

The Daily Bulletin: 2023-04-27

PUBLIC/HOUSE BILLS

H 20 (2023-2024) [CASH COMMITMENT ACT](#). Filed Jan 25 2023, *AN ACT TO PROHIBIT RETAIL BUSINESSES AND HEALTH CARE PROVIDERS FROM REFUSING CASH PAYMENTS*.

House committee substitute to the 1st edition makes the following changes. Makes conforming changes to act's long title. Increases the scope of new Article 51, GS Chapter 66 (Cash Commitment Act) to also require health care providers that accept in person payments to accept cash under the circumstances provided in the act. Makes conforming changes throughout. Amends GS 66-502(a) (prohibition on refusing cash) to change the first requirement for retail businesses and health care providers in accepting cash payments to only require that they accept cash during the hours in which the physical location is attended by an owner, operator, or other employee. Makes technical changes. Adds the following additional exemptions from GS 66-502(a): (1) goods are sold from a vending machine; (2) goods sold that are delivered to a customer outside of a physical location including, but not limited to, curbside pickup or delivery to the customer's location; (3) a customer chooses to purchase goods utilizing a device, including but not limited to a smartphone, prior to payment; (4) the payment is processed for a good or service outside the physical location of the business; (5) an employer provides goods or services to their employees, independent contractors, or vendors in an employer-owned facility; (6) a self-checkout device is utilized and the ability for the customer to utilize cash to purchase goods or services somewhere else in the business is available; (7) fuel is offered for sale when an employee of the business is not on duty at the place of business or when it is part of a membership club; (8) goods may be purchased and the location does not have an employee onsite whose primary job duties include accepting payment in any form; (9) payment is processed for vehicle wash services; (10) a hotel, motel, tourist home, or similar establishment that provides lodging for pay and requires its guests to pay an initial deposit; and (11) payment is required by credit card, charge card, or debit card as a security deposit for unforeseen damages or expenses associated with a short-term vehicle lease or rental. Also exempts the following locations from GS 66-502(a): venues that host any professional or interscholastic activity, rental car companies, and insurance producers. Exempts Consumer Finance Companies licensed and doing business under GS Chapter 53 or doing business pursuant to GS Chapter 25A from GS 66-502.

Amends GS 66-503 (right not to accept large bills) by now specifying that the Article does not require persons to accept \$50 or larger bills (was, \$100 bills or larger). Deletes sunset provision and requirement that the Secretary of Commerce (Secretary) must have adopted a rule, then effective, to specify the denomination of bills persons are not required to accept under the Article. Deletes provisions requiring acceptance of \$1, \$5, \$10, and \$50 bills.

Allows the Secretary to adopt implementing rules and authorizes the Secretary to prescribe additional exceptions to the Article's requirements. Authorizes the Secretary to assess a civil penalty of up to \$500 per violation, not to exceed \$500 in any calendar month or \$2,000 in any calendar year (was, \$2,500 for first violations and up to \$5,000 for subsequent violations). Provides that a person can avoid the civil penalty if they come into compliance with the Article within 30 days and remain in compliance. Allows the Superior Court, on complaint by the Secretary, to issue an injunction for violation of the Article. Deletes provisions establishing a private right of action for a person to seek relief against a person who violates the Article.

Intro. by B. Jones, McNeely, Winslow, Lowery.

GS 66

[View summary](#)

Business and Commerce, Courts/Judiciary, Civil, Civil Law, Government, State Agencies, Department of Commerce

H 197 (2023-2024) [BROADBAND CHANGES/DIT.-AB](#) Filed Feb 23 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS REGARDING BROADBAND DEPLOYMENT AND THE DEPARTMENT OF INFORMATION TECHNOLOGY*.

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

Discards the changes to GS 143B-1373 (Growing Rural Economies with Access to Technology) from section 1 of the previous edition.

Removes a reference to grant funds received by the Department of Information Technology in the changes to Section 38.4(b) of SL 2021-180, as amended. The language now references only “any Digital Equity planning funds.”

Amends the act's long title.

Intro. by Johnson.

[View summary](#)

H 199 (2023-2024) [DMV PROPOSED LEGISLATIVE CHANGES.-AB](#) Filed Feb 23 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE, LIEN HEARING NOTIFICATION, AND SERVICE OF PROCESS LAWS OF THE STATE, AS RECOMMENDED BY THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION.*

House committee substitute amends the 1st edition as follows.

Makes technical changes to the study required of the Division of Motor Vehicles (DMV) relating to mobile drivers licenses and mobile special identification cards.

Eliminates the proposed changes to GS 20-7, which (1) authorized the DMV to disclose a drivers license applicant's Social Security number to the State Board of Elections to verify voter registration data and (2) increased the duration of a drivers license for a person between the ages of 18-66 from eight years to sixteen years.

Makes the proposed changes to GS 20-43.1, regarding the disclosure of personal information in motor vehicle records, effective July 1, 2023, rather than the date the act becomes law.

Deletes the proposed changes to GS 20-63 (relating to DMV commission contracts) GS 20-66 (relating to renewal of vehicle registrations) GS 20-85 (relating to various motor vehicle fees), and the proposed repeal of GS 20-85.1 (relating to registration renewals by mail and one-day title services/fees).

Makes the proposed changes to GS 20-42, regarding fees permitted for DMV officers and employees' acknowledgement of signatures, effective July 1, 2023, rather than the date the act becomes law.

Amends the proposed changes to GS 20-63.02, specifying that DMV staff appointed by the Commissioner of Motor Vehicles (Commissioner) to the License Plate Agent Advisory Commission are ex officio members (was, all members appointed by the Commissioner, reflecting the new provisions which require the Commissioner to also appoint two contractors).

Amends new GS 20-84(b1) to authorize the DMV (was, Commissioner) to require proof of eligibility for a permanent plate and revoke any permanent plates issued that do not meet the eligibility requirements.

Amends the proposed changes to GS 20-79.2, specifying that plates issued to dealers and repair facilities, or businesses contracting to take a vehicle to or from an auction, cannot be used on a vehicle that is towing or transporting the vehicle authorized to be operated with the transporter plate.

Regarding the directed study of alternative material for the manufacture of registration plates by the Department of Transportation (DOT), requires consultation with the Department of Adult Correction rather than the Department of Public Safety.

Replaces the proposed changes to GS 20-347(d) regarding disclosure requirements on transfers of motor vehicle titles. Now exempts vehicles that are a model year 2010 or older (current law exempts vehicles 10 years or older, while the previous edition exempted vehicles 20 years old or older). Adds a new exemption for vehicles that are a model year 2011 or newer which are transferred at least 20 years after January 1 of the calendar year corresponding to its designated model year.

Deletes the proposed changes to GS 20-49.1 (relating to the supplemental police authority of DMV officers); GS 20-79 (relating to dealer license plates); GS 20-87 (relating to passenger vehicle registration fees); GS 20-288 (relating to motor vehicle dealer licensing); and GS 20-289 (relating to motor vehicle dealer licensing fees).

Revises the proposed changes to GS 20-79.1 to no longer make it a Class I felony to violate GS 20-211(6) with regard to a temporary registration plate or marker.

Replaces the substantive provisions of new GS 20-79.1B with the following. Requires the DMV, by January 1, 2024, to implement a statewide print-on-demand temporary registration plate system for on-demand printing of temporary registration plates with vehicle owner information electronically associated and transferred to the DMV, in lieu of those issued under GS 20-79.1 and GS 20-50(b). Requires contracting with a qualified vendor who meets described experience criteria, after consultation with the specified stakeholders, to develop and implement the system. Establishes minimum standards, specifying contracting requirements and limitations as well as the costs, and lists required elements of the system, including the ability of dealers to directly connect to the system for issuance. Provides for a secure procedure to obtain plate materials from a registered distributor or the DMV, with the DMV required to register two distributors in the State as specified. Requires all motor vehicle dealers and other entities that issue at least five temporary registration plates annually to exclusively use the print-on-demand temporary registration plate system for issuance of all such plates to vehicle owners and lessees, beginning October 1, 2024. Authorizes the DMV to adopt implementing rules.

Makes a technical change to the proposed changes to GS 143-341 relating to the Department of Administration's powers and duties.

Amends proposed GS 20-131(d1) to require modified headlamps to comply with the identified Federal Motor Vehicle Safety Standard.

