



The Daily Bulletin: 2023-01-31

PUBLIC/HOUSE BILLS

H 26 (2023-2024) [EDUCATION OMNIBUS](#). Filed Jan 26 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE EDUCATION LAWS*.

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

Part I.

Amends GS 115C-296.6 by changing the name of the Board of Trustees of the North Carolina Center for the Advancement of Teaching (NCCAT) to the Board of Advisors of the North Carolina Center for the Advancement of Teaching. Provides that the Superintendent of Public Instruction (was, the Board of Trustees) is to appoint the chief administrative officer of NCCAT. Makes additional conforming and technical changes; makes language gender-neutral.

Amends GS 115C-296.5 by amending the statute's caption and making changes that conform to the name of the Board in GS 115C-296.6.

Part III.

Specifies that the amount of \$160,000 in recurring funds for the 2022-23 fiscal year (previously no amount was specified) appropriated to the Department of Public Instruction to enter into an agreement with the Belk Center for Community College Leadership and Research at NC State must be used instead to purchase and share attainment data from the National Student Clearinghouse. Specifies that this requirement is notwithstanding any provision of SL 2022-74 or the Committee Report.

Part IV.

Amends the items that the Superintendent must study to include performance scores (was, achievement scores). Amends the items to be included in the report from the Department of Public Instruction on suggested changes to the school evaluation model to now: include the differences between the potential indicators and the current school performance indicators (was, the impact of potential indicators on school performance metrics and compliance with federal law); add an analysis of whether the potential indicators will comply with federal law; and include recommended legislative changes to school performance indicators, scores, and grades (was, recommendations and suggested legislation for the NCGA to consider if there are changes to the methodology behind awarding scores and grades pursuant to GS 115C-83.15 or performance indicators pursuant to GS 115C-83.16).

Intro. by Torbett, Blackwell, Clampitt.

[STUDY, GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education, Government, Budget/Appropriations, State Agencies, UNC System, Department of Public Instruction, State Board of Education, Health and Human Services, Health, Public Health](#)

H 38 (2023-2024) [ENTRY FEES FOR HS INTERSCHOLASTIC EVENTS](#). Filed Jan 31 2023, *AN ACT TO REQUIRE ACCEPTANCE OF CASH AND SENIOR TAR HEEL CARDS FOR ADMISSION TO HIGH SCHOOL INTERSCHOLASTIC ATHLETIC ACTIVITIES*.

Amends GS 115C-407.55, governing the State Board of Education's rules for high school interscholastic activities, by adding new subsection (10) relating to entry fees. Requires cash to be accepted as a form of payment when an admission fee is required for any interscholastic athletic activity. Additionally, requires that individuals presenting a Tar Heel Card for senior

citizens issued by the Department of Health and Human Services obtain free admission to such events. Applies beginning with the 2023-24 school year.

Intro. by Pyrtle, Saine, Moss, Miller.

GS 115C

[View summary](#)

Elementary and Secondary Education

H 39 (2023-2024) **KAYLA'S ACT: PROTECTING DOM. VIOLENCE VICTIMS**. Filed Jan 31 2023, *AN ACT TO MODIFY LAWS PERTAINING TO DOMESTIC VIOLENCE, TO BE KNOWN AS KAYLA'S ACT: PROTECTING VICTIMS OF DOMESTIC VIOLENCE*.

Section 1

Amends GS 8C01, Rule 804(b) of the North Carolina Code of Evidence, to add a hearsay exception for when an out of court statement is offered against a party who either wrongfully caused the declarant's (i.e., the speaker's) unavailability as a witness or acquiesced in wrongfully causing the declarant's unavailability as a witness and did so intending that result.

Section 2

Amends GS 15-1 (listing the statutes of limitations for misdemeanors) by adding those misdemeanor domestic violence crimes that require a judge to determine conditions of pre-trial release under GS 15A-534.1 to the list of crimes falling under the 10-year statute of limitations. The section becomes effective to (1) acts committed either on or after the date the act becomes law or (2) acts committed before the act's effective date, so long as the statute of limitations for the act did not expire prior to the enactment of the act.

