funds received in the name of either abolished Board prior to January 1, 2022.

Provides for the continued validity of rules adopted by either abolished Board.

Grants the Board of Barber and Electrolysis Examiners the authority to expend funds to conduct audits and prepare financial statements as would have been required under GS 93B-2 and GS 93B-4.

Directs the newly established Board to adopt rules to implement the act.

Provides for the appointment of members to the Board of Barber and Electrolysis Examiners by October 1, 2021, for one-, two-, and three-year terms, as specified, with terms beginning January 1, 2022.

Makes the provisions of Part II effective on the date the act becomes law.

Intro. by Stevens.

[GS 86A, GS 86B, GS 88A](#)

[View summary](#)

[Business and Commerce, Occupational Licensing](#)

H 809 (2021-2022) [NC HEALTHY FAMILY ACT](#). Filed May 4 2021, *AN ACT TO EXPAND MEDICAID IN NORTH CAROLINA*.

Contains whereas clauses. Repeals Section 3 of SL 2013-5 (prohibiting Affordable Care Act optional Medicaid expansion). Amends GS 108A-54.3A (Medicaid eligibility and income thresholds) to add subdivision (24) expanding Medicaid eligibility to include individuals between the age of 19 and 65 whose modified adjusted gross income is less than or equal to 133% of the federal poverty guidelines. Directs the Department of Health and Human Services (DHHS) to provide Medicaid coverage for those individuals outlined in this new subdivision consistent with the State's current Medicaid and NC Health Choice Program. Provides that the additional costs associated with this expansion will be covered by federal funds the State receives under certain provisions of the American Rescue Plan Act of 2021, P.L. 1172. Also provides that, once those federal funds are no longer sufficient, the General Assembly intends to impose on hospitals an additional assessment to cover the State's share of the program and administrative costs associated with this expansion of Medicaid eligibility. Effective July 1, 2021.

Intro. by Cunningham, R. Smith, Cooper-Suggs, Gailliard.

[GS 108A](#)

[View summary](#)

[Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Insurance, Social Services, Public Assistance](#)

H 810 (2021-2022) [REENACT FILM CREDIT](#). Filed May 4 2021, *AN ACT TO REENACT THE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY*.

Reenacts GS 105-151.29 and GS 105-130.47, individual and corporate income tax credits for qualifying expenses of a production company, as they existed immediately before repeal and makes the following changes. Amends both GS 105-153.29 and GS 105-130.47 by removing the sunset provision. Changes to GS 105-151.29 apply to qualifying expenses occurring on or after January 1, 2021.

Repeals GS 143B-437.02A, the Film and Entertainment Grant Fund.

Repeals GS 105-259(b)(34a), which allowed tax information to be disclosed to exchange information concerning a grant awarded under GS 143B-437.02A with specified entities. Allows the Department of Revenue to continue to disclose tax information concerning a grant awarded under GS 143B-437.02A prior to its repeal with the Department of Commerce or a contractor hired by that Department as necessary for the administration of the grant until the term of the grant has expired.

Repeals GS 150B-1(d)(18b), which exempted the Department of Commerce in administering the Film and Entertainment Grant Fund under GS 143B-437.02A from rulemaking.

Allows a production company that has been awarded a grant for a production under GS 143B-437.02A to: (1) return or decline the grant and claim the credit reenacted in this act for the production or (2) retain the grant and not claim the credit allowed for the production, as reenacted in this act. Prohibits a production company from receiving a grant under GS 143B-437.02A and claiming the reenacted credit for the same production.

Intro. by Autry, Butler, Belk, Alexander.[GS 105, GS 143B, GS 150B](#)[View summary](#)**Development, Land Use and Housing, Community and Economic Development, Government, State Agencies, Department of Revenue, Tax**

H 811 (2021-2022) [PROT. PUBLIC DANGRS. ANIMLS/END ANIML CRUELTY](#). Filed May 4 2021, *AN ACT PROVIDING FOR PROTECTION OF THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS THAT CERTAIN DANGEROUS WILD ANIMALS POSE TO THE COMMUNITY AND FOR AN END TO CERTAIN EXCEPTIONS TO THE WILDLIFE AND ANIMAL CRUELTY STATUTES.*

Enacts Article 7, Dangerous Wild Animals, to GS Chapter 19A. Sets out definitions for animal control authority; circus; dangerous wild animal; law enforcement officer; person; and wildlife sanctuary. Defines dangerous wild animal as any live animal of specified scientific classifications in the Class Mammalia, and includes the following from specified order and family: grey wolves; all species of felids (except domestic cats) and including hybrids of lions, leopards, clouded leopards, snow leopards, jaguars, cheetahs, and mountain lions; all species of hyenas and aardwolves; all species of bears; apes, old world monkeys, new world monkeys (except humans), all species of marmosets, capuchin monkeys, lemurs, and lorises.

Prohibits any person from possessing, selling, transferring, or breeding a dangerous wild animal. Also prohibits any person from allowing any member of the public to come into direct or physical contact with a dangerous wild animal, regardless of the animal's age. Specifies that employees, supervised interns or volunteers, and students at public or private universities and colleges engaged in academic coursework or research are not included as members of the public. Provides for 12 exemptions, including circuses and wildlife sanctuaries. Excludes persons who lawfully possessed a dangerous wild animal prior to June 1, 2021, so long as the person complies with ten detailed requirements and restrictions, including maintaining specified records and annually registering with a local animal control authority, with the initial registration by September 1, 2021. Makes ineligible for the prior possession exclusion any person convicted of an offense involving the abuse or neglect of any animal. Requires any person transporting a dangerous wild animal to keep the animal at all times in a species-appropriate cage or travel container and comply with federal transport requirements. Requires any person possessing a dangerous wild animal to keep the animal in a permanent enclosure designed to be escape-proof and having an operable lock. Prohibits any person from allowing members of the public within 15 feet of the animal unless there is a permanent barrier in place, as described. Prohibits any person from knowingly releasing a dangerous wild animal into the wild.

Provides for enforcement of the Article by any State law enforcement officer or any other law enforcement officer with jurisdiction, or any animal control authority with jurisdiction. Specifies that the Article does not prohibit a city or county from adopting or enforcing any ordinance or other law that places more restrictive restrictions or additional requirements on the possession, sale, transfer, or breeding of dangerous wild animals. Authorizes and provides for the seizure or impounding of animals that are possessed, sold, transferred, bred, or exhibited in violation of the Article upon obtaining a warrant from any judge or magistrate upon probable cause. Provides for temporary holding for animals that pose a direct threat to public safety or are suffering from apparent neglect or cruelty in the custody and control of certain institutions (institutions accredited or certified by the Association of Zoos and Aquariums [AZA], a wildlife sanctuary, duly incorporated nonprofit animal protection organization, veterinary hospital/clinic/practice, or institutions credited by the Association for Assessment and Accreditation of Laboratory Animal Care International; all exempted from the Article), or otherwise holding the animal in place. Sets procedures for a hearing within 14 days from the date of the seizure or impoundment, with five-days' written notice of the hearing. Deems the seized or impounded animal forfeited upon judicial determination of a violation of the Article, with the court ordering the violator to pay all reasonable expenses incurred in caring and providing for the animal from the time it was seized until forfeiture, to an institution accredited or certified by AZA, wildlife sanctuary, duly incorporated nonprofit animal protection organization, veterinary hospital/clinic/practice, or institutions credited by the Association for Assessment and Accreditation of Laboratory Animal Care International. Provides for the transfer of a forfeited animal to an institution (institution accredited or certified by AZA, wildlife sanctuary, duly incorporated nonprofit animal protection organization, veterinary hospital/clinic/practice, or institutions credited by the Association for Assessment and Accreditation of Laboratory Animal Care International) willing and able to take custody.

Specifies that the Article does not prevent law enforcement from humanely euthanizing an animal if no institution is willing and able to provide long-term care for the animal. Specifies that the Article does not prevent voluntary, permanent relinquishment of an animal by its owner to a person legally able to possess the animal and willing and able to take possession. Clarifies that voluntary relinquishment does not affect criminal charges for violations of the Article. Authorizes law enforcement officers to humanely destroy any dangerous wild animal found to not properly be confined, whether on the property of the owner or running at large, in order to protect public safety. Makes owners liable for costs incurred by law enforcement in humanely destroying or otherwise securing an animal found not properly confined.

Makes each violation of the Article a Class 2 misdemeanor punishable by a fine not to exceed \$5,000. Provides that each animal possessed, sold, transferred, or bred in violation of the Article is a separate offense. Makes any dangerous wild animal owner or custodian whose act or omission in care, control, or containment of that animal results in the animal running loose or causing property damage a Class A1 misdemeanor, with a resulting serious bodily injury to any person making the owner of the animal strictly liable for a Class I felony. Authorizes any person who lives in a county where a dangerous wild animal is kept to bring a civil action against the animal's owner or custodian to enjoin any violation of the Article.

Repeals GS 113-291.13, which provided that State wildlife laws did not apply to opossums between December 29 and January 2.

Provides a severability clause. Applies to offenses committed on or after December 1, 2021.

Intro. by Harrison, Ball, Fisher, Gill.

[GS 19A](#)

[View summary](#)

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

H 812 (2021-2022) [CLARIFY REMOTE MEETINGS DURING EMERGENCIES](#). Filed May 4 2021, *AN ACT TO AMEND THE STATUTE AUTHORIZING THE USE OF REMOTE MEETINGS DURING CERTAIN STATES OF EMERGENCY*.

Amends GS 166A-19.24 (remote meetings during declaration of emergency) to do the following:

- (1) Establish the presumption that remote meetings held pursuant to this statute are open to the public if the statute is complied with;
- (2) Permit public bodies to amend meeting notices to provide the public the means to access a remote meeting when a member of the public body decides to attend remotely;
- (3) Require that amended notices for a remote meeting be issued at least 6 hours prior to the meeting and be distributed and posted in accordance with notice requirements for non-regular meetings set forth in GS 143-318.12;
- (4) Change the period for submission of written public comment for a public hearing during a remote meeting to the time between publication of the meeting notice and 24 hours before the scheduled start of the meeting; and
- (5) Make a technical change.

Effective July 1, 2021, and applies to meetings held on or after that date.

Intro. by Arp, Hanig, Paré, Richardson.

[GS 166A](#)

[View summary](#)

[Government, Public Records and Open Meetings](#)

H 813 (2021-2022) [PROHIBIT STATE AGENCIES PAYMENT OF RANSOMWARE](#). Filed May 4 2021, *AN ACT TO PROHIBIT ANY STATE AGENCY, UNIT OF LOCAL GOVERNMENT, OR PUBLIC AUTHORITY FROM PAYING A RANSOM IN CONNECTION WITH A CYBERSECURITY ATTACK AND TO REQUIRE THE REPORTING OF THAT CYBERSECURITY ATTACK TO THE DEPARTMENT OF INFORMATION TECHNOLOGY*.

Amends Chapter 143 of the General Statutes (executive Organization Act of 1973 – establishing and regulating state agencies) by adding Article 84 prohibiting state agencies and local government entities from making payments to or communicating with an entity attacking the agency or local government's IT system with ransomware, directing agencies or local governments

experiencing a ransom request associated with a cyber security attack to consult with the Department of Information Technology (DIT), and defining “local government entity” and “state agency.” Amends GS 143B-1320 (definitions related to DIT) to define “ransomware attack” as a cybersecurity incident where a malicious actor introduces software into an information system that encrypts data and renders the systems that rely on that data unusable, followed by a demand for a ransom payment in exchange for decryption of the affected data. Amends GS 143B-1379(c) (county and municipal government cyber security incident reporting) to make conforming changes. Amends GS 143B-1322(c) to include ransomware attacks in the incidents the Chief Information Officer has the power and duty to coordinate responses to.

Intro. by Saine, Johnson.

[GS 143, GS 143B](#)

[View summary](#)

[Government, State Agencies, Department of Information Technology, Local Government, Public Enterprises and Utilities](#)

H 814 (2021-2022) [NEIGHBORHOOD OCCUPANTLESS VEHICLE](#). Filed May 4 2021, *AN ACT TO AUTHORIZE THE OPERATION OF NEIGHBORHOOD OCCUPANTLESS VEHICLES*.

Amends GS 20-4.01 (motor vehicle related definitions) to define “neighborhood occupantless vehicle,” as a low-speed fully autonomous vehicle designed to be operated without an occupant and used for cargo. Amends Article 3 of Chapter 20 of the General Statutes (Motor Vehicle Act of 1937 – motor vehicle regulations) to add GS 20-121 authorizing the operation of neighborhood occupantless vehicle on streets and highways with a speed limit of 45MPH or less and requiring neighborhood occupantless vehicles to operate on the far right of the roadway when not turning left and to pull off the roadway when there are five or more cars behind it that cannot safely pass on highways with two lanes. Also defines “operator” for purposes of neighborhood occupantless vehicles and exempts fully autonomous vehicles designed to be operated exclusively and at all times by an automated driving system from regulations requiring installation, maintenance, or inspection of equipment necessary for vehicles with human drivers, but not necessary for autonomous vehicles. Effective October 1, 2021.

Intro. by Saine, Reives, Johnson.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

H 815 (2021-2022) [COUNTY BROADBAND AUTHORITY](#). Filed May 4 2021, *AN ACT TO FACILITATE THE EXPANSION OF BROADBAND SERVICE IN UNSERVED AREAS OF THE STATE BY ENSURING TIMELY AND NONDISCRIMINATORY ACCESS TO MUNICIPAL AND ELECTRIC MEMBERSHIP COOPERATIVE UTILITY POLES, DUCTS, AND CONDUITS AT JUST AND REASONABLE RATES; TO AUTHORIZE COUNTIES TO PROVIDE GRANTS TO BROADBAND SERVICE PROVIDERS; TO FURTHER DEFINE THE TERM "CITY UTILITY POLE"; TO PROHIBIT CERTAIN FEES FOR THE COLLOCATION OF SMALL WIRELESS FACILITIES; AND TO MAKE RELATED CHANGES*.