Makes a technical change to the proposed changes to GS 1-105 relating to service upon nonresident drivers.

Amends GS 44A-4 to allow the DMV to issue notice of asserted lien and proposed sale of a motor vehicle to the person having legal title to the property by certified mail, and that person to notify the DMV of their desire for a hearing to contest the sale, by certified mail with electronic tracking as an alternative to the existing required notices by certified mail, return receipt requested. Adds that in lieu of the notice and payment of the fee by the lienor to the DMV and the notices issued by the DMV, the lienor is permitted to issue notice pursuant to the same notice requirements by certified mail, return receipt requested, or certified mail with electronic tracking to the person having legal title to the property, which is deemed to have the same effect as if the DMV sent the notice (previously, allowed for the lienor to issue the notice in lieu of the other notices, but did not specify sending requirements and did not explicitly deem such notice to have the same effect as that of the DMV). Similarly, allows the DMV to issue notice of asserted lien and proposed sale property other than a motor vehicle to the person having legal title to the property and the person with whom the lienor dealt if different by certified mail, and that person to notify the DMV of their desire for a hearing to contest the sale, by certified mail with electronic tracking as an alternative to the existing required notices by certified mail, return receipt requested.

Enacts GS 66-201.1, requiring rental car companies to make a good-faith effort to ensure that any vehicle license and registration fees collected do not exceed the actual costs incurred by the rental car company to license, title, inspect, and register rental vehicles. Requires any amounts collected in excess of the actual amounts of its costs incurred to be retained and applied to the costs incurred in the next calendar year for licensing, titling, inspecting, and registering rental vehicles, with the good faith estimate of any vehicle license and registration fees to be charged for the next calendar year to be reduced by the excess amount collected from the prior year. Repeals identical existing language in the definition of *vehicle license and registration fees* set forth in GS 66-201(8). Defines *rental vehicles* to include all vehicles of the cargo type; excludes vehicles used to transport commercial freight or which require the operator to possess a commercial license. Effective October 1, 2023.

Amends GS 20-4.01 to define *notarization* and *signature*, applicable to the motor vehicle laws of GS Chapter 20, to include remote electronic notarization electronic signature technology, as described. Amends GS 20-72 to permit execution of motor vehicle title assignments or transfers in a manner that conforms with Article 40, GS Chapter 66, governing electronic signature technology. Enacts GS 20-292.2 to allow the Chapter's signature requirements to be satisfied using electronic signature technology that conforms to Article 40, GS Chapter 66, and the Chapter's notarization requirements to be satisfied using a remote electronic notarization that conforms to Article 2, GS Chapter 10B, or those recognized by GS 10B-20(f) or GS 10B-40(e). Requires the DMV to accept electronic submission of documents by dealers which meet these requirements. Effective July 1, 2023.

Amends GS 20-79.1, extending the time period within which dealers must deliver registration plate applications and fees to the DMV after issuance of a temporary registration plate or marker from 30 days to 60 days. Deems temporary plates expired 60 days (was, 30 days) from the date of issuance. Makes conforming changes throughout to refer to a 60-day period rather than a 30-day period. Effective July 1, 2023.

Changes headings throughout.

Intro. by B. Jones, Shepard, McNeely, Tyson.

[GS 1, GS 20, GS 44A, GS 66, GS 143](#)

[View summary](#)

Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, APA/Rule Making, State Agencies, Department of Adult Correction, Department of Transportation

H 316 (2023-2024) [RESPIRATORY CARE MODERNIZATION ACT](#). Filed Mar 8 2023, *AN ACT TO UPDATE THE GENERAL STATUTES OF NORTH CAROLINA GOVERNING THE PRACTICE OF RESPIRATORY CARE TO BETTER REFLECT THE CHANGES IN EDUCATION, EXPERIENCE, AND PRACTICE OF THE PROFESSION IN ORDER TO ENHANCE THE HEALTH AND WELFARE OF NORTH CAROLINA CITIZENS.*

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

Amends GS 90-648 by adding and defining *invasive diagnostic and therapeutic procedure*, as it is used in Article 38, Respiratory Care Practice Act, as any test or treatment that uses instruments to cut, puncture, or otherwise enter the body. Amends the definition of practice of *advanced practice respiratory therapy* by specifying that it excludes (1) medical diagnosis; (2) prescribing; (3) interpretation of medical diagnostic imaging studies; (4) final interpretation of sleep studies or pulmonary function tests; (5) surgery; (6) delivery of anesthesia; and (7) ordering or performing diagnostic and therapeutic procedures that are more than minimally invasive and have known complications that involve serious injury and death, unless a physician is physically present to supervise the advanced practice respiratory care therapist or the procedure is provided pursuant to the practice of respiratory care. Removes from acts, tasks, or functions the advanced respiratory care practitioner may perform in any health care setting for which the physician is responsible those related to the prescribing, ordering, and administering of drugs, medical care, and medical devices related to the cardiovascular and cardiopulmonary systems within the limitations set forth by the supervising physician and rules adopted by the Board. Deletes the proposed term *prescriptive and dispensing authorization*. Adds and defines the term *serious injury* as an injury that creates a substantial risk of impairment of any bodily function that requires immediate medical attention or hospitalization.

Removes proposed GS 90-652.1, disasters and emergencies, and changes to GS 90-652, concerning the NC Respiratory Care Board's (Board) powers and duties.

Removes proposed GS 90-18.8, limitations on advanced respiratory care practitioners, and replaces it with new GS 90-668, which provides as follows. Allows individuals licensed as advanced respiratory care practitioners to use the title "advanced respiratory care practitioner." Makes it a violation of the Article for an individual to hold themselves out as advanced respiratory care practitioners without being licensed. Allows licensed advanced respiratory care practitioners to practice advanced respiratory care under the supervision of a licensed physician and within the scope of rules adopted by the Board.

Removes the proposed changes to GS 90-8.2, appointment of subcommittees. Makes conforming deletions.

Makes all of Section 1, not just a portion of Section 1, effective October 1, 2024.

Requires the Board to adopt rules to implement and administer the provisions of this act no later than October 1, 2024.

Intro. by Moss, Sasser, Potts.

[GS 90](#)

[View summary](#)

Business and Commerce, Occupational Licensing, Government, Public Records and Open Meetings

H 346 (2023-2024) [REORGANIZATION & ECONOMIC DEVELOPMENT ACT](#). Filed Mar 9 2023, *AN ACT TO ESTABLISH A PROCEDURE FOR A HOSPITAL SERVICE CORPORATION TO REORGANIZE BY CREATING A NONPROFIT HOLDING CORPORATION*.

House committee substitute to the 3rd edition makes the following change. Amends new GS 58-65-183(b)(3) (operation of nonprofit holding corporation and subsidiaries) by limiting the dividends or distributions may make or direct to make to only the nonprofit holding corporation (was, nonprofit holding corporation and its member).

Intro. by Bradford, Setzer, Reives, Bell.

GS 58

[View summary](#)

Business and Commerce, Corporation and Partnerships, Insurance, Health and Human Services, Health, Health Care Facilities and Providers, Nonprofits

H 511 (2023-2024) [ENHANCE URBAN STORMWATER MANAGEMENT](#). Filed Mar 28 2023, *AN ACT TO ENHANCE THE STORMWATER MANAGEMENT TOOLKIT AVAILABLE TO LOCAL GOVERNMENTS BY CLARIFYING CERTAIN LIMITATIONS ON STATE AND LOCAL PROGRAMS*.

House committee substitute to the 1st edition makes the following changes. Amends GS 143-214.7(b3) (pertaining to stormwater runoff rules) to specify that stormwater runoff rules and programs may require owners of private property that does not include small scale residential development to install new or increased stormwater controls when a preexisting development is redeveloped if the redevelopment will result in (1) land disturbance, as that term is defined under GS 113A-52(6), of more than 50% of the tract on which the redevelopment is to occur or (2) an increase of more than 50% of the impervious surface on the tract to be redeveloped.

Intro. by Loftis, Blackwell, T. Brown.

GS 143

[View summary](#)

Development, Land Use and Housing, Building and Construction, Environment, Environment/Natural Resources, Government, Local Government

H 564 (2023-2024) [SECOND AMENDMENT FINANCIAL PRIVACY ACT](#). Filed Apr 4 2023, *AN ACT TO ENACT THE SECOND AMENDMENT FINANCIAL PRIVACY ACT*.