Section 3

Enacts new GS 15A-1225.4 to allow a domestic violence victim witness in a criminal proceeding who has been found competent to testify, to testify, under oath or affirmation, other than in an open forum if: (1) the defendant does not object, or (2) the court determines that remote testimony is appropriate, under this statute. Allows, in a criminal proceeding, the testimony of a domestic violence victim witness to be permitted by remote testimony if: (1) the State provides notice to the attorney of record for the defendant, or the defendant if that person has no attorney, at least 15 business days before the proceeding at which the remote testimony would be used; and (2) the defendant's attorney of record, or the defendant if that person has no attorney, does not file a written objection with the court, with a copy to the State, at least five business days before the proceeding at which the remote testimony will be used that the defendant objects to the domestic violence victim witness testifying remotely. Provides that if a written objection is not filed, the objection is deemed waived and the domestic violence victim witness must be allowed to testify remotely. Requires the court to make written findings of any waiver, including specified findings. Allows the court to authorize remote testimony over an objection, if the court determines that: (1) the domestic violence victim witness would suffer serious emotional distress, not by the open forum in general, but by testifying in the defendant's presence; and (2) that the domestic violence victim's ability to communicate with the trier of fact would be impaired. Sets out the procedure for an evidentiary hearing to determine whether to allow remote testimony, upon motion by a party or the court. Sets out the requirements for an order allowing or disallowing the use of remote testimony. Sets out requirements for the method used for remote testimony. Also requires the court to ensure that the defense counsel, except a pro se defendant, is physically present where the domestic violence victim witness testifies, has a full and fair opportunity for cross-examination of the domestic violence victim witness, and has the ability to communicate privately with the defendant during the remote testimony; requires that the court ensure that a defendant who is an attorney pro se has a full and fair opportunity for cross-examination of the domestic violence victim witness. Specifies that the statute: (1) does not prohibit using or applying any other method or procedure authorized or required by statute, common law, or rule for the introduction into evidence of the statements or testimony of a domestic violence victim in a criminal or noncriminal proceeding; (2) must not be construed to require a court, in noncriminal proceedings, to apply the standard set forth in subsection (g) for remote testimony or to deviate from standards authorized by statute, common law, or rule for allowing the use of remote testimony in noncriminal proceedings. Makes conforming changes to GS 7A-49.6.

Section 4

Enacts new GS 50B-10 requiring all district court trials and proceedings held under GS Chapter 50B (Domestic Violence) to be recorded in a way that memorializes the audio and visual participation of each part to the trial or proceeding. Applies to trial or proceedings occurring on or after December 1, 2023.

Intro. by Lowery, B. Jones, Miller, Carson Smith.

[GS 7A](#), [GS 8C](#), [GS 15](#), [GS 15A](#), [GS 50B](#)

[View summary](#)

[Courts/Judiciary, Evidence, Court System, Criminal Justice](#)

PUBLIC/SENATE BILLS

S 42 (2023-2024) [C-PACE PROGRAM](#). Filed Jan 31 2023, *AN ACT TO ADVANCE BUILDING RESILIENCY AND UTILITY EFFICIENCY IN NORTH CAROLINA BY AUTHORIZING A STATEWIDE PROGRAM TO UTILIZE ASSESSMENTS TO REPAY NONPUBLIC FINANCING OF COMMERCIAL BUILDING IMPROVEMENTS THAT WILL PROMOTE ECONOMIC DEVELOPMENT, REDUCE UTILITY BILL COSTS, AND HARDEN COMMERCIAL BUILDINGS AGAINST STORM AND FLOOD DAMAGE.*

Enacts Article 10B, titled the "Commercial Property Assessed Capital Expenditure and Resilience Act (C-PACE)," in GS Chapter 160A. Sets forth legislative findings and 11 defined terms. Authorizes the establishment of a statewide commercial property assessed clean energy program that local governments can voluntarily join to allow free and willing owners of certain properties to obtain low-cost, long-term financing from capital providers for qualifying improvements, secured by a recorded assessment and lien pursuant to the Article. Authorizes the State Energy Office (Office) to serve as administrator with oversight responsibility; requires the Office to develop a process to select a third party administrator to handling C-PACE applications and promote the program. Defines qualified projects to mean a project approved by the administrator which involves the installation or modification of a qualified improvement, including new and existing commercial properties, multifamily properties of five or more units per dwelling, nonprofit properties, industrial properties, and agricultural properties. Defines qualified improvement to mean a permanent improvement that is affixed to a qualified project and includes one of the following characteristics approved by the administrator, as described: energy efficiency measure; increased resilience; renewable energy resource; and/or water conservation measure.

Details program administration by the administrator, including (1) preparing a Program Toolkit prior to accepting applications; (2) preparing a set of C-PACE documents as specified; (3) imposing administration fees as specified, with an authorized application fee up to \$150 and a processing fee for approved applicants capped at \$15,000; (4) prescribing the form and manner for financing applications and establishing the process for reviewing and evaluating financing applications that include six specifications regarding certification of proposed improvements, execution and recordation of the C-PACE assessment and lien, responsibilities of the capital provider including enforcement of the special assessment and lien, and situations of foreclosure and priority of liens; (5) requiring specified certifications from commercial property owners seeking C-PACE financing; and (6) recording the C-PACE documentation as specified.