Enacts new GS 62-350.1 requiring a municipality or membership corporation, upon request of a communications service provider (provider), to replace a pole when the provider is granted access for the purpose of offering broadband service in an unserved area and that access requires pole replacement that can be performed in a manner that is consistent with applicable safety requirements. Defines *unserved area* as an area in which, according to the most recent map of fixed broadband Internet access service made available by the FCC, fixed, terrestrial broadband service at speeds of at least 25 megabits per second download and at least three megabits per second upload is unavailable at the time the communication service provider requests access. Specifies that "for the purpose of offering broadband service in an unserved area" means the pole to be replaced is located in an unserved area or is located in an area other than an unserved area but requires replacement to support facilities necessary to extend the provider's facilities to reach an unserved area. Prohibits requiring reimbursement for pole replacement, except for costs incurred solely because of the attachment. Sets out records that must be maintained that will be used to determine costs. Requires the municipality or membership corporation to: (1) promptly review a request for access, perform surveys, provide estimates and final invoices, and complete, or require the completion by other attaching entities, of any work necessary to accommodate a provider's request for attachment for purposes of offering broadband service in an unserved area

and (2) perform or allow providers to perform all other actions to facilitate access to poles in the same time lines and pursuant to the same procedures to provide access to utility poles as provided in the specified federal law on the date this section becomes effective. Allows initiating a proceeding before the North Carolina Utilities Commission (Commission) to resolve a dispute arising from a denial of a request for access or if there is an impasse regarding an attachment request. Requires the Commission to issue a final order within 120 days. Allows the Commission to adopt rules to exercise its authority to adjudicate any disputes arising under this statute.

Amends GS 153A-459 to allow counties to provide grants for providers of broadband service (was, providers of high speed Internet access service) and expands allowable grant recipients to include both private and nonprofit providers (was, private providers only). No longer requires the providers to be within the county. Specifies that a county is not required to seek and consider requests for proposals when providing financial or other support in connection with an application from a private provider for a broadband service grant under GS 143B-1373 (Growing Rural Economies with Access to Technology (GREAT) program). No longer requires meeting the specified notice requirements when making sure potential applicants are aware of the grant program. Allows the county to fund the grants with State or federal funds in addition to the already allowed general fund revenue (was, unrestricted general fund revenue only). Specifies that for any grants awarded under the statute after the date this section becomes effective, the term "unserved area" does not include any location where a private provider has been designated to receive funds through State or federally funded programs designed specifically for broadband service deployment if the recipient of the funding is in good standing with the grantor agency's requirements regarding construction build-out and time lines.

Amends GS 160D-931 by expanding upon the definition of a city utility pole to require that it be owned by the city (1) in the city right-of-way that provides lighting, traffic control, or a similar function and (2) as part of a public enterprise owned or operated by a city pursuant to Article 16 of GS Chapter 160A of consisting of an electric power generation, transmission, or distribution system (adds in this second element).

Amends GS 160D-935 by prohibiting a city from charging a wireless provider who is taxed under GS 105-164.4(a)(4c) (tax on gross receipts derived from providing telecommunications service and ancillary service) and submits an application under GS 160D-935(d) (under which a city may require an applicant to obtain a permit to collocate a small wireless facility) or GS 160D-936(j) (under which a wireless provider may apply to a city to place utility poles in the city rights-of-way, or to replace or modify utility poles or city utility poles in the public rights-of-way, to support the collocation of small wireless facilities): (1) a fee for the collocation of a small wireless facility or the installation, modification, or replacement of a utility pole or city utility pole in the city right-of-way including the specified fees or (2) except for recurring charges assessed under GS 160D-937(a), (c), and (d) (fees related to access to city utility poles to install small wireless facilities), a recurring charge for the collocation of a small wireless facility in the city right-of-way or the installation, modification, or replacement of a utility pole or city utility pole in the city right-of-way including, without limitation, a recurring charge under GS 160D-936(f) (a city's right-of-way charge for use or occupation of the right-of-way by a wireless provider). No longer makes the fees for an application for collocation of small wireless facilities, or for technical consulting fees for applications subject to the limitation in GS 160A-296(a)(6).

Amends GS 160D-936 to no longer make the fee charged by a city as a right-of-way charge for use or occupation of the right-of-way by a wireless provider subject to the limitation in GS 160A-296(a)(6).

Amends GS 160D-937, concerning access to city utility poles to install small wireless facilities, as follows. No longer exempts from the statute a city that owns or operates a public enterprise pursuant to Article 16 of GS Chapter 160A consisting of an electric power generation, transmission, or distribution system. Excludes from all of Part 3, Wireless Telecommunication Facilities (instead of excluding from just this statute), an electric membership corporation organized under GS Chapter 117 that owns or controls poles, ducts, or conduits and is exempt from regulation under section 224 of the Communications Act of 1934. Makes conforming changes.

Intro. by Saine, Johnson, Reives, Wray.

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

[View summary](#)

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

H 816 (2021-2022) [BROADBAND EMPOWERMENT ACT](#). Filed May 4 2021, *AN ACT TO AUTHORIZE THE DESIGN AND CONSTRUCTION OF TELECOMMUNICATIONS CONDUIT WITHIN THE STATE RIGHT-OF-WAY*.

Amends GS 136-18 to give the Department of Transportation (DOT) authority to construct conduits for telecommunications cables within the State right-of-way, with construction borne through the leasing of the conduit to private telecommunications companies, provided that the construction and leasing is not otherwise prohibited by any other federal or State law. Creates the Conduit Installation Account in the Information Technology Fund to receive revenues from conduit leasing with funds in the Account used to fund the installation and maintenance of telecommunications conduit within the State right-of-way and to support the administration of this new subdivision. Requires excess revenues in the fund to remain in the fund to advance additional projects across the state.

Enacts GS 136-44.18 to require DOT, in collaboration with the North Carolina Department of Information Technology, to include in its planning for roads with a minimum length of 2,500 feet the installation of conduit for telecommunications cables when: (1) less than 90% of households in the county where the road project is located have access to high-speed data or telecommunications services and (2) before advertising the project, a provider of high-speed data Internet provides DOT with a letter indicating its interest in leasing the conduit and enters into a lease agreement or provides a bond in the amount of the anticipated construction costs.

Requires DOT, in collaboration with the Department of Information Technology, to report annually beginning by May 1, 2022, to the specified NCGA committee on its progress in implementing the program to install telecommunications conduit authorized by this act. Specifies information that is to be included in the initial and subsequent reports.

Intro. by Farkas, Saine, Johnson, Hunt.

[GS 136](#)

[View summary](#)

Government, State Agencies, Department of Transportation, Office of Information Technology Services, Public Enterprises and Utilities, Transportation

H 817 (2021-2022) [ALLOW PHARMACISTS TO DISPENSE CONTRACEPTIVES](#). Filed May 4 2021, *AN ACT TO AUTHORIZE LICENSED PHARMACISTS TO DISPENSE SELF-ADMINISTERED HORMONAL CONTRACEPTIVES AND TO AMEND THE HEALTH BENEFIT PLANS' COVERAGE REQUIREMENTS RELATED TO CONTRACEPTIVES*.

Enacts new GS 90-85.15C to allow a licensed pharmacist to dispense a *self-administered hormonal contraceptive* (as defined in the act) to an individual, without a prescription, if the self-administered hormonal contraceptive is administered in compliance with a statewide standing order issued by the State Health Director. Requires the pharmacist to give a risk assessment questionnaire to a patient who requests the questionnaire prior to dispensing the self-administered hormonal contraceptive; requires the pharmacist to review the completed questionnaire and determine whether the patient's answers indicate that it is unsafe to dispense the contraceptive. Upon determining that it is unsafe to dispense the medication, requires the pharmacist not dispense the contraceptive and that the pharmacist refer the patient to the patient's primary care provider or another qualified health care provider. Requires a pharmacist who does dispense a self-administered hormonal contraceptive under this statute to record specified information and provide a copy to the patient; inform the patient as to the proper administration and storage of the contraceptive, potential side effects of the self-administered hormonal contraceptive, and the need to use other methods of contraception, if appropriate; and comply with the statewide standing order and any instructions for dispensing the contraceptive recommended by the manufacturer. Upon request, requires the pharmacist to give the patient: (1) a written record of the request, regardless of whether the self-administered hormonal contraceptive was dispensed; (2) a copy of the risk assessment questionnaire, if completed; and (3) a written record detailing the type of self-administered hormonal contraceptive. Effective October 1, 2021.

Amends GS 58-3-178 to require every insurer providing a health benefit plan to provide coverage for prescription and nonprescription contraceptive drugs, devices, and products. Requires coverage to include any self-administered hormonal contraceptive dispensed in accordance with new GS 90-85.15C. Prohibits requiring a prescription to cover over-the-counter contraceptive drugs, devices, and products approved by the FDA. Prohibits requiring an insurer from providing coverage for any condom products. Prohibits imposing prior authorization or other restrictions or delays upon coverage under this statute. Prohibits imposing any deductible, coinsurance, copayment, or other cost-sharing requirement on coverage for prescription

contraception drugs or devices. Allows imposing cost-sharing, for a high-deductible health plan associated with a health savings account, with the level set at the lowest amount required to preserve the insured's ability to claim tax-exempt contributions and withdrawals from the insured's health savings account. Effective October 1, 2021, and applies to insurance contracts issued, renewed, or amended on or after that date.

Requires the State Health Director to issue a statewide standing order authorizing licensed pharmacists in this state to dispense self-administered hormonal contraceptives, consistent with the provisions of new GS 90-85.15C. Requires consultation with the named entities in developing protocols to dispense a self-administered hormonal contraceptive, including a risk assessment questionnaire; requirements of the contents of a written record of the request; and the length of time a written record must be maintained by the pharmacist. Requires the statewide standing order to detail information the dispensing pharmacist must give to the patient, including the specified items.

Requires the North Carolina Board of Pharmacy to post information on its website detailing pharmacies in this state that have licensed pharmacists that dispense self-administered hormonal contraceptives.

Intro. by von Haefen, Butler, Fisher.

GS 58, GS 90

[View summary](#)

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

H 818 (2021-2022) **REGULATE CANNABINOID PRODUCTS**. Filed May 4 2021, *AN ACT TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ESTABLISH A VOLUNTARY LICENSING PROGRAM FOR CANNABINOID-RELATED COMPOUNDS*.

Amends GS 106-121 by adding and defining the term *cannabinoid-related compounds*, as any phytocannabinoid found in hemp, including, but not limited to, tetrahydrocannabinol (THC), tetrahydrocannabinolic acid (THCA), cannabidiol (CBD), cannabidiolic acid (CBDA), cannabinol (CBN), cannabigerol (CBG), cannabichromene (CBC), cannabicyclol (CBL), cannabivarin (CBV), tetrahydrocannabivarin (THCV), cannabidivarin (CBDV), cannabichromevarin (CBCV), cannabigerovarin (CBGV), cannabigerol monomethyl ether (CBGM), cannabielsoin (CBE), or cannabicitran (CBT); specifies that cannabinoids do not include synthetic cannabinoids.

Amends GS 106-139 to require the Board of Agriculture to adopt rules to establish a voluntary certification program for good manufacturing practices in manufacturing, packaging, or labeling operations for cannabinoid-related compounds derived from hemp. Sets out labeling requirements that must be included in the voluntary certification rules. Prohibits the manufacture, sale, delivery, holding, or offering for sale of any cannabinoid-related compounds that are falsely certified and also subjects it to GS 106-123 (allowing the Commissioner (Commissioner) of Agriculture to seek injunctions restraining violations) and GS 106-125 (detention of product or article suspected of being adulterated or misbranded). Requires an application for certification of good manufacturing practices to be made to the Commissioner on forms provided by the Department of Agriculture; sets out items that must be included in the application. Requires the Board to develop a schedule of license fees with fees used to cover reasonable costs of administering the voluntary licensing program, including staffing. Effective January 1, 2022.

Amends GS 106-568.51 by amending the following definitions as they apply in Article 50E, Industrial Hemp. Changes the definition of *hemp products* to all products made from hemp that are prepared in a form available for commercial sale, excluding smokeable products. Removes the term "industrial hemp" and replaces it with *hemp*, defined as the plant *Cannabis sativa* (L.) along with any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis. Effective October 1, 2021.

Enacts new GS 106-568.58 specifying that products that contain hemp or any part of the hemp plant or hemp derivative are not considered to be adulterated or misbranded based solely on the inclusion of hemp or any hemp derivative. Prohibits restricting or prohibiting the production, marketing, sale, or distribution of products that contain hemp or any derivatives of hemp, based solely on the inclusion of hemp or any hemp derivative.

Amends GS 90-87, which defines *marijuana* as it is used in Article 5, North Carolina Controlled Substances Act, by providing that the term does not include hemp or hemp products (was, does not include industrial hemp produced and used in compliance

with rules issued by the NC Industrial Hemp Commission).

Amends GS 90-94 to exclude from the tetrahydrocannabinols considered Schedule VI controlled substances those found in hemp or hemp products. Effective October 1, 2021.

Requires the Board of Agriculture to adopt temporary rules to implement this act by January 1, 2022. The temporary rules remain in effect until permanent rules that replace the temporary rules become effective; requires the permanent rules to be adopted by January 1, 2023.

Intro. by Sasser, Humphrey, McNeely.