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

Amends new GS 66-501 to new Article 51 of GS Chapter 66 (legislative findings for the Second Amendment Financial Privacy Act) to add additional finding, that in order to protect consumers in this State and promote lawful commerce in this State, the Second Amendment Financial Privacy Act prohibits payment card networks from using a firearms code or maintaining a firearms registry. Changes term *firearms retailer* to *firearms merchants* and makes conforming changes throughout new Article 51 to use new term. Deletes defined term *financial institution*. Amends prong two of defined term *firearms code* to have it mean a code or other indicator that identifies whether a payment (was, payment card transaction) involves the purchase of a firearm or firearm ammunition. Adds new defined term *payment card network* as an entity involved in facilitating or processing an electronic transfer of funds between a merchant and a customer using a payment card. This term does not include a bank holding federally insured deposits from individuals or a credit union holding federally insured deposits from individuals. Replaces references to *financial institution* throughout Article 51 with *payment card network*. Makes technical changes.

Intro. by Pyrtle, Moore, Miller, Goodwin.

GS 66

[View summary](#)

[Banking and Finance, Business and Commerce](#)

H 572 (2023-2024) [STATE INFRASTRUCTURE BANK STUDY](#). Filed Apr 5 2023, *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.*

House committee substitute amends the 1st edition as follows.

Requires the member of the Commission to Study the Feasibility of Establishing a State Infrastructure Bank (Commission) who is a representative from the Office of State Budget and Management be designated by the State Budget Director. Regarding the required issues to study, no longer specifies that the listed issues are not exhaustive. No longer specifies as non-exhaustive the lists of elements to study with regards to the Commission's examination for structuring the State Infrastructure Bank's organization or options for integrating the State Infrastructure Bank model into the existing State financial resource network. Terminates the Commission upon the earlier of December 31, 2024, or upon filing its final report.

Intro. by Harris, Howard.

[STUDY](#)

[View summary](#)

[Banking and Finance](#)

H 608 (2023-2024) [SAFETY REQUIREMENTS FOR ELEVATORS](#). Filed Apr 13 2023, *AN ACT TO CHANGE ELEVATOR SAFETY REQUIREMENTS FOR CERTAIN RESIDENTIAL RENTAL ACCOMMODATIONS AND TO AMEND THE NORTH CAROLINA STATE BUILDING CODE ACCORDINGLY.*

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

Section 1

Amends GS 143-143.7 (pertaining to elevator safety requirements for certain residential rental accommodations) as follows. Requires elevators in a private residence, cottage, or similar accommodation to meet the following requirements for the gap between the hoistway face of the landing door, the door space guard, or the door baffle and the hoistway face of the car door as well as the door of the car or gate itself to meet the following requirements:

- Horizontal sliding car doors and gates must be designed and installed such that the total of the gap between the hoistway face of the landing door, the door space guard, or the door baffle and the hoistway face of the car door or gate, after the car door or gate has been subject to a force of 75 pounds applied horizontally on an area four inches by four inches at right angles to and at any location on the car door or gate (was, just car door) when fully closed, must be no more than four and three-quarters inches.

Makes technical changes.

Section 2

Clarifies that *Code* means the current NC State Building Code (was, just current NC Building Code).

Intro. by Goodwin.

[GS 143](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction](#)

H 627 (2023-2024) [ON-SITE WASTEWATER RULES IMPLEMENTATION](#). Filed Apr 17 2023, *AN ACT TO DIRECT THE COMMISSION FOR PUBLIC HEALTH TO IMPLEMENT ITS ON-SITE WASTEWATER RULES DIFFERENTLY AND READOPT ITS RULES CONSISTENT WITH THAT IMPLEMENTATION.*

House committee substitute amends the 1st edition as follows.

Section 1

Amends the directives relating to the implementation of 15 NCAC 18E.0102 (Applicability), now requiring all wastewater systems to comply with Rule .1300 (was .1303(a)(1)) of Subchapter E, 15A NCAC 18.

Section 2

Regarding the directives relating to the implementation of 15 NCAC 18E .0105 (Definitions), adds that (1) accessory dwelling units are not considered a separate dwelling unit when sizing a septic tank for a primary and accessory dwelling unit, and (2) when in common ownership as the primary dwelling unit, the addition of an accessory dwelling unit does not require a multiparty agreement.

Section 4

Amends the directives relating to the implementation of 15A NCAC 18E .0203 (Improvement Permit), now requiring improvement permits to include the usable depth to a limiting condition for a long-term acceptance rate for initial and repair systems and maximum trench depth that considers percent slope (for initial and repair systems and percent slope).

Section 5

Amends the directives relating to the implementation of 15 NCAC 18E .0206 (Existing System Approvals for Recommendations and Property Additions), deeming the owner (rather than the "applicant") responsible for providing property lines and modifications, locating the existing wastewater system and providing that information to the specified entity or professional, as applicable, ensuring the accuracy of the information provided in the application, and ensuring that all setback requirements under rule .600, Subchapter E, 15A NCAC 18 are met for the addition.

Section 6

Amends the directives relating to the implementation of 15A NCAC 18E .0207 (Alternative Wastewater System Permitting Options). For systems issued an engineer option permit, allows the engineer to use pretreatment technologies (previously, technologies generally) not approved in the State provided the attached report to the authorization specifies the technology and the manufacturer's approval for the site conditions. Makes the owner (was, the applicant) responsible for preventing modifications or alterations of the site, obtaining professional approvals prior to described changes, and identifying wells, water supplies, and wastewater systems within and adjoining the property within setback requirements. Authorizes the owner (was, the applicant) to obtain an improvement permit, construction authorization, or notice of intent to construct, as applicable.

Section 7

Amends the directive relating to the implementation of 15A NCAC 18E .0301 (Owners), now requiring the entire initial wastewater system and repair area to be on property controlled by the wastewater system owner (previously, barred requiring the initial system and repair area to be on the property owned or controlled by the system owner). Adds that property is considered controlled by the wastewater system owner when the owner has an easement or encroachment agreement for the property where the system or repair area is located.

Section 8

Amends the directive relating to the implementation of 15 NCAC 18E .0303 (Licensed or Certified Professionals), adding a requirement for wastewater systems with adjusted design daily flow pursuant to Rule .0403 to be designed by a professional engineer if used in combination with another condition listed in Rule .0303.

Section 13

Amends the directives relating to the implementation of 15 NCAC 18E .0508 (Available Space Rule), specifying that a wastewater system certified in accordance with NSF International Standard 350 or that has data from a two-year field demonstration documenting that the wastewater system meets NSF International Standard 350 or better may eliminate the requirement for repair area when installed in Group I soils and that include classification as a Type VI(b) pursuant to 15 NCAC 18E .1301 (was, when installed in Group I soils).

Section 14

Adds a new directive requiring the Commission for Public Health to implement 15A NCAC 18E .0801 (Septic Tank Capacity Requirements) by not requiring septic tanks for multiple dwelling units to be sized pursuant to Table XV of Rule .0801. Requires the minimum septic tank capacity serving two or more dwelling units to be based on the total design daily flow of 120 gallons per day per bedroom or 60 gallons per day per occupant for all dwelling units. Directs the Commission to adopt a rule amending this Rule consistent with the described directive. Renumbers the remaining sections of the act.

Section 15

Amends the directives relating to 15A NCAC 18E .0805 (Tank Leak Testing and Installation Requirements), more specifically requiring that for a hydrostatic test, the tanks for corrugated tanks must be filled to the bottom of the uppermost corrugation that forms the top of the tank.

Section 16

Eliminates the directives regarding the implementation of 15A NCAC 18E .0905 (Prefabricated Permeable Block Panel Systems).

Section 18

Amends the directives regarding the implementation of 15A NCAC 18E .1101 (General Dosing System Requirements), to require the installer of the system to give the local health department the option to witness the dosing system test (previously, barred requiring the test to be witnessed by the local health department, but required the local department to witness tests for systems permitted by the department).

Section 20

Amends the directives relating to the implementation of 15 NCAC 18E .1306 (System Malfunction and Repair) to generally require wastewater systems to be repaired to eliminate public health hazards. Concerning the authority granted and procedures required for owners to request and make certain noncompliant repairs, no longer specifies that the request is limited to when it is not possible to repair a wastewater system into compliance with the Rules of Subchapter E, 15A NCAC 18.