Requires local governments seeking to participate in the program to adopt a resolution with specified content included, such as (1) an authorization for the C-PACE program to operate within its jurisdictional boundaries and to offer C-PACE financing to willing and qualified property owners, (2) its intent to participate in the program and take associated actions, (3) designation of the department or employee that will execute the C-PACE documentation set, and (4) notice of the public hearing on the proposed program. Requires the local government to adopt a resolution stating participation in the program following a public hearing.

Details procedures governing special assessment under the C-PACE program, including State and local government immunity. Places sole enforcement responsibility upon the capital provider. Further provides for foreclosure procedure, parameters, and lien priority, with the C-PACE lien being superior to all non-governmental liens on the property from the date on which the notice of the C-PACE lien was recorded, subject to mortgage holder consent. Details the effect of a C-PACE lien, deeming the lien to run with the land and reign superior to all non-governmental liens from the date of recordation, with other liens providing for accelerated payment deemed unenforceable as provided. Bars contesting matters regarding whether the improvement or project is a qualified improvement or qualified project, or financing procedural or substantive irregularities, following assessment recordation.

Provides a non-exhaustive list of permissible financing for assessments, including material and labor costs, permit fees, inspections fees, and capitalized interest. Restricts the term of financing to the useful life of an improvement or the weighted average useful life if multiple improvements are approved. Provides for financing negotiations and enforcement responsibilities.

Provides for prior consent of each holder of a mortgage or deed on the property securing indebtedness, required to be submitted to the administrator, which also acknowledges that the assessment is not an event of default under the terms of the mortgage or deed.

Prohibits the use of public funds pursuant to the Article. Prohibits local governments from conditioning local government permitting, licensing or other authorities upon the person entering into contract to repay the financing of a qualified project under the Article, or otherwise compel a property owner within the jurisdiction to do the same.

Specifies that financing arrangements can include direct purchases or contractual agreements.

Includes a severability clause.

Effective July 1, 2023.

Intro. by Johnson, Lazzara, Lee.

[GS 160A](#)

[View summary](#)

[Agriculture, Banking and Finance, Business and Commerce, Development, Land Use and Housing, Building and Construction, Property and Housing, Government, Local Government, Nonprofits](#)

S 44 (2023-2024) [MOBILE BEAUTY SALONS](#). Filed Jan 31 2023, *AN ACT TO PROVIDE LICENSURE OF MOBILE BEAUTY SALONS AND ENSURE THEIR SAFE AND HYGIENIC OPERATION.*

Makes the following changes to GS 88B, Cosmetic Art.

Expands authority of the Board of Cosmetic Art Examiners (Board) to include inspecting mobile salons. Adds the defined term mobile salon. Sets the licensing application and annual fee for mobile salons at \$25, with a \$10 late fee; the reinstatement fee is also \$25. Enacts GS 88B-15.1 authorizing motor homes to be used as a mobile salon for practicing cosmetic art. Provides for licensure, the Board's rulemaking, and other requirements regarding mobile salons, including requiring owners to provide the Board with a written monthly itinerary listing locations, dates, and hours of operation. Requires the Board to adopt related rules as expeditiously as possible. Makes conforming changes to the Chapter to make the Chapter's licensing requirements and regulations applicable to mobile salons.

Effective October 1, 2023.

Intro. by Krawiec, Mayfield.

[GS 88B](#)

[View summary](#)

[Business and Commerce, Occupational Licensing](#)

S 45 (2023-2024) [CADC SUPERVISION REQUIREMENTS](#). Filed Jan 31 2023, *AN ACT TO MODIFY THE SUPERVISION REQUIREMENTS FOR CERTIFIED ALCOHOL AND DRUG COUNSELORS AND CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONALS.*

Makes the following changes regarding the supervision requirements for certified alcohol and drug counselors and certified criminal justice addictions professionals set forth in GS 90-113.37A. Maintains ongoing supervision requirements certified alcohol and drug counselors, requiring specified documentation of supervision at a ratio of one hour of supervision to every 40 hours of practice after certification by the Board, though no longer requires the supervision contract to be submitted on a form

provided by the Board to the Board. Decreases the supervision ratio required for certified alcohol and drug counselors after practicing for a certain number of years, now requiring the counselors to document ongoing supervision at a ratio of one hour of supervision to every 80 hours of practice after two years of practice, and one hour of supervision to every 160 hours of practice after four years of practice. Deletes reference to alcoholism counselors. Eliminates ongoing supervision requirements of certified criminal justice addictions professionals (currently, requires one hour of supervision to every 40 hours of practice). Makes conforming changes to GS 90-113.31A. Effective October 1, 2023.