GS 90, GS 106

[View summary](#)

Agriculture, Government, State Agencies, Department of Agriculture and Consumer Services, Health and Human Services, Health, Public Health

H 819 (2021-2022) **ALTERNATE OBSERVERS AT VOTING PLACES**. Filed May 4 2021, *AN ACT TO PROVIDE THAT AN OBSERVER SERVING AT A VOTING PLACE MAY ALTERNATE WITH ANOTHER OBSERVER DURING THE DAY OF A PRIMARY OR ELECTION AT THE OPTION OF THE APPOINTING AUTHORITY.*

Amends GS 163-45 as follows. No longer provides a cap of two for observers designated by each political party in the county, or by an unaffiliated candidate or the candidate's campaign manager, to attend each voting place at each primary and election. Allows chairs of each political party in the county to designate 10 county at-large observers and chairs of each political party in the State to designate up to 100 State at-large observers. Eliminates the prohibition against two observers from the same party being in a voting enclosure at the same time. Defines the terms *observer*, *precinct-specific observer*, *county at-large observer*, and *State at-large observer*. Requires precinct-specific observers and county at-large observers to be registered voters of the county for which appointed (previously not required of county at-large observers, though county residency was required).

Now requires individuals authorized to appoint precinct-specific observers and county at-large observers to submit a signed, written list of observers to be appointed to the county board of elections prior to 10:00 a.m. on the fifth day prior to any primary or general election. Requires individuals authorized to appoint State at-large observers to submit a signed, written list of the observers to be appointed to the State Board of Elections by that same time. Requires the county board of elections (rather than the chair) to deliver a copy of each list of approved observers before the opening of the voting place on the day of the primary or general election to the chief judge for each affected precinct. Allows for amendment of the lists up until the opening of the voting place on the day of the primary or general election. Allows for county boards rather than the chair to reject appointees, in addition to chief judges at affected precincts. Provides conforming changes regarding designated observers at one-stop sites. Distinguishes that county at-large observers can serve at any site in the county, while State at-large voters can serve at any site in the State.

Now allows for up to two precinct-specific observers appointed from each political party, or an unaffiliated candidate, to be permitted in the voting enclosure at each voting place at the same time, as well as one either county or State at-large observer. Now allows for the appointing authority to opt to allow a precinct-specific observer to alternate with another precinct-specific observer, and a county or State at-large observer to alternate with another county or State at-large observer throughout the day of the primary or election as needed, so long as the each observer is on the list submitted by the authority. Regarding obtaining voter lists at scheduled times during election day, allows for the chair of a county political party or an unaffiliated candidate or the candidate's campaign manager to use a runner instead of having an observer receive the list. No longer requires the runner to be the precinct party chair or any person named by the precinct county party chair. Requires each appointing authority using runners to provide to the county board before 10:00 a.m. on the fifth day before election day a list of all runners to be used, and notify the county board of the names to be used in each precinct before the runner goes to the precinct (was notify the chair or the chair's designee).

Amends GS 163-166.7(c) and GS 163-227.6(a) to refer to observers rather than political party or party observers.

Applies to elections held on or after October 1, 2021.

Intro. by Mills, Hanig, Kidwell, K. Hall.

GS 163

[View summary](#)**Government, Elections**

H 821 (2021-2022) **AWARD ATTY. FEES IN CERTAIN LAND USE CASES**. Filed May 4 2021, *AN ACT REQUIRING THE AWARD OF REASONABLE ATTORNEYS' FEES AND COSTS WHENEVER A PARTY PREVAILS AGAINST A COUNTY OR CITY UPON A FINDING BY THE COURT THAT THE CITY OR COUNTY ACTED IN A MANNER INCONSISTENT WITH ITS COMPREHENSIVE ZONING PLAN.*

Amends GS 6-21.7 (attorney fees; cities or counties acting outside their authority) providing courts must award reasonable attorney's fees and costs to the prevailing party upon a finding that a local government's action against the party was inconsistent with provisions of the local government's comprehensive zoning plan. Also makes conforming changes.

Intro. by McNeely.

GS 6

[View summary](#)**Development, Land Use and Housing, Land Use, Planning and Zoning, Government, Local Government**

H 822 (2021-2022) **REGULATION OF RAILROAD CREWS**. Filed May 4 2021, *AN ACT TO PROHIBIT A TRAIN OR LIGHT ENGINE USED IN CONNECTION WITH THE MOVEMENT OF FREIGHT FROM BEING OPERATED IN THIS STATE UNLESS IT HAS A CERTAIN NUMBER OF CREW MEMBERS.*

Identical to [S 348](#), filed 3/24/21.

Amends GS Chapter 136, Article 15 (Railroads), by adding new GS 136-199, requiring a crew of at least two persons for a railroad train or light engine used in a Class I railroad, as defined by the Federal Surface Transportation Board, when moving freight. Provides that any person who willfully violates this section is guilty of a Class 1 misdemeanor and will be assessed a fine as follows: (1) first offense, \$250 to \$1,000; (2) second offense committed within three years of the first, \$1,000 to \$5,000; (3) third and subsequent offenses within a three-year period, \$5,000 to \$10,000. Exempts persons who move locomotives unattached to railcars within a rail yard as well as employees who are temporarily assigned to work with train or yard crews consistent with 49 CFR 218.22 ("utility employee"). Defines light engine as a locomotive with no cars attached. Effective January 1, 2022.

Intro. by Pierce.

GS 136

[View summary](#)**Transportation**

H 823 (2021-2022) **CHILD ADVOCACY CENTERS/SHARE INFORMATION**. Filed May 4 2021, *AN ACT TO SET CERTAIN ELIGIBILITY CRITERIA FOR CHILD ADVOCACY CENTERS TO BE ELIGIBLE FOR THE RECEIPT OF STATE FUNDS.*

Enacts new Article 3A, Child Advocacy Centers in GS Chapter 108A, providing the following. Defines Children's Advocacy Center as a child-focused, trauma-informed, facility-based program in good standing with Children's Advocacy Centers of North Carolina Inc. or its successor, that assists in the coordination of the investigation of child abuse by promoting a coordinated, multidisciplinary response to cases of child maltreatment in which representatives from law enforcement, child protective services, or prosecution, mental health, forensic interviewing, medical, or victim advocacy groups or disciplines collaborate to make team decisions about the investigation, prosecution, safety, treatment, and support services to provide, directly or by formalized agreements, services that include forensic interviews, medical examinations, mental health and other related support services, court advocacy, consultation, and training for children suspected to be victims of child maltreatment and their nonoffending family members. Defines *child* as any individual under age 18, or any individual who has a developmental disability, as defined in GS 122C-3(12a), that severely impacts conceptual, social, and practical areas of living to the extent the individual cannot live in an independent environment. Also defines the following terms as they are used in the new Article: *child maltreatment*, *department*, *forensic interview*, and *multidisciplinary team*.

Requires a Child Advocacy Center to meet all of the following in order to receive State funds or federal funds administered or distributed by a State agency or any other funds appropriated or allocated by the NCGA: (1) found to be in good standing with State standards set forth by Children's Advocacy Centers of North Carolina Inc. or its successor; (2) is an independent nonprofit agency, which may be affiliated with an umbrella organization or a part of a governmental entity, with sound administrative policies and procedures designed to ensure quality of services and sustainability including specified standards; (3) provides a child-friendly, trauma-informed space for children suspected to be victims of child maltreatment and their nonoffending family members; (4) conducts on-site interviews of children by a forensic interviewer in appropriate cases of suspected child maltreatment; (5) maintains a multidisciplinary team that meets regularly and are routinely involved in investigations and multidisciplinary team interventions; (6) has a written interagency agreement signed by authorized representatives of all MDT participants that commits the signed parties to the multidisciplinary model for the investigation of child maltreatment, with the agreement reviewed and signed annually; (7) provides a space for multidisciplinary team meetings; (8) establishes and maintains written protocols governing the specified topics; (9) has a designated staff that is supervised and approved by the Children's Advocacy Center's Board of Directors or other governing entity; (10) provides case tracking of child abuse cases served through the Children's Advocacy Center, according to written protocols sets out additional items the Center must track; (11) provides medical exams or referrals for medical exams by health care providers with specific training in child sexual and physical abuse who meet required minimum State and national standards for training, documentation, and review, according to the Children's Advocacy Center's written protocols; (12) provides mental health services or referrals for such mental health services by licensed professionals who deliver trauma-focused, evidence-supported treatment who meet the minimum standards established by the Children's Advocacy Centers of North Carolina Inc. or its successor; (13) provides training for various disciplines in the community that deal with child maltreatment; (14) provides victim support and advocacy that meets State and national standards; (15) maintains cultural competency and diversity by completing a community assessment every three years, which does at least the listed items; (16) provides annual trainings or educational opportunities for multidisciplinary team member professional development; (17) ensures that Children's Advocacy Center employees and volunteers are properly screened and trained in accordance with State and national standards; and (18) provides all services to a child client regardless of the child's or child's family's ability to pay for those services. Makes the Children's Advocacy Centers of North Carolina, Inc., or its successor, responsible for tracking and documenting compliance and any funds it administers to an eligible Children's Advocacy Center.

Requires any pertinent or relevant information possessed by a member of a multidisciplinary team concerning a child whose case is being investigated or discussed by the team to be shared with the team members as part of the discussion and coordination of efforts for investigative or treatment purposes. Requires individuals and agencies to share information or records with the team when requested; sets out items that do not have to be disclosed. Requires information acquired by a multidisciplinary team to be kept confidential and not be disclosed except to the extent necessary to perform case consultations, to carry out a treatment plan or recommendations, or in compliance with the requirements of this Article. Provides that information, documents, or records available from the original sources are not immune from discovery or use in any civil or criminal action solely on the basis of the information, documents, or records being used in a case consultation. Gives team members immunity from any civil or criminal liability for disclosure of information, except in cases of gross negligence, wanton conduct, or intentional wrongdoing.

Makes confidential and prohibits the release of reports, correspondence, memoranda, case histories, medical reports, and other materials compiled or created by a Children's Advocacy Center, except allows release in eight specified circumstances. Allows a court to order the release of the records for an in camera inspection if the court finds that the records are necessary to determine a matter before the court or grand jury and the information cannot be obtained from one of the listed entities. Allows the court to then release only information that is material and relevant to the matter before the court and necessary for the proper administration of justice. Sets out what information employees or designated agents of a Children's Advocacy Center may confirm or disclose. Prohibits duplicating an interview of a child recorded at a Children's Advocacy Center with an exception for prosecuting attorneys.

Provides civil immunity for a board member, staff member, or volunteer of a Children's Advocacy Center or Children's Advocacy Centers of North Carolina, Inc., or its successor when the person acts in good faith.

Effective July 1, 2022.

Intro. by Saine, Riddell.

[GS 108A](#)

[View summary](#)

[Health and Human Services, Social Services, Child Welfare](#)

H 824 (2021-2022) [FUNDS/CENTER FOR ENTREPRENEURSHIP](#). Filed May 4 2021, *AN ACT TO APPROPRIATE FUNDS TO THE NATIONAL INSTITUTE OF MINORITY ECONOMIC DEVELOPMENT TO ESTABLISH THE CENTER FOR ENTREPRENEURSHIP.*

Appropriates \$2.2 million for 2021-22 from the General Fund to the National Institute of Minority Economic Development to renovate and reposition an office building that it owns into the Center for Entrepreneurship, which will include affordable small business incubation space paired with skilled business development assistance, coaching, and access to Community Development Financial Institution lending resources. Effective July 1, 2021.

Intro. by Hawkins.

[APPROP](#)

[View summary](#)

[Business and Commerce, Development, Land Use and Housing, Community and Economic Development, Government, Budget/Appropriations](#)

H 825 (2021-2022) [CHARTER SCHOOL ADVISORY BD. MEMBER CHANGES](#). Filed May 4 2021, *AN ACT TO CHANGE THE MEMBERSHIP OF THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND TO CREATE A STAGGER FOR THE APPOINTMENTS TO THE BOARD.*

Amends GS 115C-218(b)(2), Membership of the NC Charter Schools Advisory Board (Board), to make the State Superintendent a voting member and secretary of the Board and to reduce the number of members appointed by the State Board of Education to one member. Establishes that three members appointed by the General Assembly to fill terms expiring in 2021 will serve two-year terms instead of four-year terms in order to stagger appointments to the Board.

Intro. by Saine, Paré, Willis, Zenger.

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

H 827 (2021-2022) [IMPROVE INDOOR AIR QUALITY](#). Filed May 4 2021, *AN ACT TO IMPROVE INDOOR AIR QUALITY FOR NORTH CAROLINA CITIZENS.*

Sections 1-4

Directs the Building Code Council and local governments enforcing the NC Building Code to require that new and replacement heating, ventilation, or air conditioning (HVAC) units installed in commercial or residential occupancies be equipped with an ultraviolet germicidal irradiation system, antimicrobial coatings on ductwork, or other measures that will provide 90% control of infectious aerosols. Directs the Building Code Council to adopt amendments to the Building Code consistent with this directive.

Effective for taxable years on or after January 1, 2021, enacts GS 105-129.16K to establish a tax credit for taxpayers who incorporate *qualifying air purification componentry*, defined to include measures that provide 90% control of infectious aerosols, into existing residential and commercial HVAC equipment placed in service in the State during the taxable year. Sets the credit amount to equal 50% of the cost of the qualifying air purification componentry, including the cost of installation. Provides for the credit to be taken in three equal installments beginning with the taxable year the componentry is placed into service. Bars claiming the credit for componentry or installation provided by public funds. Deems the credit to expire upon when the componentry for which the credit is claimed is disposed of, taken out of service, or moved out of State, with no claim to remaining installments due, except as to any portion of an installment that accrued in a previous year that was carried forward. Repeals the statute effective for qualifying air purification componentry placed in service on or after January 1, 2026.

Amends GS 143-135.37, adding a new subsection to require every major facility construction or renovation project of a public agency to have an HVAC system designed and constructed to provide 90% control of infectious aerosols through specified

measures. Excludes the new subsection from the net savings requirement of subsection (a1), which conditions the Sustainable Energy-Efficient Buildings Program's requirements upon the Department of Administration's determination that the application of the requirements to the project will result in anticipated net savings, as defined by the statute. Applies to construction and renovation projects for which the bidding process is initiated on or after October 1, 2023.