Section 21

Adds a new directive requiring the Commission for Public Health to implement 15A NCAC 18E .1713 (Local Health Department Responsibilities) by allowing systems designated as Accepted in an equivalent manner to a conventional system without the owner having to request equivalent treatment from the department.

Intro. by Brody, Dahle, N. Jackson, Cairns.

UNCODIFIED

[View summary](#)

Development, Land Use and Housing, Building and Construction, Environment, Government, APA/Rule Making, State Agencies, Department of Environmental Quality (formerly DENR), Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities

H 628 (2023-2024) [AMEND ON-SITE WASTEWATER/ENVIRONMENT STATUTES](#). Filed Apr 17 2023, *AN ACT TO AMEND THE STATUTES GOVERNING ON-SITE WASTEWATER SYSTEMS, TO MAKE CERTAIN NC ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD CHANGES, TO DIRECT THE BUILDING CODE COUNCIL TO CREATE AN ON-SITE WASTEWATER EXISTING SYSTEM AFFIDAVIT, TO MAKE CERTAIN WASTEWATER ELECTRICAL CHANGES, AND TO PROHIBIT FORCED SEWER CONNECTIONS IN CERTAIN SITUATIONS.*

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

Amends GS 130A-335 concerning wastewater collection, treatment, and disposal to make technical change referring to “this subsection” instead of subsection (a5) when referring to the evaluation that the Authorized On-Site Wastewater Evaluator

(Evaluator) is required to submit. Expands on the type of site conditions that would warrant a delay of construction by the Evaluator or the other authorized parties to delay construction, as follows: soil wetness, grading or landscaping that damages the soil evaluation, soil compaction, or landscape position. States that the owner or certified on-site wastewater contractor is to notify the authorizing agent and is responsible for contacting the authorizing agent, as applicable, and the certified on-site wastewater contractor prior to the start of system construction of any known changes to the site that alter the site evaluation or conditions. Now specifies that a unit of local government (was, municipality) cannot prohibit or regulate by ordinance or enforce an existing ordinance regulating the use of off-site wastewater systems or other systems approved by the Department under rules adopted by the Commission when the proposed system meets the specific conditions of the approval.

Amends GS 130A-336.1, concerning alternative process for wastewater system approvals, as follows. Allows the owner or engineer who wishes to utilize the engineered option permit to apply for the permit for the project upon submitting a complete Notice of Intent to Construct using the Engineered Option Permit and required fee (was, just the notice) to the local health department (was, could apply upon receipt of the notice by the local health department).

Amends GS 130A-336.2, concerning alternative wastewater system approvals for nonengineered systems, as follows. Allows the owner to apply for a building permit for the project upon submitting a complete Notice of Intent to Construct and required fee (was, just the notice) to the local health department. Amends provisions pertaining to repair of malfunctioning systems by specifying that an owner may apply for an Improvement Permit and a Construction Authorization (was, or a Construction Authorization) from the local health department or obtain a Notice of Intent to Construct to repair a malfunctioning wastewater system initially established under GS 130A-336.2.

Amends GS 130A-337, allowing an applicant to contract with a certified Authorized On-Site Wastewater Evaluator to conduct any required verifications or inspections, as follows. Now requires the Evaluator to give the applicant written verification that all conditions of the Improvement Permit and Construction Authorization have been met, including an as-built drawing meeting the standards and scale of the local health department issuing the Construction Authorization as certified by the evaluator (was, including a sketch of the wastewater system as verified by the evaluator).

Amends GS 130A-343, adding that the Commission is prohibited from including more restrictive conditions and limitations established in the approval of a wastewater system as Accepted that are not included in the approval in system as Innovative, or otherwise approved by the rule (prior version did not reference otherwise approved by rule).

Deletes new Article 6 in GS Chapter 90A, which would have established the nine-member North Carolina On-Site Wastewater Code Council to: (1) develop and amend on-site wastewater system rule proposals for submission to the Commission for Public Health for consideration and adoption and (2) confer with any relevant stakeholders at the discretion of the Council in developing proposed rules.

Deletes amendments to GS 87-21, which would have exempted from Article 2 of GS Chapter 87, Plumbing and Heating Contractors, a person who is a certified on-site wastewater contractor when they are connecting waste plumbing from the facility stub-out to the inlet opening of a septic tank.

Deletes amendments to GS 113A-60 which would have amended the allowable fee for the review of an erosion and sedimentation control plan and related activities.

Deletes the requirement the Department of Environmental Quality (DEQ), by September 1, 2023, is to develop a plan for submittal to the US EPA that eliminates any program redundancies between the State's Sedimentation Pollution Control Act of 1973 (Act) and its implementation of requirements for stormwater discharges from construction activities under the 2022 Clean Water Act National Pollution Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities (Construction Permit), 87 Federal Register 3522, through NPDES General Permit NCG010000 (NCG01).

Deletes amendments to GS 160D-925 concerning a local government's regulation of a stormwater control program necessary to comply with an NPDES permit, which would have no longer allowed adopting a regulation that requires financial arrangements to ensure that adequate funds are available for the maintenance and replacement costs of the project.

Makes organizational changes and conforming changes to act's long title.

Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Environment, Environment/Natural Resources, Government, State Agencies, Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Local Government, Health and Human Services, Health, Public Health

[View summary](#)

H 690 (2023-2024) **NO CRYPTOCURRENCY PAYMENTS TO STATE**. Filed Apr 18 2023, *AN ACT TO PROHIBIT PAYMENTS IN CRYPTOCURRENCY TO THE STATE*.

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

Revises new GS 147-86.19 to also bar the State's "General Court of Justice," meaning any agency, institution, bureau, board, commission, or officer of the General Court of Justice as defined by the State Constitution, from accepting a payment using cryptocurrency.

Amends GS 147-86.11 to specify that GS 147-86.19 applies to the General Court of Justice, regardless of their exclusion from the State Controller's required cash management policy for all State agencies.

Intro. by Warren, Brody.

GS 147

[View summary](#)

Government, State Agencies, State Government

H 756 (2023-2024) **STANDARDS ADVISORY COMMISSION**. Filed Apr 18 2023, *AN ACT TO CREATE THE STANDARD COURSE OF STUDY ADVISORY COMMISSION TO RECOMMEND ACADEMIC STANDARDS TO THE STATE BOARD OF EDUCATION FOR APPROVAL*.

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

Alters the makeup of the Standard Course of Study Advisory Committee in the new GS 115C-81.6 as follows: Lowers the number of members appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in subsection (c) from eight to six, eliminating the member of the business community and member at-large. Makes an identical change, lowering from eight to six and removing the same two members, to the appointees based upon recommendation of the Speaker of the House.

Adds six members appointed by the Governor, which must consist of two members of the business community and four at-large members.

Alters the language in subsection (d) to clarify that all appointing authorities are encouraged to select citizens as outlined by that section, replacing a reference to the General Assembly due to the change allowing appointment by the Governor. Makes a similar change to the process for filling vacancies, requiring the appointing authority to apply the same criteria as provided in subsection (c).

Intro. by Torbett, Blackwell, Zenger.

[View summary](#)

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

Amends definition of *financial institution* in GS 53-441 to specify that the term does not include a consumer finance licensee regulated under Article 15 of GS Chapter 53, in addition to other entity listed in the exclusion. Makes technical changes.

Deletes provision specifying that effective July 1, 2023, beginning with the 2023-24 fiscal year, overrealized receipts available to the State Banking Commission each fiscal year are appropriated to be used by the Commission in an amount necessary to implement this act. Makes conforming change to effective date to account for deleted provision.

Intro. by Balkcom, Cairns, Crutchfield, Zenger.