Intro. by Krawiec, Burgin, Corbin.

GS 90

[View summary](#)

Business and Commerce, Occupational Licensing, Courts/Judiciary, Criminal Justice, Health and Human Services, Health, Public Health, Mental Health

S 46 (2023-2024) **MEDICAL BILLING TRANSPARENCY**. Filed Jan 31 2023, *AN ACT TO PREVENT NORTH CAROLINIANS FROM BECOMING VICTIMS OF SURPRISE BILLING BY OUT-OF-NETWORK HEALTHCARE PROVIDERS THAT HAVE RENDERED HEALTHCARE SERVICES AT HEALTH SERVICE FACILITIES THAT ARE IN-NETWORK WITH AN INDIVIDUAL'S HEALTH BENEFIT PLAN.*

Includes whereas clauses.

Enacts new GS 58-3-295 to require all contracts or agreements for participation as an in-network health services facility between an insurer offering health benefit plans in this state and a health services facility at which there are out-of-network providers who may be providing covered services to an insured person receiving care at the facility, to require that an in-network health services facility give at least 72 hours' advanced written notice to an insured with a scheduled appointment of any out-of-network provider who will be part of providing care. Sets out alternate requirements for timing of notice in situations in which there is not 72 hours between the appointment and when it is scheduled or when there is an emergency. Requires the notice to include: (1) all of the healthcare providers that will be rendering services who are not in-network and (2) the estimated cost to the insured of the services being rendered by those out-of-network providers. Defines a health care provider as any individual licensed, registered, or certified under GS Chapter 90, or under another state's laws, to provide health care services in the ordinary care of business or practice, as a profession, or in an approved education or training program in: (1) anesthesia or anesthesiology, (2) emergency services, (3) pathology, (4) radiology, or (5) rendering assistance to a physician performing any of these services.

Applies to contracts entered into, amended, or renewed on or after October 1, 2023.

Intro. by Krawiec, Burgin, Corbin.

GS 58

[View summary](#)

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

S 47 (2023-2024) **PA TEAM-BASED PRACTICE**. Filed Jan 31 2023, *AN ACT TO ADJUST THE SUPERVISION ARRANGEMENT OF PHYSICIAN ASSISTANTS AND TO MAKE VARIOUS CHANGES TO THE LICENSURE OF PHYSICIAN ASSISTANTS.*

Amends GS 90-1.1 (setting forth definitions related to the practice of medicine) to add a new definition for *team-based setting or team-based practice*, to include any of the following:

(1) a medical practice where: (i) the majority of the practice is owned collectively by one or more licensed physicians; (ii) an owner who is a physician licensed to practice medicine in North Carolina has consistent and meaningful participation in the design and implementation of health services to patients, as defined by rules adopted by the North Carolina Medical Board (Medical Board); and (iii) the physicians and team-based physician assistants (team-based PAs) who provide services at the medical practice work in the same clinical practice area.

(2) Hospitals, clinics, nursing homes, and other health care facilities with active credentialing and quality programs where physicians have consistent and meaningful participation in the design and implementation of health services to patients, as defined by rules adopted by the Board.

Excludes a medical practice that specializes in pain management from the definition of *team-based practice or team-based setting*.

Enacts new GS 90-9.3A, which provides as follows. Sets out the following a physician assistant (PA) must meet to practice as a team-based PA if the PA practices in a team-based setting or team-based practice: (1) more than 4,000 hours of clinical practice experience as a licensed PA and more than 1,000 hours of clinical practice experience within the specific medical specialty of practice with a physician in that specialty and (2) submission of proof satisfactory to the Medical Board of practice in a team-based setting and the requisite clinical hours. Authorizes the Medical Board to adopt rules setting other requirements for practice or additional information required. Requires team-based PAs to collaborate and consult with or refer to the appropriate members of the health care team as required by the patient's condition and as indicated by the education, experience, and competencies of the physician assistant and the standard of care. The degree of collaboration must be determined by the practice, which may include decisions by the employer, group, hospital service, and the credentialing and privileging systems of a licensed facility. Authorizes the Medical Board to adopt rules to establish requirements for the determination and enforcement of collaboration, consultation, and referral. States that team-based PAs are responsible for the care they provide. Requires a team-based PA practicing in a perioperative setting to be supervised by a physician.