Section 5

Appropriates \$2.5 million for each year of the 2021-23 biennium to the Department of Public Instruction (DPI) to provide matching grants for the HVAC upgrades required by GS 143-135.37, as amended, to public school units located in tier one counties; sets the match requirement at \$1 from the public school unit for every \$2 in State funds.

Appropriates \$5 million for each year of the 2021-23 biennium to DPI to provide matching grants for the HVAC upgrades required by GS 143-135.37, as amended, to public school units located in tier two and three counties; sets the match requirement at \$1 from the public school unit for every \$1 in State funds.

Appropriates \$2.5 million for each year of the 2021-23 biennium to the State Board of Community Colleges to provide matching grants for the HVAC upgrades required by GS 143-135.37, as amended; sets the match requirement at \$1 from the community college for every \$1 in State funds.

Directs the State Board of Community Colleges and DPI to develop criteria for consideration in determining the award of matching funds that includes the age and condition of the HVAC systems and geographic diversity of awards. Requires the State Board of Community Colleges and DPI to annually report to the specified NCGA committee each year in which appropriated funds are awarded. Specifies content of the reports.

Section 5 is effective July 1, 2021.

Intro. by Alexander.

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

[View summary](#)

[Development, Land Use and Housing, Property and Housing, Education, Elementary and Secondary Education, Government, State Agencies, Community Colleges System Office, Department of Public Instruction, State Government, State Property, Tax, Health and Human Services, Health, Public Health](#)

H 828 (2021-2022) [THE POLLINATOR PROTECTION ACT](#). Filed May 4 2021, *AN ACT TO ENACT THE POLLINATOR PROTECTION ACT OF 2021*.

Includes whereas clauses.

Amends GS 143-460, which includes the definitions for use in Article 52, Pesticide Board, of GS Chapter 143. Adds and defines the term neonicotinoid pesticide as any pesticide containing a chemical belonging to the neonicotinoid class of chemicals, including, but not limited to, imidacloprid, nithiazine, acetamiprid, clothianidin, dinotefuran, thiacloprid, thiamethoxam, and any other chemical designated by the North Carolina Pesticide Board (Board) as belonging to the neonicotinoid class of chemicals. Excludes from the term pet care products used to mitigate fleas, mites, ticks, heartworms, or other animals harmful to the health of a domesticated animal, personal care products used to mitigate lice or bedbugs, or any product regulated under the North Carolina Structural Pest Control Act.

Amends GS 143-443 to make it illegal to distribute, sell, or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any neonicotinoid pesticide to the public at retail, unless the seller is authorized to sell a restricted use pesticide. Also makes it unlawful to use a neonicotinoid pesticide, unless the person is: (1) a licensed pesticide applicator, or a person working under the direct supervision of a licensed pesticide applicator; (2) a farmer, or person working under the direct supervision of a farmer, who uses the pesticide for agricultural purposes; or (3) a veterinarian using the pesticide in the practice of veterinary medicine.

The above provisions are effective October 1, 2021.

Requires the Board, with the assistance and input of the Pesticide Advisory Committee, to monitor the final pollinator risk assessments undertaken by the US Environmental Protection Agency and report on any legislative or regulatory changes necessary to protect pollinators within the state, taking into account findings and any recommendations of the risk assessment. Requires the Board to forward its report and recommendations for statutory and regulatory changes to the Commissioner and the Environmental Review Commission within six months of the completion of the final pollinator risk assessments for neonicotinoid pesticides.

Requires the Board to study whether the State should have the authority to regulate the use and sale of seeds treated with systemic insecticides, and report study results to the Environmental Review Commission no later than November 1, 2021.

Intro. by Harrison, Setzer, Ager, Fisher.

GS 143

[View summary](#)

[Agriculture, Environment, Environment/Natural Resources](#)

H 829 (2021-2022) [PRIVATE RESIDENTIAL RENTALS](#). Filed May 4 2021, *AN ACT TO CLARIFY THAT LIMITS ON THE ABILITY OF A LOCAL GOVERNMENT TO ADOPT OR ENFORCE DEVELOPMENT REGULATIONS RESTRICTING THE RENTAL OF PRIVATE RESIDENTIAL REAL PROPERTY ARE NOT LIMITED TO REGULATIONS UNDER A LOCAL GOVERNMENT'S BUILDING CODE OR MINIMUM HOUSING CODE.*

Amends GS 160D-1207(c) (minimum housing codes – periodic inspections) by prohibiting a local government from adopting or enforcing any ordinance requiring an owner or manager of rental property to obtain a permit or permission (was, limited permit or permission under Articles 11 (building code enforcement) and 12 (minimum housing codes) of GS Chapter 160D) from the local government to lease or rent residential real property or to register rental property with the local government except for properties with more than four verified violations in a 12-month period or two or more verified violations in a 30-day period, or upon the property being identified as in the top 10% of property with crime or disorder problems. Effective October 1, 2021, and any conflicting ordinance or policy is void on or after that date.

Intro. by Arp.

GS 160D

[View summary](#)

[Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Government, Local Government](#)

H 830 (2021-2022) [CHILD CUSTODY/CT. ORDERED MH ASSESSMENT](#). Filed May 4 2021, *AN ACT TO PROVIDE THAT A COURT MAY ORDER AN EVALUATION BY A MENTAL HEALTH PROFESSIONAL OF THE PARTIES TO A CHILD CUSTODY PROCEEDING.*

Amends GS 50-13.2 (various child custody provisions) to authorize courts to order mental health evaluations of parties in proceedings to establish or modify custody orders where one party objects to joint custody or seeks exclusive custody, and in proceedings to enforce custody or visitations orders where one party complies with the order and the other party either (i) demonstrates a pattern of willful non-compliance or (ii) has three violations of the order without reasonable excuse, or in other appropriate matters. The court may order the licensed mental health professional to submit a written report to the court on the evaluation in a reasonable time that is not to exceed three months, may consider the parties' good faith participation or lack of participation in the ordered evaluation when establishing, modifying, or enforcing custody orders; and may admit the mental health professional's evaluation report into evidence regardless of any rules against hearsay. Effective October 1, 2021, and applies to pending and future proceedings regarding custody of a minor child.

Intro. by Everitt.

GS 50

[View summary](#)

[Courts/Judiciary, Civil, Family Law](#)

H 831 (2021-2022) [CITIES/PROHIBITED SERVICE AGREEMENTS](#). Filed May 4 2021, *AN ACT PROVIDING THAT CITIES SHALL NOT ENTER INTO AGREEMENTS WITH PUBLIC WATER OR SEWER SYSTEMS THAT CONDITION THE PROVISION OR EXTENSION OF WATER OR SEWER SERVICES UPON THE ANNEXATION OF THE AREA TO BE SERVED BY THE CITY OR WATER AND SEWER SERVICE DISTRICT.*

Amends GS 160A-58.24 (content of contracts for water or sewer service) by prohibiting agreements between cities and public water/sewer system that condition provision or extension of water and/or sewer services upon annexation of the area to be served by the city or the public water/sewer districts.

Amends Part 1 of Article 16 of Chapter 160A of the General Statutes (cities and towns and public enterprises) by adding GS 160A-330 prohibiting cities from entering into agreements that condition, or otherwise restrict, the provision or extension of a public enterprise service upon annexation of the area to be served by the city.

Amends GS 160A-464 (Interlocal cooperation agreements) by prohibiting interlocal undertakings by cities and public water/sewer districts that condition the provision or extension of water and/or sewer services on the annexation of the area to be served by the city or the public water/sewer district.

Intro. by Iler.

[GS 160A](#)

[View summary](#)

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

H 832 (2021-2022) [SOCIAL MEDIA IMPARTIALITY ACT](#). Filed May 4 2021, *AN ACT PROVIDING A PROCESS UNDER THE CAMPAIGN FINANCE LAWS TO ADDRESS WHEN A CANDIDATE FOR ELECTIVE OFFICE IS CENSORED ON A SOCIAL MEDIA PLATFORM.*

Contains whereas clauses. Amends Part 1 of Article 22A of GS Chapter 163 (regulating contributions and expenditures in political campaigns) by adding GS 163-278.18A, which does the following:

- (1) Directs social media companies to submit their reason for censoring a candidate for public office in writing to the State Board of Elections (Board) within three calendar days of censoring a candidate's social media page;
- (2) Directs the Board to, within three calendar days of the required submission by the company, hold a hearing to determine if a company's censorship of a candidate was justified according to the terms and conditions the candidate agreed to when they created their social media page;
- (3) Directs the Board to notify the company and candidate in writing of its decision of whether the censorship was justified;
- (4) Provides that a company or candidate may appeal the Board's decision of whether censorship was justified to the Joint Legislative Commission on Government Operations (Commission) and directs the Commission to convene and render a ruling on the appeal within three days of receiving the appeal;
- (5) Provides civil penalties for illegal in-kind contributions between \$250 and \$250,000 per day that a candidate is censored if the Board finds the company has censored a candidate without cause;
- (6) Requires that terms and conditions of a candidate's social media page must not exclude any rights guaranteed by federal law;
- (7) States this section does not prohibit candidates from seeking a separate cause of action for wrongful censorship and provides that candidates who succeed on a separate cause of action are entitled to declaratory relief, including attorneys' fees and costs, or injunctive relief; and
- (8) Provides that the court, in an action brought under this section, should hold a company in contempt and use any lawful measures, including penalties, to ensure compliance. Effective at 5 p.m. on the day before the 2021 candidate filing period begins and applies to election cycles on or after that date.

Intro. by Johnson, McNeely, Kidwell, Greene.

[GS 163](#)

[View summary](#)

[Government, Elections](#)

H 833 (2021-2022) [LIMIT CORPORATE POWERS OF SANITARY DISTRICTS](#). Filed May 4 2021, *AN ACT LIMITING THE CORPORATE POWERS OF SANITARY DISTRICTS TO THE AREA WITHIN THE CORPORATE LIMITS OF THE DISTRICT*.

Amends GS 130A-55 as the title indicates.

Intro. by Iler.

[GS 130A](#)

[View summary](#)

Government, Local Government, Public Enterprises and Utilities

H 834 (2021-2022) [PROTECT CITIZENS OF STATE FROM SINKHOLES](#). Filed May 4 2021, *AN ACT TO PROTECT THE CITIZENS OF NORTH CAROLINA FROM SINKHOLES CAUSED BY ABANDONED MINES*.

Appropriates \$300,000 in recurring funds and \$150,000 in nonrecurring funds for 2021-22 to the Department of Environmental Quality (DEQ) to be allocated to the Pre-Regulatory Abandoned Mine Program established below. Allows DEQ to establish up to three full-time positions with the funds.

Enacts new GS 76-69 requiring the Secretary of DEQ to a program for the location, assessment, and notification of threats to the public from land subsidence due to pre-regulatory mines (mine or quarry in the State abandoned before June 11, 1971) from funds appropriated for this purpose. Requires the Secretary to: (1) locate pre-regulatory mines and assess the level of threat they pose to human health and safety, to the environment, and to public or private structures or other improvements to real property; and (2) using a risk-based approach, determine the priority for remediation of the risks of pre-regulatory mines and develop and implement remedial action plans for pre-regulatory mines in the order of their priority. Requires the availability of sufficient funds to pay for development and implementation of a remedial action plan before one is developed. Allows a local government that voluntarily undertakes assessment or remediation of a pre-regulatory mine to request reimbursement from DEQ for costs of assessment of the pre-regulatory mine and implementation of measures necessary to remediate or mitigate risk at the site to eliminate an imminent hazard (as defined by the act); sets out four conditions that DEQ must find before making such a reimbursement. Also allows a private party that voluntarily undertakes assessment or remediation of a pre-regulatory mine to request reimbursement from DEQ for costs of assessment of the pre-regulatory mine and implementation of measures necessary to remediate or mitigate risk at the site to eliminate an imminent hazard; sets out three conditions that DEQ must find before making such a reimbursement. Requires DEQ to report annually to the specified NCGA committee and division on the activities of the pre-regulatory mine program, including specified items.

Requires DEQ's Pre-Regulatory Mine Program to investigate the occurrence, cause, and monetary damages caused by sinkholes and other subsidence of land on residential structures in the State discovered by the Program incident to its establishment of the priority list of pre-regulatory mines. Requires a report on these findings to the specified NCGA committee and division by December 1, 2022.

Enacts new GS 39-51 to provide that in offering real property for conveyance, rent, or lease, the fact that the real property is located above a quarry, cemetery, mine, or a similar feature is deemed material. Prohibits knowingly make a false statement about the property's location above a quarry, cemetery, mine, or a similar feature. Enacts new GS 47E-4.2 to require the owner of real property to give a purchaser a hazardous land conditions mandatory disclosure statement, as specified, for transfers described in GS 47E-1 (providing that GS Chapter 74E applies to the following transfers of residential real property consisting of no less than one nor more than four dwelling units: sale or exchange, installment land sales contract, option, or lease with option to purchase) and GS 47E-2(b) (transfers involving the first sale of a dwelling never inhabited; lease with option to purchase contracts where the lessee occupies or intends to occupy the dwelling; and transfers between parties when both parties agree not to complete a residential property disclosure statement or an owners' association and mandatory covenants disclosure statement). Requires the North Carolina Real Estate Commission to develop and require the use of a hazardous land conditions mandatory disclosure statement to comply with the requirements of this statute. Effective October 1, 2021

Adds new Part 3, Policies Related to Movement of Earth, Sinkholes, or Any Other Round Collapse, to Article 44 of GS Chapter 58. Enacts new GS 58-44-125 requiring a homeowner's insurance policy to provide coverage against loss caused by movement of earth, sinkholes, or any other ground collapse if any portion of the residential real property is located above a

quarry, cemetery, mine, or a similar feature. Specifies that the developer's policy provides primary insurance if, at the time of loss, a developer's policy covers the same risk.