GS 53

[View summary](#)

Banking and Finance

H 862 (2023-2024) [STRENGTHEN CHILD FATALITY PREVENTION SYSTEM](#). Filed Apr 25 2023, *AN ACT ESTABLISHING A STATE OFFICE OF CHILD FATALITY PREVENTION WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO SERVE AS THE LEAD AGENCY RESPONSIBLE FOR OVERSEEING COORDINATION OF STATE-LEVEL SUPPORT FUNCTIONS FOR THE ENTIRE NORTH CAROLINA CHILD FATALITY PREVENTION SYSTEM AND APPROPRIATING FUNDS FOR THAT PURPOSE; ESTABLISHING A TRANSITION PLAN FOR SHIFTING STATE SUPPORT OF THE CHILD FATALITY PREVENTION SYSTEM TO THE STATE OFFICE OF CHILD FATALITY PREVENTION; CREATING AND SUPPORTING A CENTRALIZED DATA AND REPORTING SYSTEM; RESTRUCTURING EXISTING CHILD DEATH REVIEW TEAMS; MAKING MODIFICATIONS AND ADDITIONS TO CHILD FATALITY PREVENTION SYSTEM STATUTES TO RESTRUCTURE CHILD DEATH REVIEW TEAMS, IMPLEMENT PARTICIPATION IN THE NATIONAL FATALITY REVIEW CASE REPORTING SYSTEM, AND CLARIFY THE FUNCTIONS OF THE NORTH CAROLINA CHILD FATALITY TASK FORCE; AND ESTABLISHING CITIZEN REVIEW PANELS*.

Part I.

Enacts new Part 4C to Article 3 of GS Chapter 143B, establishing the State Office of Child Fatality Prevention (State Office) within the Department of Health and Human Services (DHHS), Division of Public Health (DPH), to oversee coordination of State-level support functions for the NC Child Fatality Prevention System to maximize efficiency, effectiveness, and capacity. Grants DHHS discretion over staffing of the State Office, except requires the medical examiner child fatality staff to work under the Chief Medical Examiner. Enumerates 10 powers and duties of the State Office, including creating and implementing tools, guidelines, resources and training, and providing technical assistance, to Local Teams, defined to mean a multidisciplinary child death review team that is either a single or multicounty team responsible for performing and type of child fatality review pursuant to Article 14 of GS Chapter 7B.

Appropriates \$569,885 in recurring funds and \$18,115 in nonrecurring funds for 2023-24, and \$758,885 in recurring funds for 2024-25, from the General Fund to DPH. Provides for allocation of the funds in specified amounts for: the operational costs to establish the State Office and five full-time positions within the State Office; to support the Task Force and pay its members, staff, and consultants; and for distribution to all counties to support implementation of the act's restructure of child death reviews by Local Teams and to offset costs associated with Local Teams participation in the National Fatality Review Case Reporting System. Limits DHHS and counties from using funds for any other purpose. Effective July 1, 2023.

Part II.

States legislative intent to restructure the NC Child Fatality Prevention System (System) as provided. Charges DHHS with the following to implement the described legislative intent. Directs DHHS to report to the specified NCGA committee and division by July 1, 2024, on the status of creating, implementing, and staffing the State Office, with listed content included. Directs any management staff DHHS places within the State Office to work with DHHS to take necessary steps toward fully staffing the State Office and implement plans to enable the State Office to carry out its statutory duties and support a restructured System pursuant to the act. Requires DHHS to ensure that the State Office has sufficient staffing by January 1, 2025, to support the restructured System, with execution of any necessary contractual agreements or interagency data sharing for participation in the National Fatality Review Case Reporting System (National System) completed. Requires DHHS to ensure that by July 1,

2025, all Local Teams have been provided guidelines and training addressing their participation in the National System, and that Local Teams have begun using the System for reporting.

Part III.

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

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

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

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

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

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

for meetings at the call of the chair. Requires the chair to participate in training by the State Office prior to presiding over a Local Team meeting. Makes conforming changes and deletions.

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

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

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

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

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

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

Amends GS 7B-1413 regarding access to records to make the provisions applicable to Local Teams, the Task Force, and the State Office staff providing technical assistance with a review. Deems the access granted subject to and limited by all relevant state and federal laws. Allows for entities to apply for a court order to compel disclosure of requested information that the entity is entitled to access under the statute which has not been received within 30 days of request. Provides for application procedures. Provides for making certain information regarding the death of a child from suspected abuse or neglect public pursuant to state and federal law. Grants Citizen Review Panels access to information related to child deaths and child death reviews of active child protective services cases under the Article when relevant to the Panel's purposes in evaluating the provision of child protective services. Make conforming changes and deletions. Makes clarifying and technical changes.

Enacts GS 7B-1413.5, mandating use of the National System by Local Teams, the State Office, and medical examiner child fatality staff, with training, assistance and management by the State Office. Requires the State Office to provide guidance, policies and training for Local Teams on the specified parameters of the National System. Effective July 1, 2025.

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

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

Repeals GS 7B-1404, GS 7B-1405, and GS 7B-1406, providing for the NC Child Fatality Prevention Team; and GS 7B-1408, GS 7B-1409, and GS 7B-1411, providing for a Child Fatality Prevention Team Coordinator and Community Child Protection Teams.

Makes the above provisions effective January 1, 2025, unless otherwise provided.

Part IV.

Enacts GS 108A-15.20, directing DHHS, Division of Social Services (DSS) to ensure at least three citizen review panels (panels) exist which meet the federal Child Abuse Prevention and Treatment Act standards specified, operated and managed by a qualified, independent organization, with DSS assisting the organization in information, reporting, and support needs. Provides that panel membership is volunteer based. Charges panels with evaluating the extent to which the State is fulfilling its child protection responsibilities in accordance with the Child Abuse Prevention and Treatment Act State Plan by examining policies, procedures and practices of State and local agencies, and reviewing specific cases as appropriate. Includes a non-exhaustive list of other criteria panel may review, with panels choosing to review child fatalities permitted to use information and reports pursuant to new Article 14 of GS Chapter 7B. Requires the State Office and Local Teams to provide specified information upon request. Permits review of specific child protective services cases upon its own directive or upon request from the dss director. Provides for access to necessary government information, subject to specified confidentiality requirements. Directs panels to provide for public outreach and comment to assess the impact of current procedures and practices on children and families. Requires the panel to prepare and make available to the State and the public annual reports of summaries of the panels' activities and recommended improvements. Requires DSS to submit a written response to the report within six months. Effective January 1, 2025.

Intro. by K. Baker, White, Potts, Reeder.

[APPROP, GS 7B, GS 108A, GS 143B](#)

[View summary](#)

[Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Government, Budget/Appropriations, State Agencies, Department of Health and Human Services, Local Government, Health and Human Services, Social Services, Child Welfare](#)

H 870 (2023-2024) [ABC LAW OMNIBUS BILL](#). Filed Apr 25 2023, *AN ACT TO PROHIBIT PATRONS OF CERTAIN ESTABLISHMENTS FROM BRINGING MALT BEVERAGES AND UNFORTIFIED WINE ONTO THE PREMISES AND CONSUMING THE MALT BEVERAGES OR UNFORTIFIED WINE UNLESS THE ESTABLISHMENT HOLDS A PERMIT; TO ALLOW MIXED BEVERAGES PERMITTEES TO PURCHASE SPIRITUOUS LIQUOR FROM ANY ABC STORE DESIGNATED TO MAKE SALES TO MIXED BEVERAGES PERMITTEES; TO ALLOW RESTAURANTS AND BARS HOLDING MIXED BEVERAGES PERMITS TO SELL SPIRITUOUS LIQUOR WITH PERSONALIZED LABELING IN CLOSED CONTAINERS FOR CONSUMPTION OFF THE PREMISES; TO ELIMINATE THE PHYSICAL MIXED BEVERAGES TAX STAMP AND TO ENSURE COMPLIANCE WITH THE CHARGE ASSESSED ON SPIRITUOUS LIQUOR SOLD TO MIXED BEVERAGE PERMITTEES THROUGH RECORD KEEPING; TO ALLOW ON-PREMISES ABC PERMIT HOLDERS TO CONDUCT CERTAIN SALES AND ADVERTISING; TO DIRECT THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO IMPLEMENT A SYSTEM FOR APPLICANTS, PERMITTEES, AND LOCAL ABC BOARDS TO CONDUCT BUSINESS WITH THE COMMISSION ELECTRONICALLY; TO DIRECT THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO AMEND THE DEFINITION OF COOPERATIVE ADVERTISING ESTABLISHED BY RULE; AND TO DIRECT THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO IMPLEMENT A CENTRALIZED ELECTRONIC INVENTORY MANAGEMENT SYSTEM.*

Makes several changes to state Alcohol Beverage Control (ABC) laws and operations of the ABC Commission.