Amends PA general licensure requirements (GS 90-9.3) and limited volunteer licensure requirements (GS 90-12.4) to exempt team-based PAs from having to submit supervising physician information.

Makes technical change to GS 90-12.4B.

Amends GS 90-18.1 (limitations on PAs) as follows:

- Requires all PAs to clearly designate their credentials as a PA in all clinical settings.
- Exempts team-based PAs from the supervising physician requirement to write prescriptions for drugs.
- Changes the designated PA supervisor from licensed pharmacist to licensed physician for a PA to be able to compound and dispense drugs. Requires PA to follow all applicable state and federal laws and rules governing compounding and dispensing (was, the rules and regulations of the North Carolina Board of Pharmacy).
- Only requires a supervising physician to provide a PA written instructions about medications, tests, or treatments in order for the PA to be able to order those medications, tests, or treatments if the PA is subject to a supervisory arrangement. Exempts team-based PA's who may prescribe, order, administer, and procure drugs and medical devices without physician authorization from provision holding supervising physician responsible for authorizing a PA prescription or order. Allows for those practicing in a team-based setting to plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions, including durable medical equipment, nutrition, blood, blood products, and diagnostic support services, including home health care, hospice, and physical and occupational therapy.
- Allows for PAs to authenticate any document (was, just death certificates) so long as it may have been authenticated by a physician. Deletes language deeming completion of a death certificate by a PA as authorized by a supervising physician and holding the physician responsible for that authorization.
- Bars PAs from performing final interpretations of diagnostic imaging studies (computed tomography (CT), magnetic resonance imaging (MRI), nuclear medicine, positron emission tomography (PET), mammography, and ultrasound services). Requires physician to provide final interpretation of diagnostic imaging studies. Allows for PA to conduct a final interpretation of plain film radiographs only when supervised by a physician.
- Makes conforming changes to refer to new "team-based practice."

Amends definition of *qualified technician* in the Woman's Right to Know Act (GS 90-21.81) to include PA's with certification in obstetrical ultrasonography.

Amends definition of *attending providers* in GS 58-3-169 (requiring insurance coverage for minimum hospital stays after birth) to include PAs.

Amends GS 110-91 (governing licensure requirements for child care facilities) to allow PAs to be able to complete a child health assessment before a child is admitted or within 30 days of admission to a child care facility.

Requires the Medical Board to adopt permanent rules necessary to implement the act.

The statutory changes set forth above become effective either when the Medical Board adopts permanent rules to implement all provisions of the act or June 30, 2024, whichever is earlier.

Intro. by Krawiec, Burgin, Corbin.

[GS 58, GS 90, GS 110](#)

[View summary](#)

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

S 48 (2023-2024) [REPEAL CERTIFICATE OF NEED LAWS](#). Filed Jan 31 2023, *AN ACT REPEALING NORTH CAROLINA'S CERTIFICATE OF NEED LAWS*.

Repeals GS Chapter 131E, Article 9 (Certificate of Need). Makes conforming changes to GS 6-19.1, GS 7A-29(a), GS 113A-12, GS 122C-23.1, GS 131D-2.4, GS 131E-13, GS 131E-84, GS 131E-136, GS 148-19.1, and conforming repeals of GS 130A-45.02(i), GS 143B-1292, GS 150B-2(8a)k., and 150B-21.1(a)(6). Makes further conforming changes to GS 58-50-61 (defining health service facility as it was defined in the repealed Article), GS 58-55-35 (defining hospice and intermediate care facility for those with intellectual disabilities as they were defined in the repealed Article, and updating language and making technical changes), and GS 90-414.4 (defining hospital as it was defined in now repealed GS 131E-176). Effective January 1, 2024.

Intro. by Krawiec, Burgin, Corbin.

[GS 6, GS 7A, GS 58, GS 90, GS 113A, GS 122C, GS 130A, GS 131D, GS 131E, GS 143B, GS 148, GS 150B](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Law, Health and Human Services, Health, Health Care Facilities and Providers, Mental Health](#)

S 49 (2023-2024) [PARENTS' BILL OF RIGHTS](#). Filed Jan 31 2023, *AN ACT TO ENUMERATE THE RIGHTS OF PARENTS TO DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE, AND MENTAL HEALTH OF THEIR MINOR CHILDREN*.

Part I.