Adds new Article 47, Sinkholes, to GS Chapter 66. Enacts new GS 66-460 making the following applicable to a property developer when any portion of residential real property is located above a quarry, cemetery, mine, or a similar feature: (1) the developer assumes liability for movement of earth, sinkholes, or any other ground collapse; (2) requires the developer to notify the property contractor, before entering into any real property contract, of the existence of the quarry, cemetery, mine, or other similar feature; and (3) the developer must keep insured each building on the developed property to the extent of no less than 80% of the current insurable value against loss caused by movement of earth, sinkholes, or any other ground collapse.

Intro. by Logan, Hunt, Insko.

[GS 39, GS 47E, GS 58, GS 66, GS 74](#)

[View summary](#)

Business and Commerce, Insurance, Development, Land Use and Housing, Building and Construction, Property and Housing, Environment, Environment/Natural Resources, Government, State Agencies, Department of Environmental Quality (formerly DENR)

H 835 (2021-2022) [STATE CONTRACT EMPLOYEE PROTECTION](#). Filed May 4 2021, *AN ACT TO PROHIBIT THE MISTREATMENT OF CONTRACT EMPLOYEES WORKING IN STATE GOVERNMENT*.

Enacts Article 17 to GS Chapter 126 as follows. States that is is against public policy for any State employee to mistreat a *contract employee*, defined as an employee of a private third-party employer who is assigned to work in a State government workplace or on a State-controlled project. Defines a *private third-party employer* as a nongovernmental entity that employs at least two employees and has a contract with the State to furnish employees to a State entity to perform personal services in a State government workplace or on a State-controlled project. Charges the supervisor in a State government workplace with taking reasonable steps to prevent such mistreatment.

Establishes four protected activities of contract employees for which State employees are prohibited from taking or causing a private third-party employer to initiate an *adverse action* (defined by an exhaustive list of nine actions) against the contract employee for doing, including (1) making a complaint or providing information in good faith to State or federal Department of Labor regarding possible labor violations by the private third-party employer or by a State entity, and (2) complaining about *workplace bullying*, as defined, in a State government workplace or in a connection with a State-controlled project. Subjects State employees in violation of this prohibition to disciplinary action that is permitted to include termination from employment. Establishes identical protected activities of contract employees for which private third-party employers are prohibited from taking action against a contract employee in retaliation for the contract employee for doing.

Requires the NC Department of Labor to investigate alleged violations; authorizes civil penalties against a private third-party employer ranging from \$1,000 to \$20,000 per violation. Bars private-third party employers found to have violated the statute from contracting with State entities for five years. Also establishes a cause of action for contract employees to bring against private third-party employers for a violation; sets a two year statute of limitations. Allows for a court to order reinstatement, back pay, or other appropriate relief, and requires ordering attorneys' fees and litigations costs.

Defines the scope of the Article to include all State employees, regardless of exemption from the State Human Resources Act. Charges private third-party employers and State employers with posting notice to keep employees informed of the rights and obligations set forth in the Article. Specifies that the Article's rights, obligations, procedures, and relief are in addition to that provided in other state laws. Directs the Department of Labor and the State Human Resources Commission to collaborate and each adopt implementing rules.

Intro. by Logan, Insko, R. Smith.

[GS 126](#)

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Employment and Retirement, Government, State Agencies, Department of

Labor, Office of State Human Resources (formerly Office of State Personnel), State Government, State Personnel

H 836 (2021-2022) **STATE INFRASTRUCTURE BANK STUDY**. Filed May 4 2021, *AN ACT TO ESTABLISH A JOINT LEGISLATIVE STUDY COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING A STATE INFRASTRUCTURE BANK TO SUSTAINABLY FINANCE INFRASTRUCTURE PROJECTS AND DRIVE ECONOMIC GROWTH IN THE STATE.*

Establishes the 17 member Commission to Study the Feasibility of Establishing a State Infrastructure Band (Commission) to study how the creation of such a bank could strengthen economic and community development, provide financial resources for infrastructure projects, and leverage State, federal, and private resources to address the need for access to sustainable financial assistance for projects that will contribute to economic growth, job creation, and support of local communities in the State. Sets out membership requirements. Provides for filling vacancies, establishing a quorum, meeting space, staffing, and compensation. Requires the Commission to hold at least five public meetings in distinct geographic regions of the State. Sets out 11 issues the Commission must study, at a minimum, including: providing financing for infrastructure related to housing development, public works infrastructure, educational infrastructure, student loans, and community quality of life projects; providing capital for continued expansion of the State's transportation, environmental, energy, and telecommunications infrastructure; examine various administrative and operational structures for organizing a State Infrastructure Bank; and the extent to which the State Infrastructure Bank should be allowed to compete with banking establishments operating in North Carolina. Allows the Commission to make an interim report to the 2022 Regular Session of the NCGA prior to its convening and requires a final report by the end of that session.

Intro. by Harris.

STUDY

[View summary](#)

Banking and Finance

H 837 (2021-2022) **INCREASE STUDENT ACCESS TO SCHOOL COUNSELORS**. Filed May 4 2021, *AN ACT TO REQUIRE SCHOOL COUNSELORS TO BE EMPLOYED IN OR AVAILABLE TO ALL PUBLIC SCHOOL UNITS, REQUIRE ADDITIONAL TRAINING FOR SCHOOL COUNSELORS, AND APPROPRIATE FUNDS FOR SCHOOL COUNSELORS.*

Effective July 1, 2021, amends GS 115C-316.1, establishing a new requirement for public schools with at least 300 high school students to employ at least one full-time permanent school counselor for every 300 students in the unit. Directs the superintendent of a public school unit or the highest decision-making authority in a public school unit to ensure that every school in the unit with fewer than 300 students has access to a school counselor for at least two instructional days of each week of the school year. Directs the State Board of Education to adopt requirements for professional development for school counselors that include annual training in issued related to access to colleges and universities, and policies, procedures and strategies for college or university admissions. Applies beginning with the 2021-22 school year.

Effective July 1, 2021, enacts GS 115C-47(65), GS 115C-12(47), GS 115C-218.75(i), and GS 115C-238.66(17), requiring local boards of education, the State Board of Education, charter schools, and regional schools to comply with the requirements for school counselors set forth in GS 115C-316.1 in the schools under their respective control, including the requirement to employ at least one full-time, permanent school counselor for every 300 high school students. Applies beginning with the 2021-22 school year. Amends Section 6 of SL 2018-32 to make new GS 115C-47(65) applicable to renewal school systems.

Effective July 1, 2022, further amends GS 115C-316.1, as amended, expanding the new requirement to employ at least one full-time permanent school counselor to public school units with at least 250 rather than 300 high school students, with one such counselor required for every 250 high school students. Effective July 1, 2022, makes conforming changes to GS 115C-47(65), GS 115C-12(47), GS 115C-218.75(i), and GS 115C-238.66(17). Applies beginning with the 2022-23 school year.

Appropriates \$6.1 million and \$19.5 million in recurring funds for 2021-22 and 2022-23, respectively, from the General Fund to the Department of Public Instruction to increase the Instructional Support Allotment to be used to increase school counselors as provided in the act. Specifies that the funds are supplemental. Effective July 1, 2021.

Intro. by Insko, Roberson, A. Baker.

APPROP, GS 115C

[View summary](#)**Education, Elementary and Secondary Education,
Employment and Retirement, Government,
Budget/Appropriations, State Agencies, Department of Public
Instruction, State Board of Education, Local Government**

H 838 (2021-2022) **RETAIL WORKERS' BILL OF RIGHTS**. Filed May 4 2021, *AN ACT TO ENACT THE RETAIL WORKERS' BILL OF RIGHTS TO ENSURE FAIR SCHEDULING AND TREATMENT OF RETAIL EMPLOYEES*.

Enacts new GS Chapter 95, Article 2B (Retail Workers' Bill of Rights).

Lists legislative findings regarding employment in retail work, and defines seven terms including employer and retail establishment.

GS 95-25.33, Advance notice of work schedules and schedule changes, requires employers to provide new employees with written nonbinding estimates of the employee's expected minimum number of scheduled shifts per month and the days and hours of those shifts. Allows employees to request employers to modify the proposed work schedule, and requires an employer to accept or reject the request prior to the start of employment. Requires employers to provide employees with at least two weeks' notice of work schedules by posting the schedule on a biweekly schedule, either at the workplace or online. Requires an employer to give notice to an employee of any change to the employee's schedule, and requires additional compensation to the employee based on how long before the changed shifts notice was given, and the length of the changed shifts. Requires pay for oncall shifts in which an employee is not called into work. Provides seven exceptions for the schedule change compensation and exceptions (appears to intend oncall shift compensation), including for acts of God and unexpected absences of other employees. Allows employers to provide greater advance notice than required by this statute.

GS 95-25.34, Equal treatment for part-time employees, prohibits employers from differentiating wages, paid and unpaid time off, and eligibility for promotion, between part-time and full-time employees based on status as a part- or full-time employee. Provides that eligibility for promotion may be contingent upon the employee's availability for fulltime employment.

GS 95-25.35, Notice of employee rights, directs the Commissioner of Labor (Commissioner) to publish and make available to employers, in specified languages, a notice suitable for posting by employers in the workplace informing employees of their rights under this Article, by the effective date of this act. Directs the Commissioner to update the notice on December 1 of any year in which there is a change in the required languages (based on languages spoken by percentages of the state's workforce). Directs employers to post the notice in a conspicuous place at every workplace in the state under the employer's control visited by its retail employees.

GS 95-25.36, Records; retention requirements, requires employers to retain work schedules and payroll records for three years, and to allow the Department of Labor (Department) access to them to monitor compliance with this Article. Grants the Commissioner access to all places of labor subject to this Article during business hours to inspect books and records, interview employees, and investigate matters necessary to determine whether the employer has violated this Article. Provides that failure to maintain adequate records, or failure to allow the Department reasonable access to them as required, creates a presumption that the employer did not comply with the Article, absent clear and convincing evidence otherwise.

GS 95-25.37, Exercise of rights protected; retaliation prohibited, prohibits the interference with the exercise any right protected under this Article. Prohibits employers from taking adverse employment action in retaliation for the exercise of rights protected under this Article.

GS 95-25.38, Investigation; enforcement, authorizes the Commissioner to enforce the Article, including investigation of possible violations of the Article. Authorizes the Commissioner to order temporary or interim relief to mitigate a violation that the Commissioner has reason to believe has occurred, or to maintain the status quo, pending the completion of an investigation. Provides for the Commissioner to provide notice to an employer that has been determined to be in violation, as described, and authorizes the Commissioner to order appropriate relief, including payment of lost wages, as well as an administrative penalty, to employees, and enforcement costs to the state. Provides for an appeal to the NC Office of Administrative Hearings, and

subsequently to the Wake County Superior Court, and describes the steps required to pursue such an appeal. Provides that failure to appeal constitutes failure to exhaust administrative remedies.

Clarifies that the Article does not limit other rights and remedies provided by law to employees. Contains a severability clause.

Clarifies that the Article does not create rights, requirements, powers, or duties in conflict with any state or federal law.

Effective January 1, 2022.

Intro. by Brockman, Harrison.

GS 95

[View summary](#)

Business and Commerce, Employment and Retirement

H 840 (2021-2022) **INTERCEPT COMMUNICATIONS/ALL PARTY CONSENT**. Filed May 4 2021, *AN ACT TO PROHIBIT THE INTERCEPTION AND DISCLOSURE OF A WIRE, ORAL, OR ELECTRONIC COMMUNICATION WITHOUT THE CONSENT OF ALL PARTIES TO THE COMMUNICATION*.

Expands GS 15A-287, which makes it a Class H felony to intercept and use or disclose any wire, oral, or electronic communication without the consent of at least one party to the communication. Now provides for the described action to constitute the felony offense unless the person obtained *prior* consent of *all parties* to the communication. Adds to the activities that are deemed to not be unlawful: (1) for an investigative or law enforcement officer or a person acting under their direction to intercept a wire, oral, or electronic communication when the officer or person is a party to the communication, or one of the parties has given prior consent, and the purpose of the interception is to obtain criminal evidence; (2) for a law enforcement officer to intercept a communication as part of making a recording from a body-worn camera or a dashboard camera during the course of the officer's official duties; (3) for a telephone company employee to intercept a wire communication for the sole purpose of tracing its origin when requested by the recipient of the communication who alleges the communication to be obscene, harassing, or threatening; requires the employee to notify authorities within 48 hours of the interception; and (4) for a public utility employee or law enforcement agency, fire department, ambulance company, or other emergency medical services provider to intercept or disclose a communication when receiving or responding to an emergency call while engaged in any activity which is incident to their services or the protection of life or property. Makes technical and clarifying changes; makes language gender neutral. Applies to offenses committed on or after December 1, 2021.

Intro. by Moffitt.

GS 15A

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, Public Enterprises and Utilities

H 841 (2021-2022) **DHHS COMPLIANCE REVIEW/JAIL SUICIDE ATTEMPTS**. Filed May 4 2021, *AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT A COMPLIANCE REVIEW FOLLOWING A REPORT OF AN ATTEMPTED SUICIDE BY AN INMATE IN THE CUSTODY OF A LOCAL CONFINEMENT FACILITY IN THE STATE AND TO APPROPRIATE FUNDS*.

Amends GS 153A-225 (medical care for prisoners) by adding subsection (a1) which does the following:

- (1) Directs the administrator of a local confinement facility to, within five days of the suicide attempt, report an inmate's suicide attempt using forms provided by the Department of Health and Human Services (DHHS) to the local or district health director and the Secretary of DHHS;
- (2) Directs DHHS to, following a reported suicide attempt, review a facilities compliance with its suicide prevention program and other relevant minimum standards DHHS has published for local confinement facilities;
- (3) Directs DHHS to make a report following a review of a local confinement facility and submit the report to the local or district health director, the governing body, and others responsible for the facility within 30 days of conducting the review; and
- (4) Defines "suicide attempt" for the purposes of the statute.