Part I

Creates a bring your own beverage permit by amending GS 18B-1001 (Kinds of ABC permits; places eligible). The new permit allows a patron of an establishment to bring malt beverages, unfortified wine, or both, onto the premises for consumption. Outlines locations that may apply for a permit, including restaurants, retail businesses, private clubs, convention centers, community theaters, sports and entertainment venues, private bars, and breweries and distilleries under certain

circumstances. Amends GS 18B-300 to make it unlawful to bring malt beverages and unfortified wine onto the premises of any of these locations unless the location holds a bring your own beverage permit and the location has given the patron permission to bring a beverage. Amends GS 18B-902(d) to make the cost of a bring your own beverage permit \$500.

Effective July 1, 2023.

Part II

Expands the number of ABC stores where mixed beverage permit holders may purchase liquor by amending GS 18B-600. Amends the sections regarding mixed beverage elections for cities, small cities, ski resorts, small towns, multicounty/city, and small resort towns, to allow mixed beverages permit holders to purchase liquor from any ABC store designated by any local ABC board to make sales to mixed beverages permit holders. Previously these sections required mixed beverages permit holders to buy liquor from specific stores. Makes a corresponding change to GS 18B-1007(a), allowing mixed beverages permit holders and guest room cabinet permittees to purchase liquor from any ABC store designated by any local ABC board.

Part III

Makes several amendments to GS Chapter 18B to allow restaurants and bars holding mixed beverages permits to sell liquor with personalized labels. Amends GS 18B-1001(10) (Mixed Beverages Permit) to allow restaurants and bars to sell liquor with personalized labeling in closed containers for consumption off the premises as long as the label complies with GS 18B-1007(f). Amends GS 18B-1007 to create new subsection (f) (Resale of Spirituous Liquor with Personalized Labeling), outlining requirements including a limit of three barrels (53 gallons per barrel) a year, price and tax collection requirements, and limits on hours of sales. Makes a conforming change to GS 18B-804(a) to include restaurants and bars in the requirements for uniform price of spirituous liquors across the state.

Effective and applies to sales made on or after July 1, 2023.

Part IV

Amends GS 18B-1007 to eliminate the requirement for a physical mixed beverage tax stamp on bottles of liquor. Amends subsection (b) (Handling Bottles) to remove any references to a mixed beverage tax stamp and to remove the prohibition on possessing a container of liquor without a mixed beverage tax stamp. Amends subsection (d) (Transfer of Mixed Beverages Inventory) to allow the sale of inventory from a permit holder going out of business to the new mixed beverages permit holder taking over the same location without having the local ABC board restamp the inventory with new tax stamps. Creates new subsection (e) (Record Keeping and Audit Requirements) establishing requirements for monthly records to be kept by mixed beverages permit holders, including amounts expended for the purchase of liquor and amounts received from the sale of mixed beverages. Requires these records to be maintained for three years and available for inspection. Also requires mixed beverage permit holders to prepare and submit reports summarizing the information required by the subsection to the ABC Commission annually or as required by the Commission. Allows the ABC Commission to require an attestation under penalty of perjury from the permit holder that they paid the applicable surcharge.

Removes the requirement that bottles used for display purposes must have a physical tax stamp from GS 18B-1006.1.

Forbids the ABC Commission from requiring a physical tax stamp on any container of liquor sold to a mixed beverages or common carrier vehicle permit holder. Directs the ABC Commission to adopt rules to comply with this requirement.

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

Part V

Creates new GS 18B-1012 (Certain sales and advertising authorized), which allows on-premises malt beverage, unfortified wine, fortified wine, or mixed beverages permit holders to provide certain sales and promotional specials for drink prices for any period of time. Sales include selling more than one drink for a single price, and giving away or selling drinks at prices that are different than the usual or established price for the drink. The section also allows advertisement of the price of drinks on outside signs.

Effective July 1, 2023.

Part VI

Directs the ABC Commission to implement a system that allows persons to conduct business with the Commission electronically no later than December 21, 2023. Establishes minimum requirements for the system, such as the submission of applications and forms for permits, the ability to check status of applications, the ability to pay fees and fines, the ability for local ABC boards to place orders from the state warehouse, and the ability to see inventory available for purchase at the state warehouse. Permits the ABC Commission to contract with a third-party entity to establish and maintain the system. Requires local ABC boards to provide the ABC Commission with the information required to establish the system, and to utilize the system when placing and accepting orders for liquor and conducting other business with the Commission.

Requires the ABC Commission to report by October 1, 2023, to the Joint Legislative Oversight Committee on Justice and Public Safety and the House Committee on Alcoholic Beverage Control on its progress in implementing the system.

Part VII

Requires the ABC Commission to implement the Cooperative Advertising Definition Rule, 14B NCAC 15B .1001 in accordance with outlined requirements. Defines cooperative advertising to include any joint effort between permittees in a vertical relationship to advertise alcoholic beverages, the retailer's business, or any promotion, but does not include (1) point-of-sale advertising furnished by an industry member, (2) advertisements of off premises special events as allowed by law or rule, (3) advertising of on-premises events that are visible or audible to the permittee's patrons only when they are on the premises, (4) and unpaid internet-based social media advertisements directed to users who have opted to receive content from the permittee, including on-premises brand promotions, tastings, the availability of a supplier's products at two or more retail permittees, the availability of a product in a specific geographic area, and events with advertising showing the logo or trade dress of permittees. Requires the ABC Commission to adopt a rule to amend the existing Cooperative Advertising Definition Rule consistent with this provision.

Effective when the act becomes law, and expires when a permanent rule is adopted as required.

Part VIII

Requires the ABC Commission to implement a centralized inventory management system no later than December 31, 2023, that will allow for (1) persons to electronically view the inventory of liquor available for purchase at the state warehouse and at local ABC boards, and (2) the ability for local ABC boards and mixed beverages permit holders to place orders electronically for liquor from the state warehouse or applicable local ABC board. Permits the ABC Commission to contract with a third-party entity to implement and maintain this system. Requires local ABC boards to provide the ABC Commission with the information required to establish the system, and to utilize the system when managing inventory and placing orders for liquor.

Requires the ABC Commission to report by October 1, 2023, to the Joint Legislative Oversight Committee on Justice and Public Safety and the House Committee on Alcoholic Beverage Control on its progress in implementing the system.

Part IX

Requires the ABC Commission to amend rules consistent with the act, and permits the Commission to use the procedure in GS 150B-21.1 (Procedure for adopting a temporary rule) to amend rules as required.

Intro. by Pickett, Saine, T. Brown, Willingham.

[GS 18B](#)

[View summary](#)

[Alcoholic Beverage Control](#)

H 892 (2023-2024) [SUICIDE PREVENTION](#). Filed Apr 25 2023, *AN ACT TO ALLOW AN INDIVIDUAL TO RESTRICT HIS OR HER ABILITY TO PURCHASE OR POSSESS A FIREARM BY VOLUNTARILY ADDING HIS OR HER NAME TO THE NORTH CAROLINA VOLUNTARY DO NOT SELL FIREARMS LIST.*

Enacts new Article 53D (North Carolina Voluntary Do Not Sell Firearms List) in GS Chapter 14. Directs the State Bureau of Investigation (SBI) to establish and maintain the do not sell firearms list as a voluntary program where individuals may enroll themselves on the list. Prohibits the purchase, possess, or transport of a firearm to any person on the list. Requires the SBI to make the list available to all federal firearms dealers. Makes requests to join or withdraw from the list confidential except for certain disclosures to law enforcement or the applicant themselves.

Establishes procedures for joining the do not sell firearms list and required information for the application. Also allows a person to make a written request to be removed from the list; a person will not be removed from the list until 21 days after the SBI receives the application for removal. Makes it a Class A1 misdemeanor for a person to inquire as to whether another person is on the list (except to determine a person's eligibility to purchase, possess, or transport a firearm), give any false information to enroll or remove someone from the list, or discriminate against a person due to their enrollment or lack of enrollment on the list.

Creates new GS 14-408.1A, making it a Class 2 misdemeanor for a person on the do not sell firearms list to purchase, possess or transport a firearm, and for a federal firearms dealer to sell a firearm to someone on the do not sell firearms list. Makes a corresponding change to GS 14-415.12(b).

Appropriates \$10,000 for 2024-25 to the SBI from the General Fund to assist with costs in setting up the do not sell firearms list.

Requires the SBI to adopt rules as necessary to implement the act. Allows the SBI to use procedures in GS 150B-21.1 (Procedure for adopting a temporary rule).