Enacts Article 29F to GS Chapter 115C, codifying ten statutory rights of a parent:

- to direct the education and care of their child;
- to direct the upbringing and moral or religious training of their child;
- to enroll their child in a public or nonpublic school and in any school choice options available for which the child is eligible to comply with attendance laws;
- to access and review all education records relating to their child as authorized by federal law;
- to make health care decision for their child unless otherwise provided by law;
- to access and review all medical records of their child as authorized by federal law, unless prohibited by law or unless the parent is subject to certain GS Chapter 14 or 7B investigations;
- to prohibit the creation, sharing, or storage of a biometric scan of their child without the parent's prior written consent, unless authorized by court order or law;
- to prohibit the creation, sharing, or storage of their child's blood or DNA without the parent's prior written consent, unless authorized by court order or law;
- to prohibit the creation by the State of a video or voice recording of their child without the parent's prior written consent, except a recording made in a court proceeding, a GS Chapter 14 or 7B investigation, or made for a safety demonstration, academic or extracurricular activity, classroom instruction, ID cards, or security or surveillance of buildings or grounds; and
- to be promptly notified if an employee of the State suspects that a criminal offense has been committed against their child, unless the incident has first been reported to law enforcement or the county child welfare agency, and notification of the parent

would impede the investigation.

Defines *child*, *parent*, and *State*. Specifies that the Article does not authorize a parent to engage in unlawful conduct or abuse or neglect the child, and does not prohibit State officials, employees, or courts from acting within their official capacity within the reasonable and prudent scope of their respective authorities. Deems State employees who encourage, coerce, or attempt to encourage or coerce a child to withhold information from their parent subject to disciplinary action.

Part II.

Enacts Article 7B in GS Chapter 115C. Defines *child*, *parent*, *principal*, *school personnel*, and *superintendent*. Includes legislative findings. Requires public school units to (1) inform parents of their legal rights and responsibilities with regards to their child's education, (2) provide a parent's guide for student achievement annually to parents, and (3) develop policies to effectively involve parents in schools and their child's education.

Enumerates 12 legal rights parents have with regards to their child's education, pursuant to specified state laws:

- the right to consent or withhold consent for participation in reproductive health and safety education programs;
- the right to seek a medical or religious exemption from immunization requirements;
- the right to review statewide standardized assessment results as part of the State report card;
- the right to request an evaluation of their child for an academically or intellectually gifted program, or for identification as a child with a disability;
- the right to inspect and purchase public school unit textbooks and other supplementary instructional materials;
- the right to access information relating to the unit's policies for promotion or retention;
- the right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance;
- the right to access information relating to the State public education system, State standards, report card requirements, attendance requirements, and textbook requirements;
- the right to participate in parent-teacher organizations;
- the right to opt out of certain data collection for their child;
- the right for students to participate in protected student information surveys only with parental consent; and
- the right to review all available records of materials their child has borrowed from a school library.

Requires public school units to allow parents to exercise their legal rights and make the enumerated rights available to parents either electronically or by display on the school's website.

Requires the State Board of Education (State Board) to develop and annually update minimum requirements for public school units for a parent's guide to student achievement. Details nine required components, including opportunities for parental participation, educational choices available to parents, contact information for school and unit offices, and resources for information on the importance of student health and other available resources for parents. Requires public school units to provide parents, students, and school personnel a parent guide to student achievement at the beginning of each year that meets the State Board's minimum requirements, is understandable to students and parents, is provided in writing to the parent, and is discussed at the beginning of each school year in meetings of students, parents, and teachers.

Directs the governing bodies of public school units to develop and adopt policies to promote parental involvement and empowerment in the unit. Requires consultation with stakeholders. Sets requirements for the policies, including providing links to parents for community services. Additionally requires governing bodies to establish policies to meet six purposes, including providing for parental participation to improve parent and teacher cooperation, and establishing a process for parents to review materials for and to consent or withhold consent for participation in reproductive health and safety education programs.

Establishes the procedure for a parent to exercise their right to information by submitting a written request to their child's principal. Gives the principal a 10-business day period to comply or provide a 20-business day extension notice due to the volume or complexity of the request. Allows for parents to submit a written request to the superintendent if the principal denies their request or fails to respond with the timeline required, with a statement regarding the time frame of the denial or failure. Allows for the parent to appeal a denial or lack of response to the governing board of the public school unit if the superintendent denies or does not respond to the request within 10 business days, within 20 days of the request to the superintendent. Requires the governing body to schedule the appeal on the agenda for its next meeting occurring at least three

business days after submission. Requires governing bodies to establish policies governing requests for information and appeals consistent with the act and display policies as specified. Deems decisions of a governing body final.