Appropriates \$186,702 in recurring funds from the General Fund to DHHS, Division of Health Services Regulation, Construction Section (Section) in each year of the 2021-2023 fiscal biennium to hire two jail inspectors to inspect local confinement facilities as required by GS 153A-222 (local confinement facilities inspections).

Appropriates \$110,296 from the General Fund to the Section in recurring funds in each year of the 2021-2023 fiscal biennium to the Division to hire a facility compliance consultant to conduct the reviews following a report of an attempted suicide required by GS 153A-225.

The amendments to GS 153A-225 are effective October 1, 2021, and the remainder of the bill's provisions are effective July 1, 2021.

Intro. by Cunningham, Quick, R. Smith, K. Smith.

APPROP, GS 153A

[View summary](#)

**Courts/Judiciary, Criminal Justice, Corrections
(Sentencing/Probation), Government, Budget/Appropriations,
State Agencies, Department of Health and Human Services**

H 842 (2021-2022) **CLARIFY DEED RESTRICTIONS/SOLAR COLLECTORS**. Filed May 4 2021, *AN ACT TO CLARIFY THE LAW GOVERNING DEED RESTRICTIONS ON SOLAR COLLECTORS*.

Amends GS 22B-20, which makes deed restrictions and other agreements prohibiting solar collectors on residential property void and unenforceable. Explicitly permits a deed restriction, covenant, or similar binding agreement that runs with the land to regulate the location or screening of solar collectors so long as the restriction, covenant, or agreement does not have the effect of reducing the operating efficiency of a solar collector for a residential property (was the effect of preventing the reasonable use). Defines reducing the operating efficiency of a solar collector to mean the regulation of the location or screening of the solar collector would decrease the efficiency or performance of the solar collector by more than 10 percent of the amount that was originally specified for the solar collector. Makes conforming changes. Eliminates subsection (d), which explicitly permits a deed restriction, covenant, or agreement that runs with the land that would prohibit the location of solar collectors visible by a person on the ground on or within specified areas of common or public access faced by the structure.

Intro. by Warren, Hanig, Penny, Carter.

GS 22B

[View summary](#)

**Development, Land Use and Housing, Property and Housing,
Environment, Energy**

H 843 (2021-2022) **CERTIFICATE OF NEED MODIFICATIONS**. Filed May 4 2021, *AN ACT MODIFYING CERTIFICATE OF NEED LAWS*.

Part I.

Revises defined terms applicable to certificates of need laws in Article 9, set forth in GS 131E-176, as follows. Changes the threshold criteria for diagnostic center to include a facility, program, or provider in which the total cost of all medical diagnostic equipment used by the facility which costs more than \$10,000 or more exceeds \$1.5 million (currently, the cost threshold is set at \$500,000). Changes the threshold criteria for major medical equipment to include a unit or system used to provide medical or other health services which costs more than \$2 million (currently, the threshold is \$750,000). Changes the threshold criteria for new institutional health services to include the obligation of capital expenditures exceeding \$4 million (was, \$2 million) to develop or expand a health service or facility or relates to the provision of health services. Makes conforming changes to reflect the revised threshold amounts in GS 131E-184. Requires the cost threshold amount for diagnostic center, major medical equipment and new institutional health services to be adjusted annually, beginning September 30, 2022, as specified. Amends bed capacity to specify space used exclusively for inpatient care at a health care facility. Amends the definition of health service to exclude activities performed at a facility that does not meet the definition of a health service facility; removes ambulatory surgical facilities from the definition of health service facility. Removes the conversion of a specialty ambulatory surgical program to a multispecialty program or the addition of a specialty to an existing

program from the term new institutional health services (the same provision is deleted again in Section 2(a) of this act, effective 19 months after the act becomes law). Makes conforming and technical changes.

Amends GS 131E-184 by exempting from certificate of need review a new institutional health service if it receives prior written notice from the entity proposing the service for the development, acquisition, construction, expansion, or replacement of a health service facility or service that obtained certificate of need approval before January 1, 2022, as an ambulatory surgical facility. Also exempts a capital expenditure exceeding the \$4 million (was, \$2 million) threshold, when the specified conditions are met. Directs the Department of Health and Human Services (DHHS) to exempt from certificate of need review services or facilities for which a certificate of need has already been issued when those services or facilities are replaced, renovated, or relocated to another site in the same county where need was originally determined. Establishes an exemption from certificate of need review for the construction, development, acquisition, or establishment of an ambulatory surgical facility in a county with a population of 100,000 or more that meets four criteria, including requiring licensed physicians seeking the exemption to make every effort to enter into a joint venture with a licensed hospital as specified, agreement with a licensed hospital or hospital privileges to ensure inpatient hospital services are available as specified, capability to immediately transfer patients to an adequate emergency room, and compliance with statutory licensure requirements of ambulatory surgical facilities.

Enacts GS 131E-189(d), providing for the expiration of a certificate of need issued for the construction of a health service facility upon the certificate holder failing to initiate authorized construction within four years after the approval becomes final for projects costing over \$50 million or two years after the approval becomes final for projects costing less than \$50 million.

Adds to the requirements for ambulatory surgical facility licensure under GS 131E-147 as follows. Requires all initial application and renewal applications to require statement of the number of procedure rooms on, and the number and type of procedures performed at, the named premises. Bars issuing or renewing a license to operate a facility developed, acquired, or replaced on or after January 1, 2022, unless the application provides (1) a commitment that the Medicare allowable amount for self-pay and Medicaid surgical cases minus all revenue collected from self-pay and Medicaid surgical cases will be the greater of either 4% of the total revenue collected for all surgical cases performed at the facility or the percentage of charity care ambulatory surgery services provided by the affiliated hospital; (2) a commitment to annually report the total number of self-pay, Medicaid, Medicare, commercial insurance, managed care, and other surgical cases to DHHS; and (3) a commitment to report use and payment data for services provided by the facility to the statewide data processor.

Effective January 1, 2022.

Part II.

Includes a severability clause.

Part III.

Makes the act effective on the date the act becomes law, unless otherwise provided.

Intro. by Warren, Kidwell, Richardson, Sasser.

[GS 131E](#)

[View summary](#)

[Government, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Mental Health](#)

H 844 (2021-2022) [UTILITIES/LANDLORD WATER RESELLER CHANGES](#). Filed May 4 2021, *AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT PROCEDURES TO ALLOW LESSORS WHO PROVIDE WATER AND SEWER SERVICE TO LESSEES IN A SINGLE-FAMILY DWELLING, RESIDENTIAL BUILDING, OR MULTIUNIT APARTMENT COMPLEX TO CHARGE FOR THE COST OF THE SERVICE IN THE SAME MANNER AS ELECTRIC SERVICE AND NATURAL GAS SERVICE.*

Amends GS 62-110 (regulation of public utilities by Utility Commission) by doing the following:

- (1) Permitting lessors of single family dwellings, residential buildings, or multi-unit apartment complexes to charge occupants of the leased property for water and sewer services;
- (2) Permitting lessors to charge lessees for water/sewer services by equally dividing the water/sewer costs for a unit amongst

the lessees in the unit, so long as a lessees bill is prorated when they do not occupy the leased property for the same number of days as other lessees;

(3) Permitting lessors to charge administrative fees and late fees approved by the Utilities Commission when billing for water/sewer service by equally dividing the costs among lessees in the unit; and

(4) Making conforming changes.

Effective October 1, 2021.

Intro. by Bradford, Riddell, Brody.

[GS 62](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing,
Public Enterprises and Utilities](#)

H 862 (2021-2022) [IMPROVE ACCESS TO PATIENT CARE](#). Filed May 4 2021, *AN ACT TO IMPROVE ACCESS TO PATIENT CARE SERVICES VIA COLLABORATION BETWEEN PHYSICIANS AND PHARMACISTS*.

Amends GS 90-18 to revise the acts identified which constitute the practice of medicine or surgery, thereby triggering a requirement for licensure under Article 1. Makes the following changes to subdivision (c)(3a). Defines collaborative care services to mean patient care services authorized by a physician and delegated to a pharmacist for the purpose of drug therapy and disease management. Now requires the provision of patient care services by a licensed pharmacist under a collaborative practice agreement with one or more physicians to be performed in accordance with the rules developed by the NC Medical Board and the NC Board of Pharmacy and approved by both Boards. Authorizes a supervising physician to delegate to a licensed pharmacist, under a collaborative practice agreement, any patient care services that the supervising physician deems appropriate. Eliminates existing provisions of subdivision (c)(3a) that included the provision of drug therapy management, defined to include implementing drug therapy and ordering tests by a licensed pharmacist engaged in the practice of pharmacy pursuant to an agreement that is physician, pharmacist, patient and disease specific when performed in accordance with the Boards' rules and approved by the Boards).

Makes conforming changes to GS 90-18.4 concerning clinical pharmacist practitioners. Modifies the conditions to which clinical pharmacist practitioners authorized by physicians to provide patient care in accordance with GS 90-18(c)(3a) and GS 90-18.4A are subject. Now requires the Boards to have adopted rules developed by a joint subcommittee governing the use and oversight of collaborative practice in patient care settings that the Boards have determined to be in the best interest of patient health and safety. Additionally requires clinical pharmacist practitioners to register with the Board of Pharmacy and maintain annual requirements as a clinical pharmacist practitioner (previously only required current approval from both Boards), and requires the clinical pharmacist practitioner's unique identification number to be shown on any prescriptions he or she writes (previously required the Medical Board to assign an ID number to be written on prescriptions written by him or her). Eliminates the condition which required the agreement to prohibit the substitution of chemically dissimilar drug products without explicit consent of the physician and to provide for periodic review by the physician of the drugs modified. Adds a new subsection to require the supervising physician to evaluate the provision of collaborative care services by the clinical pharmacist practitioner in accordance with rules adopted by the Boards. Requires the physician to conduct periodic review and evaluation of the clinical pharmacist practitioner as stated in their agreement. Authorizes the physician to collaborate with and supervise as many clinical pharmacist practitioners as the physician deems safe and effective. Repeals subdivisions (c)(1)-(4) regarding conditions for certain clinical pharmacist practitioners working in hospitals and other facilities to order medications and tests from the facility's prescription drug formulary or other lists of drugs to be utilized in the facility. Recodifies subdivision (c)(5) as subsection (c1) and modifies it to now provide as follows. Requires any drug therapy order medications, tests, or devices written by a clinical pharmacist practitioner to be deemed authorized by the collaborating physician. Requires orders written by a clinical pharmacist practitioner to be documented to inform the collaborating physician or advanced practice provider for the patient. Requires the supervising physician to conduct periodic review and evaluation of the clinical pharmacist practitioner's prescribing patterns. Adds new subsection (c2) to allow institutional and group practices to implement an institution-wide, multiprovider collaborative practice agreement for the care of their patients under a policy for oversight and evaluation of clinical pharmacist practitioners by an appointed supervising physician. Repeals subsection (d), which authorized any registered nurse or licensed practical nurse who receives a drug therapy order from a clinical pharmacist practitioner for medications or tests to perform that order in the same manner as if the order was received from a licensed physician.

Amends GS 90-8.2 to allow rather than mandate the Medical Board to appoint and maintain a subcommittee to work with a subcommittee of the Pharmacy Board to develop rules to govern the performance of patient care services by clinical pharmacist practitioners. Authorizes the Pharmacy Board to determine reasonable fees to accompany the registry application not to exceed \$50 and annual renewal of registration not to exceed \$50 (previously required of the Medical Board with an initial application fee of \$100 and renewal of \$50). Requires rules recommended by the joint subcommittee to be made and adopted compliant with GS Chapter 150B (APA) by both Boards within six months of any approved statutory changes (was not effective until adopted by both Boards). Now places the responsibility to ensure compliance with collaborative practice rules with the Pharmacy Board rather than the Medical Board.

Enacts GS 90-18.4A (substantively similar to GS 90-18.4(b)(4), as repealed) to permit a collaborative practice agreement to include a statement of authorization regarding the clinical pharmacist practitioner's authority to conduct drug substitutions within the same therapeutic class. Requires documentation of any substitutions and notification of the physician. Requires the agreement to include a policy for periodic review by the physician regarding therapeutic substitutions made. Allows physicians to add advanced practice providers to an agreement if supervised in a manner separate from the collaborative practice agreement, so long as evaluation and supervision of the clinical pharmacist practitioner remains with the supervising physician.

Amends GS 90-85.3(b2), under the NC Pharmacy Act, Article 4A, to now define a clinical pharmacist practitioner as a licensed pharmacist who (1) provides collaborative care under a written collaborative practice agreement with one or more physicians, (2) has registered with the Pharmacy Board, (3) meets and maintains required annual professional development requirements, (4) maintains good standing with the Pharmacy Board, and (5) practices in accordance with GS 90-18.4, as amended, and rules established by the joint subcommittee of the Boards. Also defines collaborative care services as it is defined in GS 90-18(c)(3a), as amended.

Enacts GS 90-85.11B to direct the Pharmacy Board to maintain a registry of all pharmacists engaged in collaborative practice and to issue and track numbers unique to each participating pharmacist.

Applies to licenses granted or renewed on or after October 1, 2021.

Intro. by Sasser.