Effective and applicable to offenses committed on or after July 1, 2024.

Intro. by Harrison, Morey, Autry.

[APPROP, GS 14](#)

[View summary](#)

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

PUBLIC/SENATE BILLS

S 206 (2023-2024) [CONTROL SUBST./OPIOID/VACCINE OMNIBUS. \(NEW\)](#) Filed Mar 6 2023, *AN ACT AMENDING THE NORTH CAROLINA CONTROLLED SUBSTANCES ACT TO ESTABLISH NEW VIOLATIONS INVOLVING COUNTERFEIT CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCES; TO REQUIRE HEALTH CARE PRACTITIONERS AND PHARMACISTS TO EDUCATE PATIENTS WITH PRESCRIPTIONS FOR OPIOID PAIN MEDICATIONS AND MEDICATIONS TO TREAT OPIOID USE DISORDER ABOUT THE POTENTIAL DANGERS OF OPIOIDS, OVERDOSE PREVENTION, AND THE AVAILABILITY AND USE OF OPIOID ANTAGONISTS TO PREVENT OVERDOSE DEATHS; TO EXPAND THE STATE'S DEFINITION OF OPIOID ANTAGONIST TO INCLUDE ALL OPIOID ANTAGONISTS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE; AND TO ALLOW THE USE OF ALL SUCH FEDERAL FOOD AND DRUG-APPROVED OPIOID ANTAGONISTS IN NEEDLE AND HYPODERMIC SYRINGE EXCHANGE PROGRAMS; TO PROTECT NATIONAL OPIOID SETTLEMENT PROCEEDS FOR NORTH CAROLINA AND ITS UNITS OF LOCAL GOVERNMENT BY PROHIBITING THE ASSERTION OF ANY RELEASED CLAIMS AGAINST ANY RELEASED ENTITIES PURSUANT TO THE FINAL CONSENT JUDGMENTS RESOLVING THIS LITIGATION; AND TO CONTINUE TO AUTHORIZE PHARMACISTS, PHARMACY INTERNS, AND PHARMACY TECHNICIANS TO ADMINISTER VACCINATIONS AND IMMUNIZATIONS IN RESPONSE TO THE EXPIRING PUBLIC READINESS AND EMERGENCY PREPAREDNESS ACT.*

House committee substitute to the 4th edition adds the following content.

Part II.

Enacts new GS 90-12.8 requiring a practitioner to do the following when prescribing a specified Schedule II controlled substance (opium, opiate, or opioid and any salt, compound, derivative, or preparation of opium and opiate, opium poppy and poppy straw, and cocaine and related items): (1) provide information regarding all of the following to each patient receiving the prescription: the potential dangers of opioids, overdose prevention, and the availability and use of a drug approved by the federal Food and Drug Administration as an opioid antagonist for the complete or partial reversal of opioid-induced respiratory depression; (2) provide this information to one or more persons designated by the patient receiving the prescription or, for minors, to the minor's parent, guardian, or person standing in loco parentis. Defines *practitioner* as: (1) a physician, dentist,

optometrist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance so long as such activity is within the normal course of professional practice or research in this State or (2) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance so long as such activity is within the normal course of professional practice or research in this State.

Requires pharmacists to do the following when dispensing those same Schedule II controlled substances: (1) make available the information described above that is consistent with the federal Food and Drug Administration's labeling requirements for opioid pain medication and medication to treat opioid use disorder announced in the specified document and (2) post signage in a conspicuous place containing the same information.

Specifies that nothing in this statute limits a practitioner's liability for negligent diagnosis or treatment of a patient, as allowed under applicable State or federal law, or constitute negligence per se or creates a private right of action against any practitioner who fails to follow the requirements of this statute.

Excludes from the statute's requirements: (1) a practitioner providing hospice services to a hospice patient and (2) a veterinarian acting in the practice of veterinary medicine at an animal health center, emergency facility, mobile facility, veterinary clinic, or veterinary hospital.

Effective October 1, 2023.

Part III.

Amends GS 90-12.7(a) to change the definition of *opioid antagonist* from naloxone hydrochloride that is approved by the FDA for treatment of a drug overdose to an *opioid antagonist* that is approved by the FDA for treatment of a drug overdose. Makes conforming changes to GS 90-113.27 by requiring that needle and hypodermic syringe exchange programs offer access to opioid antagonist (was, naloxone) kits that contain an opioid antagonist approved by the FDA for the treatment of a drug overdose, or referrals to programs providing access to an opioid antagonist approved by the FDA for the treatment of a drug overdose. Makes additional conforming changes.

Part IV.

Enacts new Article 7, Legislative Release to Protect National Opioid Settlement Payments, in GS Chapter 122C. Sets out and defines terms as they are used in the act, including *initial opioid consent judgments* and *subsequent opioid settlement agreements*. Sets out 11 NCGA findings related to the opioid epidemic, related litigation, the State's share of the initial Release Entity, Initial Opioid Consent Judgments, and the Subsequent Opioid Settlement Agreements.

States that the intent of the Article is to prevent the assertion of Initial Released Claims and Subsequent Released Claims against Initial Released Entities and Subsequent Released Entities by the *State* (as defined) and its *Units of Local Government* (as defined), and to thereby help secure the full share to which the State, its Units of Local Government, and its people are otherwise entitled under the Initial Opioid Consent Judgments and the Subsequent Opioid Settlement Agreements.

New GS 122C-470.8 prohibits a Unit of Local Government and the State from asserting any Initial Released Claims against Initial Released Entities, or any Subsequent Released Claims against Subsequent Released Entities. Allows the State, as expressly contemplated in the Subsequent Opioid Settlement Agreements, to initiate civil actions asserting Subsequent Released Claims against Subsequent Released Entities for the purpose of obtaining consent judgments that effectuate the Subsequent Opioid Settlement Agreements, including the release of such claims. Specifies that this statute applies to all Initial Released Claims, whether originally asserted before or after the act's effective date. Specifies that this statute applies to all Subsequent Released Claims, whether originally asserted before or after the effective date of this act, except that it does not apply to Subsequent Released Claims against Subsequent Released Entities that were included in any lawsuits filed by a Unit of Local Government before November 1, 2022. If the Subsequent Opioid Settlement Agreements with respect to all of the Subsequent Settlement Opioid Defendants are not entered as consent judgments by the Superior Court of Wake County by December 31, 2023, then, beginning on January 1, 2024, this statute only applies to Subsequent Released Claims against Subsequent Released Entities covered by a consent judgment approved by a North Carolina court of competent jurisdiction.

Specifies that this Article preserves all remedies the State or any Unit of Local Government may have under the Initial Opioid Consent Judgments and Subsequent Opioid Settlement Agreements. Provides that this Article does not limit or otherwise affect such remedies.

Part V.

Amends GS 90-85.15B as follows. Allows an immunizing pharmacist to only administer vaccinations or immunizations to persons 18 or older pursuant to a specific prescription order (was, only if the vaccinations or immunizations are recommended or required by the Centers for Disease Control and Prevention). Adds that an immunizing pharmacist may administer to persons 18 or older vaccines or immunizations recommended by the Advisory Committee on Immunization Practices if the vaccinations or immunizations are administered under specified written protocols and in accordance with the supervising physician's responsibilities, and the physician is licensed in and has a practice physically located in North Carolina. Allows pharmacy interns and pharmacy technicians meeting specified requirements to administer the vaccinations or immunizations recommended by the Advisory Committee on Immunization Practices, under supervision by an immunizing pharmacist, to persons 18 or older. Deletes provisions that allowed an immunizing pharmacist to administer the specified vaccinations or immunizations to persons 18 or older. Provides that when a person chooses, or a parent or legal guardian provides written consent for a person under age 18, an immunizing pharmacist may administer (1) an influenza vaccine, (2) a COVID-19 vaccine recommended by the Advisory Committee on Immunization Practices, (3) a COVID-19 vaccine authorized under an emergency use authorization by the US Food and Drug Administration and recommended by the Advisory Committee on Immunization Practices, or (4) a combination of COVID-19 and influenza vaccine recommended by the Advisory Committee on Immunization Practices to persons at least 7 years of age (was, an immunizing pharmacist may administer (1) an influenza vaccine, (2) a COVID-19 vaccine approved by the US Food and Drug Administration, or (3) a COVID-19 vaccine authorized under an emergency use authorization by the US Food and Drug Administration to persons at least 10 years of age). Deletes provisions concerning administering those vaccinations to individuals age six and older. Makes conforming changes to the immunizations administered by supervised immunizing pharmacists, pharmacy interns, and pharmacy technicians. Adds that before administering a vaccine or immunization, a pharmacy technician or pharmacy intern must: (1) complete a practical training program that is approved by the Accreditation Council for Pharmacy Education (ACPE), including specified techniques, (2) the pharmacy technician or pharmacy intern must have a current certificate in basic cardiopulmonary resuscitation, and (3) the pharmacy technician must annually complete at least two hours of ACPE approved, immunization-related continuing pharmacy education. Requires before administering a vaccine or immunization to a person under age 18 that an immunizing pharmacist obtain written parental consent from the parent or legal guardian of the patient. Requires for persons under 18, that an immunizing pharmacist, a pharmacy technician, or pharmacy intern inform the patient or legal guardian accompanying the person of the importance of a well-child visit with a pediatrician, family physician, or other licensed primary-care provider.