Requires governing bodies of a public school unit to adopt procedures to notify a parent of the following, at times specified: each health care service offered at their child's school and the means to provide consent to any service; procedures to exercise parental remedies; any K-3 student well-being questionnaire or health screening form and the means to provide consent to their use for their child; changes in services or monitoring related to their child's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for their child; and change to the name or pronoun used for the student in school records or by school personnel. Requires school personnel to encourage a child to discuss issues related to the child's well being with their parent and facilitate such discussions. Provides limitations to disclosure of a child's education and health records. Sets limitations on procedures and form that prohibit school employees from notifying a parent about their child's health or well-being or a change related to services or monitoring, or that encourage or have the effect of encouraging a child to withhold such information from their parent.

Requires student support services training developed or provided by a public school unit to school personnel to adhere to student services guidelines, standards, and frameworks established by the Department of Public Instruction (DPI).

Prohibits instruction on gender identity, sexual activity, or sexuality from inclusion in K-4th grade curriculum, as specified.

Directs governing bodies of public school units to adopt procedures for a parent to notify the principal at their child's school regarding concerns about the unit's procedure or practice under the act and a process for resolving those concerns within seven days of notice. Requires the unit to provide a statement for not resolving the concern within that timeframe, and allows a parent to notify the State Board or bring an action against the school unit for injunctive relief if the concern is not resolved within 30 days. Directs the State Board to establish rules for parental concern hearings with five minimum requirements that must be met.

Prohibits student participation in a *protected information survey*, defined as a survey, analysis, or evaluation that reveals information concerning any of eight categories of personal information such as political affiliations or beliefs and sex behavior or attitudes, without prior written or electronic consent of the parent or the adult student. Requires public school units to make the process for providing consent as well as the full text of the survey available to parents and adult students at least 10 days prior to administration of the survey. Specifies that these statutory requirements supplement federal rights provided to parents.

Establishes annual reporting requirements for public school units to report to the State Board regarding their most current policies and procedures adopted pursuant to Article 7B and specified data involving those policies from the prior school year. Requires the State Board to annually report summaries of the data points reported by public school units, identification of trends of noncompliance, and an appendix of each unit's report, to the specified NCGA committees.

Directs DPI to review and update school counseling frameworks and standards, educator practices and professional conduct principles, and other student services and school personnel guidelines, standards, or frameworks by June 30, 2024.

Applies beginning with the 2023-24 school year.

Part III.

Enacts Part 3, Article 1A, GS Chapter 90, to prohibit health care practitioners, as defined, from providing, soliciting, or arranging treatment for a minor child without written consent from the minor's parent, and to prohibit health care facilities, as defined, from allowing treatment to be performed on a minor child without written consent from the minor's parent, subject to state law and court order. Defines *treatment* as any medical procedure or treatment, including X rays, the administration of drugs, blood transfusions, use of anesthetics, and laboratory or other diagnostic procedures employed by or ordered by a health care practitioner, that is used, employed, or ordered to be used or employed commensurate with the exercise of reasonable care and equal to the standards of medical practice normally employed in the community where the health care practitioner administers treatment to the minor child. Defines the *parent* as the minor child's parent or legal guardian. Excludes services provided by a clinical lab unless delivered through direct encounter with the minor child at the clinical laboratory facility. Subjects health care practitioners or other persons who violate the Part to disciplinary action by their respective authorizing board, including a fine of up to \$5,000. Applies to violations committed on or after December 1, 2023.

Part IV.

Effective July 1, 2023, unless otherwise provided.

Intro. by Galey, Lee, Barnes.

GS 90, GS 115C

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Education, Elementary and Secondary Education, Government, State Agencies, State Board of Education, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Public Health

S 50 (2023-2024) **REQUIRE COOPERATION WITH ICE 2.0**. Filed Jan 31 2023, *AN ACT TO REQUIRE COMPLIANCE WITH IMMIGRATION DETAINERS AND ADMINISTRATIVE WARRANTS AND TO REQUIRE CERTAIN REPORTS FROM LOCAL LAW ENFORCEMENT.*

Substantively identical to [H 10](#), filed 1/25/23.

Amends GS 162-62 to require the administrator or equivalent of any county jail, local or district confinement facility, satellite jail, or work release unit (facility) to attempt to determine if any prisoner who is confined for any period in their facility and charged with a specified felony offense or crime is a legal resident (previously, limited to prisoners charged with a felony or an impaired driving offense). Offenses and crimes which trigger the duty include: (1) any felony under GS 90-95 (violations of the Controlled Substances Act); (2) Articles 6 (concerning homicide), 7B(rape and other sex offenses), 10 (kidnapping and abduction), 10A (human trafficking), or 13A (criminal gangs) of GS Chapter 14; (3) Class A1 misdemeanor or felony under Article 8 (assaults) of GS Chapter 14; and (4) violation of GS 50B-4.1 (violation of valid protective order). Requires the administrator to make a query to Immigration and Customs Enforcement (ICE) if the administrator is unable to determine that the prisoner is a legal resident or citizen (currently, qualifies the requirement with "where possible").