GS 90

[View summary](#)

Business and Commerce, Occupational Licensing, Health and Human Services, Health, Health Care Facilities and Providers

H 863 (2021-2022) [HOG LAGOON SUNSET](#). Filed May 4 2021, *AN ACT TO PHASE OUT TRADITIONAL ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE SWINE FARMS; TO ESTABLISH MINIMUM HUMANE STANDARDS FOR THE TREATMENT OF COWS, POULTRY, AND SWINE; AND TO STUDY THE POTENTIAL REPORTING OF ANTIBIOTIC DRUG USE IN LIVESTOCK RAISED IN NORTH CAROLINA.*

Amends Section 1(b) of SL 2007-523 to phase out permits for swine waste management systems currently operated under the moratorium for swine farms enacted in 2007. Requires closure of swine operations with lagoon and sprayfield waste systems by September 1, 2027. Requires the owner or operator of an animal waste management system that uses a lagoon and sprayfield system phased out under this act to close all of the components of the waste management system in compliance with all applicable federal and state laws, regulations, and rules. Excludes animal waste management systems that are a part of a waste-to-energy facility producing energy from the waste from the phaseout.

Creates a new Article 49I, Minimum Humane Standards for Certain Farm Animals, in GS Chapter 106 that requires the Board of Agriculture, in consultation with the state veterinarian, to set minimum humane standards for cows, poultry, and swine, including restrictions on tethering and confinement, kill methods, and transfer of sick cows. Makes violations by any farm owner or operator of the minimum humane standards a Class 2 misdemeanor. Effective January 1, 2022.

Directs the Division of Public Health of the Department of Health and Human Services (Division), with the cooperation of the Department of Agriculture and Consumer Services (Department), to study the use of antibiotic drugs in livestock production in North Carolina. Specifies the content and focus of the study and requires the Division and the Department to jointly report their findings and recommendations to the Joint Legislative Oversight Committee on Health and Human Services on or before January 1, 2022.

Intro. by Harrison, Butler, Autry, Insko.

GS 106

[View summary](#)

Agriculture, Animals, Environment, Energy, Government, State Agencies, Department of Agriculture and Consumer Services, Department of Health and Human Services, Health and Human Services, Health, Public Health

PUBLIC/SENATE BILLS

S 397 (2021-2022) [CONFIRM MACHELLE SANDERS/SEC. OF COMMERCE](#). Filed Mar 30 2021, *A SENATE RESOLUTION CONFIRMING MACHELLE SANDERS AS SECRETARY OF THE DEPARTMENT OF COMMERCE*.

Senate amendment to the 1st edition eliminates the act's whereas clauses. Revises the act to confirm Machelles Sanders as Secretary of the Department of Commerce. Changes the act's long title.

Intro. by Rabon.

SENATE RES

[View summary](#)

Government, General Assembly, State Agencies, Department of Commerce, State Government, Executive

S 452 (2021-2022) [UTILITIES/USER RESPONSIBLE FOR UTILITY BILL](#). Filed Apr 1 2021, *AN ACT TO GENERALLY PROHIBIT A LOCAL GOVERNMENT THAT OPERATES A PUBLIC ENTERPRISE FROM BILLING A LANDLORD FOR SERVICE PROVIDED TO PREMISES THAT THE LANDLORD NO LONGER OWNS, LEASES, OR OCCUPIES*.

Senate committee substitute deletes the content to the 1st edition and replaces it with the following.

Amends GS 153A-277, concerning counties, and GS 160A-314, concerning cities, to prohibit local governments from attempting to collect payment from a landlord for service to premises that the landlord no longer owns, leases, or occupies, unless the service for which payment is sought was provided during the time the landlord owned, leased, or occupied the premises. Specifies that the prohibition applies regardless of whether the landlord is a natural person or a company, and regardless of any agreement that existed between the landlord and the utility to reconnect service to the premises during the time the landlord owned, occupied, or leased the property. Makes conforming changes to the act's long title.

Intro. by Johnson.

GS 153A, GS 160A

[View summary](#)

Government, Local Government, Public Enterprises and Utilities

S 470 (2021-2022) [NORTH CAROLINA REGULATORY SANDBOX ACT](#). Filed Apr 1 2021, *AN ACT TO ENACT THE NORTH CAROLINA REGULATORY SANDBOX ACT AND TO ESTABLISH THE NORTH CAROLINA INNOVATION COUNCIL*.

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

Amends the legislative findings in GS 169-2 to provide that the banking and insurance industry is a major economic driver for the state (was, region). Recognizes that the specified new technologies hold the key for future growth across the state (was, region). Makes technical changes to GS 169-6. Makes a clarifying change in GS 169-10. Amends the act's long title.

Intro. by Johnson, Hise.

GS 169

[View summary](#)

Business and Commerce, Insurance

S 474 (2021-2022) [SEPTAGE MANAGEMENT AMENDMENTS](#). Filed Apr 1 2021, *AN ACT TO MAKE CERTAIN AMENDMENTS TO THE SEPTAGE MANAGEMENT PROGRAM WITHIN THE DEPARTMENT OF ENVIRONMENTAL QUALITY'S DIVISION OF WASTE MANAGEMENT*.

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

Modifies the proposed revisions to the permitting required for septage management firms to commence or continue operation pursuant to GS 130A-291.1. Makes technical changes to refer to permit applicants in subsection (c), rather than septage management firms; makes further technical changes to the subsection. Revises the proposed changes to subsection (e4) to explicitly require permit modifications when there is a change in ownership or corporate structure (previously added a new provision to explicitly authorize septage management firm permits and septage land application site permits to be amended to reflect changes in ownership or corporate structure upon notification to the Department of Environmental Quality (DEQ)). Deletes the proposed changes to subsection (h), which expanded site inspection authority to include properly qualified persons approved by DEQ and excluded from the biennial inspection of pump trucks used for septage management and DEQ listing requirements for vehicles and equipment used on site that are not integral to compliance with the nutrient management plan. Instead amends subsection (h) to direct DEQ to inspect each pumper truck (was pump truck) used for septage management at least once every two years. Revises the proposed changes to subsection (h1) as follows. Makes pumper truck requirements applicable to other vehicles used by the septage management firm (no longer specifies used in containment and consolidation of septage operated by the septage storage management firm). Adds inspection and vehicle regulation requirements for pumper trucks and other vehicles used in the transportation of, in addition to the containment and consolidation of, liquid septage (was septage), and adds a new requirement for pumper trucks and vehicles used in this way to be listed by the firm on its permit. Now requires equipment used in the containment and consolidation of septage to be regulated as septage detention or treatment sites and require permitting. Regarding the proposed requirement for tanker vehicles used by a permitted septage management firm to meet all federal and state highway laws, now sets the scope of the requirement as all pumper trucks and vehicles used by the permitted firm, or alternatively, provides for the pumper trucks and vehicles to have a maximum capacity of no more than 21,000 gallons. Now allows pumper trucks and vehicles listed on the approved firm's permit (was septage vehicles) to remain loaded or partially loaded for up to seven days.

Eliminates the proposed changes to GS 130A-291.3, regarding septage operator training. Adds a new requirement for DEQ to notify all septage management firm operators of changes to rules within 30 days of adoption, and to post all septage management program rules to its website. Eliminates the requirement for DEQ to establish educational committees to develop and approve a training curriculum to satisfy the statute's training requirement. Adds new provisions requiring DEQ to develop and maintain a list of approved instruction courses that have relevance to septage management firms, septage land application site operators, and septage detention or treatment facility operators. Provides further parameters for the courses. Allows DEQ to approve additional training courses on a case-by-case basis.

Regarding the directive for the Environmental Review Commission to implement the Septage Land Application Site Renewal Rule (15A NCAC 13B .0832) to provide for subsequent permit renewals for septage land application sites to be valid for 10 years, provides that the directive applies to septage land application site permit renewals issued on or after June 1, 2021 (was May 1, 2021).

Adds the following new content. Prohibits DEQ from offering renewal education online for septage management firm operators or septage land application operators unless needed on a case-by-case basis in coordination with the septage industry associations. Effective the earlier of either June 1, 2021, or upon the date an executive order rescinding Section 5 of Executive Order No. 209 (2021) becomes effective.

Intro. by McInnis, Steinburg, Britt.

[GS 130A](#)

[View summary](#)

[Government, State Agencies, Department of Environmental Quality \(formerly DENR\), Health and Human Services, Health, Public Health, Public Enterprises and Utilities](#)

S 605 (2021-2022) [NORTH CAROLINA FARM ACT OF 2021](#). Filed Apr 6 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS CONCERNING AGRICULTURE AND FORESTRY*.

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

Section 7

Further amends GS 106-897 to also include GS 14-140.1 (regarding certain fires required to be guarded by watchmen) within the scope of forest laws. Makes further technical changes.

Section 10

Deletes the proposed changes to GS 143-135.26, concerning the State Building Commission's powers, and proposed GS 106-22.8, setting out four specified actions the Board of Agriculture must take with respect to the design, construction, or renovation of buildings, utilities, and other property developments of the Department of Agriculture and Consumer Services (DACS) requiring the estimated expenditure of public funds of \$2 million or less.

Adds new content to the section, amending the definition given for *employment* in GS 97-2(1) applicable to the Workers' Compensation Act, to define *agriculture* by statutory cross-reference.

Section 11

Revises the proposed changes to GS 143-215.10C, requiring the Environmental Management Commission (EMC) to develop a general permit for animal operations that includes authorizing the permittee to construct and operate a farm digester system. Now defines *farm digester system* under GS 143-213 as a system, including all lagoon covers as well as associated equipment, by which gases are collected and processed from an animal waste management system for the digestion of animal biomass for use as a renewable energy resource; no longer sets out items that may also be included in the term; specifies that the system is considered to be a part of an "animal waste management system." Amends the new term *renewable animal biomass energy resource* to no longer include an *animal biomass gas facility*. No longer adds *animal biomass gas facility* as a defined term. Explicitly includes an animal waste management system that uses a farm digester system in the EMC's authority to require that an animal waste management system be permitted under an individual permit. Adds that after the general permit for animal operations that includes authorization for the permittee to construct and operate a farm digester system has been issued, the decision to require an individual permit cannot be based solely on the fact that the animal waste management system uses a farm digester system. Adds a new subsection (c1) to GS 143-215.10C, deeming failure of the EMC to make a final permitting decision involving a notice of intent for a certificate of coverage under a general permit for animal operations that includes authorization for the permittee to construct and operate a farm digester system within 90 days of the EMC's receipt of a completed notice of intent, approval of coverage under the permit. Allows the permittee to request that the EMC provide written confirmation that the notice of intent is deemed approved, with failure to provide written confirmation within 10 days of receipt of the request to serve as a basis to seek a contested case hearing. Requires an administrative law judge to issue a final decision or order within 120 days after commencement, with up to two extensions of up to 30 days for good cause as specified, unless otherwise agreed to in writing by all parties to the case. Requires the administrative law judge to direct the EMC to either issue a written certificate of coverage under the general permit or deny the petition.

Changes the definitions set forth for *certificate of coverage*, changing the administrative rule referenced, and *notice of intent*, now defined as a request for coverage under a general permit using forms approved by the Division of Water Resources, as those terms are used in Section 11.

Requires the general permit for animal operations to include, in addition to conditions required to describe and authorize the construction, monitoring and proper operation of farm digester systems (was construction only), the same conditions that are included in the currently existing general permits for animal operations; no longer specifies exceptions. Requires the general permit to become effective no later than 12 months (was six months) after this section's effective date, and adds that the general permit expires on the later of September 20, 2024, or the effective of the next version of the currently existing general permit for animal operations. Regarding a notice of intent submitted by the operator of any animal operation that holds a general or individual permit that does not authorize the construction and operation of a farm digester system, adds a new requirement for EMC to notify an applicant of a deficiency in the notice. Revises the procedures for notices of intent to refer to completed notices of intent. Regarding denial of the certificate of coverage, no longer explicitly requires denial be based on a substantial deviation from the applicable requirements to receive the certificate of coverage. No longer requires the EMC to issue confirmation of approval resulting from EMC's failure to take action on a notice of intent within the specified period. No

longer provides for the solicitation of public comment in acting on a notice of intent. Adds a new provision excluding from the scope of Section 11 permits for facilities required to be permitted under 40 C.F.R., section 122.

Modifies proposed GS 106-806(e), which allows for the construction or renovation of a farm digester system that is a component of a preexisting swine farm so long as the specified requirements are met. Adds that the construction or renovation of the farm digester system must comply with the siting requirements set out in GS 106-803 to the maximum extent possible.

Eliminates the proposed changes to GS 150B-34 and GS 150B-44 regarding general permits for animal operations that includes authorization for the permittee to construct and operate a farm digester system.

Eliminates the proposed changes to GS 105-275 that no longer limited the animal waste management systems that are excluded from tax to those that accomplish specified objectives.

Section 13

Amends GS 95-242 to no longer require the Commissioner of Labor to issue a right to sue letter that enables an employee to bring a civil action under GS 95-243 upon determining there is no reasonable cause to believe a complaint alleging that the employer discriminated or retaliated against the employee for engaging in the protected activities of GS 95-241, in violation of GS 95-241, is true.

Intro. by B. Jackson, Sanderson, Edwards.

[GS 1, GS 7A, GS 14, GS 20, GS 95, GS 96, GS 105, GS 106, GS 143, GS 150B](#)

[Agriculture, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Court System, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Employment and Retirement, Environment, Government, APA/Rule Making, State Agencies, Department of Agriculture and Consumer Services, Department of Transportation, Tax, Immigration](#)

[View summary](#)

S 644 (2021-2022) [LANDLORD/TENANT CHANGES](#). Filed Apr 6 2021, *AN ACT TO CLARIFY AND REAFFIRM THE STATUTORY AUTHORITY OF LANDLORDS TO RECOVER OUT-OF-POCKET EXPENSES AND LITIGATION COSTS IN SUMMARY EJECTMENT PROCEEDINGS AND TO MAKE VARIOUS CHANGES TO THE LANDLORD/TENANT STATUTES.*

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

Part I.