Establishes three requirements that must be met when any person charged with a criminal offense is confined for any period in a facility and the administrator or equivalent has been notified that ICE has issued a detainer and administrative warrant that reasonable appears to be the person in custody. Requires the prisoner to be taken before a state judicial official prior to the prisoner's release, who must be provided with the detainer and administrative warrant, or copies thereof. Requires release of the prisoner, unless continued custody is required by other legal process, upon the earlier of (1) 48 hours from receipt of the detainer and administrative warrant, (2) ICE takes custody of the prisoner, or (3) ICE rescinds the detainer. Provides full criminal and civil immunity for State and local law enforcement officers and agencies acting pursuant to the statute.

Requires facility administrators or equivalents to report annually, beginning October 1, 2024, to the specified NCGA committee on seven specified items concerning compliance with the statute from the preceding July 1 to June 30, including: (1) the number of times the facility made a query of ICE, (2) the number of times ICE sent a detainer request for a prisoner, (3) the number of times a prisoner was held then released following the rescinding of a detainer order by ICE, and (4) the number of times a prisoner was held who would have otherwise been eligible for release from custody.

Effective December 1, 2023, and applies to offenses committed on or after that date.

Intro. by Britt, Sanderson, B. Newton.

GS 162

[View summary](#)

Courts/Judiciary, Criminal Justice, Criminal Law and Procedure

LOCAL/SENATE BILLS

S43 (2023-2024) **50TH SENATORIAL DISTRICT LOCAL ACT-1**. Filed Jan 31 2023, *AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.*

Blank bill.

Intro. by Corbin.

Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain,
Transylvania

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 26: EDUCATION OMNIBUS.

House: Reptd Fav Com Substitute

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

H 28: NC MANAGING ENVIRONMENTAL WASTE ACT OF 2023.

House: Passed 1st Reading

House: Ref to the Com on Environment, if favorable, Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House

H 29: SUPPORT PRIVATE PROPERTY RIGHTS.

House: Passed 1st Reading

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

H 32: SERVICE CUSTOMER EQUAL VALUE TIME ACT.

House: Passed 1st Reading

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

H 33: UI/EMPLOYER & CLAIMANT SERVICE REQUIREMENTS.

House: Passed 1st Reading

House: Ref to the Com on Unemployment Insurance, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

H 34: PROTECT THOSE WHO SERVE AND PROTECT ACT.

House: Passed 1st Reading

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

H 35: EXPAND DEFINITION OF OPIOID ANTAGONIST.

House: Passed 1st Reading

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

H 36: FIREARMS TRAINING/PROBATION & PAROLE OFFICERS.

House: Passed 1st Reading

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

H 38: ENTRY FEES FOR HS INTERSCHOLASTIC EVENTS.

House: Filed

H 39: KAYLA'S ACT: PROTECTING DOM. VIOLENCE VICTIMS.

House: Filed

S 40: PISTOL PURCHASE PERMIT REPEAL.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 41: PROTECT RELIGIOUS MEETING PLACES.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 42: C-PACE PROGRAM.

Senate: Filed

S 44: MOBILE BEAUTY SALONS.

Senate: Filed

S 45: CADC SUPERVISION REQUIREMENTS.

Senate: Filed

S 46: MEDICAL BILLING TRANSPARENCY.

Senate: Filed

S 47: PA TEAM-BASED PRACTICE.

Senate: Filed

S 48: REPEAL CERTIFICATE OF NEED LAWS.

Senate: Filed

S 49: PARENTS' BILL OF RIGHTS.

Senate: Filed

S 50: REQUIRE COOPERATION WITH ICE 2.0.

Senate: Filed

LOCAL BILLS

H 27: ELECT THOMASVILLE CITY BD. OF ED.

House: Passed 1st Reading

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

H 30: REDUCE LENGTH OF GRANVILLE BD. OF ED. TERMS.

House: Passed 1st Reading

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

H 31: ROWAN-SALISBURY BOARD OF EDUC. FILING PERIOD.

House: Passed 1st Reading

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

S 37: 4TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 38: 7TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 39: 6TH SENATORIAL DISTRICT LOCAL ACT-1.

Senate: Passed 1st Reading

Senate: RefTo Com On Rules and Operations of the Senate

S 43: 50TH SENATORIAL DISTRICT LOCAL ACT-1.*Senate: Filed***© 2023 School of Government The University of North Carolina at Chapel Hill**

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