Modifies proposed subdivision (3a) of GS 42-46(h) concerning limitations on landlords charging and collecting fees and out-of-pocket expenses and litigation costs, now stating it is against public policy for a landlord to claim or for a lease to provide for the payment of any out-of-pocket expenses or litigation costs for filing a complaint for summary ejectment and/or money owed other than (was rather than) those expressly authorized in subsection (i).

Intro. by Britt, Perry, Newton.

[GS 28A, GS 42](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Development, Land Use and Housing, Property and Housing](#)

S 654 (2021-2022) [K-12 COVID-19 PROVISIONS](#). Filed Apr 6 2021, *AN ACT TO PROVIDE RELIEF TO PUBLIC SCHOOLS IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC.*

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

Part III.

Reinstates proposed GS 115C-84.3 as the statute was proposed in the 1st edition, making the remote instruction authority granted applicable to public school units rather than local boards of education, with the following changes. Now allows for a public school unit in a county that has received a good cause waiver from the school calendar opening and closing dates under GS 115C-84.2(d) to use up to 15 remote instruction days or 90 remote instruction hours for the school year in which the waiver is granted when schools are unable to open due to severe weather conditions, energy shortages, power failures, or other emergency situations, with that time permitted to be used towards the required instructional days or hours for the school calendar. Authorizes all other public school units to use up to five remote instruction days or 30 remote instruction hours in the same manner, as previously provided. Revises the required content of the State Board of Education's annual report on remote instruction to include any other data deemed useful by the State Board to the specified NCGA committee in evaluating the use and delivery of remote instruction in emergency circumstances (previously did not specify in emergency circumstances).

Reinstates the proposed changes to the following statutes as set forth in the 1st edition and eliminated in the 2nd edition, providing for the use of remote instruction within the instructional requirements set forth for charter schools, innovative schools, regional schools, laboratory schools, and renewal school systems: GS 115C-218.85, GS 115C-238.53, GS 115C-238.66, GS 116-239.8, and Section 6 of SL 2018-32. Also reinstates the previously proposed technical changes to GS 115C-238.53. Further amends Section 6 of SL 2018-32 to make conforming changes.

Eliminates the proposed provisions authorizing public local school administrative units to offer remote instruction to address health and safety concerns related to COVID-19 in the 2021-22 school year.

Adds the following content to Part IIIA. and moves existing content to new Parts IIIB and IIIC.

Part IIIA.

Grants public school units the authority to make day-to-day decisions for the 2021-22 school year concerning shifting individual schools and classrooms providing in-person instruction to temporary remote instruction as necessary due to COVID-19 exposures that result in insufficient personnel or required student quarantines, subject to required reporting to the Department of Public Instruction within 72 hours of the shift, with return to in-person instruction required as soon as personnel are available or the required quarantines are complete.

Part IIIB.

Eliminates the previously proposed authority for a local school administrative unit that has been assigned a school code to operate a school with virtual instruction as the primary means of instruction by May 1, 2021, to continue operation to satisfy the minimum required number of instructional days and hours for the school calendar during the 2021-22 school year. Instead, authorizes a public school unit to provide virtual instruction during the 2021-22 school year to a student with consent of that student's parent or legal guardian in accordance with a virtual instruction plan providing the specified required information, so long as the plan is submitted by the governing board to DPI by June 1, 2021. Directs DPI to make available a copy of each governing board's remote instruction plan to the specified NCGA committee and the Working Group on Virtual Academies, as enacted by the act, by July 1, 2021. Establishes 13 requirements of a virtual instruction plan, including the range of grade for which virtual instruction will be offered, the estimated number of students to be served with virtual instruction, and any unique infrastructure necessary to support virtual instruction.

Part IIIC.

Adds to the directive for the Superintendent of Public Instruction to establish a Working Group on Virtual Academies, providing for the Working Group to be chaired by the Superintendent or Superintendent's designee. Requires the Working Group to review in data and information gained from the 2020-21 school year and from the virtual instruction plans submitted by public school units for the 2021-22 school year.

Part VIII.

Specifies that the proposed extension for a continuing professional license applicant whose license expires June 30, 2021, to meet the exam requirements established by the State Board as of June 30, 2021, applies to applicants holding a current initial professional license, residency license, lateral entry license, or limited license expiring June 30, 2021.

[View summary](#)

**Business and Commerce, Occupational Licensing, Education,
Elementary and Secondary Education, Government, Public
Safety and Emergency Management, State Agencies,
Department of Public Instruction**

ACTIONS ON BILLS

PUBLIC BILLS

H 142: UNC BUILDING RESERVES/CERTAIN PROJECTS.

Senate: Reptd Fav

H 160: RETIREMENT SERVICE PURCHASE REWRITE PART II.-AB

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 217: UTILITIES COMM'N TECH. AND ADD'L CHANGES.

Senate: Reptd Fav

H 273: MODIFY BUILDERS INVENTORY TAX EXCLUSION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 278: SUNSET ABC BOARD PARTICIPATION IN LGERS.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 327: UPDATE LEGISLATIVE REVIEW OF RULES PROCESS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 336: ADOPT OSPREY STATE RAPTOR.

House: Reptd Fav

House: Re-ref Com On State Government

H 344: SYSTEM DEVELOPMENT FEES UPDATE.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 349: TRAFFIC-CONTROL TRAINING PROGRAM.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 367: UNIFORM PARTITION OF HEIRS PROPERTY ACT.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 395: HIE DEADLINE EXTENSION & PATIENT PROTECTION. (NEW)

House: Reptd Fav Com Substitute

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 404: IMMUNITY FOR 911 DISPATCHERS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 413: IMPROVE DEBT COLLECTION UPON VEHICLE REG.

House: Withdrawn From Com

House: Re-ref to the Com on Transportation, if favorable, Rules, Calendar, and Operations of the House

H 414: LPA TRANSACTION RATES AND COMPENSATION.

House: Withdrawn From Com

House: Re-ref to the Com on Transportation, if favorable, Rules, Calendar, and Operations of the House

H 427: FIREARM SAFE STORAGE AWARENESS INITIATIVE.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 428: TEACHER LICENSURE/RETIRED EDUCATOR PROGRAM.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 436: SUPPORT LAW ENFORCEMENT MENTAL HEALTH.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 453: HUMAN LIFE NONDISCRIMINATION ACT/NO EUGENICS. (NEW)

House: Reptd Fav Com Substitute

House: Re-ref Com On Judiciary 1

H 473: REVISE LAWS/SAFE SURRENDER/INFANTS.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 481: FIREARM DISPOSAL/UNC CAMPUS POLICE.

House: Reptd Fav Com Sub 2

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

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

House: Reptd Fav Com Sub 2

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 524: ORAL CHEMO TREATMENT ACCESS DURING PANDEMIC.

House: Reptd Fav

House: Re-ref Com On Insurance

H 531: TIMESHARE ACT CHANGES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 536: LAW ENFORCEMENT DUTY TO INTERVENE.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 547: USE LAW ENF. DECERT INDEX. (NEW)

House: Reptd Fav Com Substitute

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 548: DUTY TO REPORT GIGLIO INFORMATION.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 552: REMOTE LICENSE CONVERSION FOR MILITARY.

House: Reptd Fav

House: Re-ref Com On Transportation

H 554: DESIGNATE 2023 AS YEAR OF THE TRAIL.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 557: REOPEN GYM WATER FOUNTAINS/BOTTLE STATIONS.

House: Reptd Fav Com Substitute

House: Re-ref Com On Health

H 560: PUBLIC SAFETY REFORM.

House: Reptd Fav Com Substitute

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 561: LOCAL CONFINEMENT FACILITY INSPECTION APPEALS.

House: Reptd Fav

House: Re-ref Com On State Government

H 574: REVISE CHILD CARE SUBSIDY RATES.

House: Reptd Fav

House: Re-ref Com On Appropriations

H 582: CONFIRM GOVERNOR'S BUSINESS CT APPTS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 584: VET. POSTTRAUMATIC STRESS/MITIGATING FACTOR.

House: Reptd Fav Com Substitute

House: Re-ref Com On Judiciary 2

H 585: FAIL TO REPORT CRIME/PRIVILEGE EXEMPTION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 620: UPDATE ALJ CODE OF CONDUCT.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 629: PHYSICIAN ASST/NURSE PRACTIT./STOP ACT CLAR.

House: Serial Referral To Insurance Stricken

H 644: REMOTE ACADEMIES.

House: Reptd Fav Com Substitute

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 647: ENHANCED IN-SERVICE RETIREMENT FOR LEOS.

House: Reptd Fav Com Substitute

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

H 657: SCHOOL SAFETY/THREAT ASSESSMENT TEAMS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 658: DEPLOY CHILD WELFARE & AGING COMPONENT/NCFASST.

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 661: CC FIRE TRAINING/15 YRS OLD.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 666: UP VOLUNTEER FIREFIGHTERS' RETIREMENT BENEFIT.

House: Reptd Fav

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

House: Withdrawn From Com

House: Re-ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 674: REQUIRE DNA FOR VARIOUS CHARGES. (NEW)

House: Withdrawn From Com

House: Re-ref to the Com on Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

House: Withdrawn From Com

House: Re-ref to the Com on Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

House: Reptd Fav Com Substitute

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

H 677: SCHOOL ACCOUNTABILITY RECOMMENDATION COMM.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 681: CCS/TEACHER IN-STATE TUITION PILOT.

House: Reptd Fav

House: Re-ref Com On Appropriations

H 699: ELDER ABUSE & AMP NEGLECT/INCREASE PUNISHMENT.

House: Reptd Fav

House: Re-ref Com On Judiciary 2

H 735: MINIMUM CONTRACTS/COASTAL DREDGING SERVICES.

House: Withdrawn From Com

House: Re-ref to the Com on Marine Resources and Aqua Culture, if favorable, Rules, Calendar, and Operations of the House

H 752: AMEND CONTROLLED SUBSTANCES ACT.

House: Reptd Fav Com Substitute

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 755: ACADEMIC TRANSPARENCY.

House: Reptd Fav Com Substitute
House: Re-ref Com On Rules, Calendar, and Operations of the House
House: Reptd Fav Com Sub 2
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 05/05/2021

H 760: OPPORTUNITY GAP TASK FORCE.

House: Reptd Fav
House: Re-ref Com On Rules, Calendar, and Operations of the House
House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Placed On Cal For 05/05/2021

H 761: POLICE VEHICLE AND EQUIPMENT PROTECTION ACT.

House: Passed 1st Reading
House: Ref to the Com on Judiciary 4, if favorable, Rules, Calendar, and Operations of the House

H 762: BOOKING PHOTOGRAPH PRIVACY ACT.

House: Passed 1st Reading
House: Ref to the Com on Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

H 763: PRESERVE STATE PENSION PLAN MODERNIZATION.

House: Passed 1st Reading
House: Ref to the Com on Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House

H 764: ACH/INFECTION PREVENTION REQUIREMENTS.

House: Passed 1st Reading
House: Ref to the Com on Health, if favorable, Rules, Calendar, and Operations of the House

H 765: AMERICAN INDIAN HERITAGE COMMISSION.

House: Passed 1st Reading
House: Ref to the Com on Federal Relations and American Indian Affairs, if favorable, Rules, Calendar, and Operations of the House

H 766: NO SOLICITING CERTAIN FUNDS/ELECTIONS BOARDS.

House: Passed 1st Reading
House: Ref to the Com on Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House

H 767: MODIFY OPP. SCHOLARSHIP/CHILDREN OF VETERANS.

House: Passed 1st Reading
House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 768: LRC ABC LAW STUDY.

House: Passed 1st Reading
House: Ref to the Com on Alcoholic Beverage Control, if favorable, Rules, Calendar, and Operations of the House

H 769: FOSTER PARENTS' BILL OF RIGHTS.

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 770: REALIGN ENFORCEMENT/HIE NETWORK PARTICIPATION.

House: Passed 1st Reading
House: Ref To Com On Rules, Calendar, and Operations of the House

H 771: FUNDS FOR CWD/EXTRAORDINARY COSTS/REPORT.

House: Passed 1st Reading

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

H 772: LONG-TERM CARE FOR NC VETERANS.

House: Passed 1st Reading

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

H 773: FUNERAL PRACTICE ACT CHANGES.

House: Passed 1st Reading

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

H 774: NONPARTISAN BOARDS OF EDUCATION STATEWIDE.

House: Passed 1st Reading

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

H 775: FUND LAW ENFORCEMENT/DETENTION/CORRECTIONS.

House: Passed 1st Reading

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

H 776: REMOTE ONLINE NOTARIZATION ACT.

House: Passed 1st Reading

House: Ref to the Com on Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

H 809: NC HEALTHY FAMILY ACT.

House: Filed

H 810: REENACT FILM CREDIT.

House: Filed

H 811: PROT. PUBLIC DANGRS. ANIMLS/END ANIML CRUELTY.

House: Filed

H 812: CLARIFY REMOTE MEETINGS DURING EMERGENCIES.

House: Filed

H 813: PROHIBIT STATE AGENCIES PAYMENT OF RANSOMWARE.

House: Filed

H 814: NEIGHBORHOOD OCCUPANTLESS VEHICLE.

House: Filed

H 815: COUNTY BROADBAND AUTHORITY.

House: Filed

H 816: BROADBAND EMPOWERMENT ACT.

House: Filed

H 817: ALLOW PHARMACISTS TO DISPENSE CONTRACEPTIVES.

House: Filed

H 818: REGULATE CANNABINOID PRODUCTS.

House: Filed

H 819: ALTERNATE OBSERVERS AT VOTING PLACES.

House: Filed

H 820: CONSTRUCTION CONTRACT CHANGES.

House: Filed

S 720: CONFIRM JIM WEAVER, STATE CIO.

Senate: Passed 1st Reading

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

LOCAL BILLS**H 253: BURGAW TDA MEMBERS/SURF CITY PARKING. (NEW)**

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 386: SUNNY POINT RAIL ROW FIREARM DISCHARGE BAN. (NEW)

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

H 390: SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 05/05/2021

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