Requires the North Carolina Medical Board and the North Carolina Board of Pharmacy Joint Subcommittee to adopt rules to govern the administration of vaccines by pharmacy technicians as authorized in this Act. Until these rules are adopted and entered into the North Carolina Administrative Code, allows pharmacy technicians to administer vaccines and immunizations under subsections (a1) and (b1) in accordance with the recommendations of the Advisory Committee on Immunization Practices and the requirements of the federal COVID-19 Public Readiness and Emergency Preparedness Act even upon the expiration of the Act.

Provides that for any new vaccination or immunization recommended by the Advisory Committee on Immunization Practices after this act becomes effective, the North Carolina Medical Board and the North Carolina Board of Pharmacy joint subcommittee must review and update specified written protocols. Until these rules are adopted and entered into the North Carolina Administrative Code, immunizing pharmacists, pharmacy technicians, and pharmacy interns may administer a new vaccination or immunization pursuant to subsections (a1) and (b1) and in accordance with the recommendations of the Advisory Committee on Immunization Practices.

Makes conforming changes to the act's titles.

Intro. by McInnis.

[GS 90, GS 122C](#)

[View summary](#)

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

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

Section 1

Amends GS 20-305, which lists certain conduct that is unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative whatsoever of any of them (collectively, a “person”), as follows. Reorganizes GS 20-305(53) into subparts: subpart (a), which pertains to certain unlawful acts if a motor vehicle dealer with franchised dealers in the State and it permits a retail customer to reserve or request to purchase or lease a vehicle directly from the manufacturer and new subparts (b)-(d), as follows.

Deletes provisions of GS 20-305(53)(b) that made it unlawful for a person to fail or refuse to give equal reference and prominence on any website owned, operated, or controlled by the manufacturer or distributor on which consumers are permitted to order, purchase, or lease vehicles, to all of the manufacturer's or distributor's franchised dealers that are located in this State.

Amends GS 20-305(53)(c), which specifies that it is unlawful for a person to fail or refuse to allow all of its franchised dealers located in the State to do any of six listed things, as specified. Deletes GS 20-305(53)(c)(6) which specified that it is unlawful for a person to fail or refuse to allow all of its franchised dealers to have the ability to use any digital platform or digital retailing tool selected by the dealer as long as it is capable of performing the essential functions required by the manufacturer or distributor.

Amends GS 20-305(53)(c)(1) to clarify that the unlawful practice is subject to availability have the ability to maintain on the ground and in the dealer's stock a reasonable supply of all makes and models of new vehicles the dealer is authorized to sell (only applies to the extent material shortages not caused by other factors and events beyond the control of the manufacturer or distributor, now including unavailability of parts and recalls) (previous version did not have subject to availability language and only listed Acts of God and labor strikes as events).

GS 20-305(53)(c)(2) now specifies that it is unlawful for a person to fail or refuse to allow all of its franchised dealers to have the right to store new and used batteries at a safe and secure location selected and paid for by the dealer (was, just selected by the dealer) that is separate from the dealership premises, fail or refuse to compensate dealers for the full cost of storing used batteries more than 30 days after the manufacturer or distributor has been notified by the dealer of their availability to be picked up (prior version also made it unlawful for any person to fail or refuse to compensate and indemnify dealers for all loss and damage caused by vehicle batteries supplied by or through the manufacturer or distributor).

GS 20-305(53)(c)(3) now specifies that it is unlawful for a person to fail or refuse to allow all of its franchised dealers to have the same opportunity to purchase used vehicle inventory distributed or made available by that manufacturer or distributor without imposing any additional conditions or requirements on their dealers; provided that a manufacturer or distributor may uniformly restrict dealers to purchase through such program only used vehicles for which the dealer holds a franchise (prior version did not have uniform restrictions).

GS 20-305(53)(c)(4) now specifies that it is unlawful for a person to fail or refuse to allow all of its franchised dealers to have the opportunity to order from or through the manufacturer or distributor, receive, and maintain in stock a reasonable supply of parts required for service and repair of the manufacturer's or distributor's vehicles based on the volume of service work performed by the dealer; provided that this sub-sub-subdivision is not violated to the extent that the failure of the manufacturer or distributor to provide parts is caused by the occurrence of product shortages resulting from natural disasters, unavailability of parts, labor strikes, or product recalls beyond the control of the manufacturer or distributor (prior version did not have language relating to acts beyond the control of the manufacturer or distributor).

GS 20-305(53)(c)(5) now specifies that it is unlawful for a person to fail or refuse to allow all of its franchised dealers to have, if the manufacturer or distributor has not contributed money or content towards the dealer's advertising, the right to independently determine the types of physical and digital advertising media the dealer chooses to advertise, including content and format, so long as it does not interfere with intellectual property rights of manufacturers and distributors (prior version did not contain exemption for when manufacturer or dealer contributes money towards dealer's advertising; provided that nothing in this sub-sub-subdivision allows a dealer to advertise the products offered by the manufacturer or distributor in a manner that

disparages or violates the reasonable brand image requirements of the manufacturer or distributor (prior version did not contain language pertaining to brand image).

Amends GS 20-305(53)(d), which makes it unlawful for a person to engage in any of the following things pertaining to the sale and negotiation of all motor vehicles in the State, as follows. Deletes provision making it unlawful for a person to maintain a website or other electronic or digital means of communication for negotiating prices or other binding terms of sale of new vehicles directly between the manufacturer or distributor and end users located in this State, including, but not limited to, agreements between the manufacturer or distributor and the end user on prices or other substantive terms of sale or leasing of new vehicles. Now makes it unlawful for a person to retain ownership of new motor vehicles until they are sold to end users located in this State except for fleet sales to a fleet customer that has a designation as such by the manufacturer or distributor (exception not in prior version). Now makes it unlawful for a person to consign new motor vehicles to its franchised dealers in this State for dealer inventory or for sale or lease to retail customers (was, just sale to end users) located in this State except for the sale or lease of a vehicle in connection with a repurchase under Article 15A of GS Chapter 20.

Now makes it unlawful for a person to reserve the right to negotiate binding terms of sale or lease (was, just sale) directly with retail customers purchasing or leasing new motor vehicles (was just buyers of new motor vehicles located in this State; provided that displaying a manufacturer's or distributor's retail price on a manufacturer or distributor-owned or controlled website or other electronic or digital means of communication shall not be considered negotiating binding terms of sale or lease in violation of this sub-sub-subdivision. Now makes it unlawful for a person to designate its franchised dealers in this State to be only delivery agents for new motor vehicles and service and parts outlets, reserving for the respective manufacturer or distributor the right to establish the binding terms of vehicle sales or the right to negotiate the binding terms of sale or lease directly with retail customers located in this State (was, just sale to end users); provided that a manufacturer or distributor may engage in fleet sales with a fleet customer that has a designation as such by the manufacturer or distributor (prior version did not have exception for fleet sales). Now specifies that nothing in GS 20-305(53)(d) prohibits a manufacturer or distributor from setting or advertising a suggested retail price or a minimum advertised price. Amends the three non-exhaustive instances of what "unreasonably impede or interfere with" includes under GS 20-305(53)(d)'s provisions pertaining to rural and other franchised dealers' ability to obtain technologically advanced vehicles (TAV). Now makes it unlawful for a person to require, coerce, or attempt to coerce a dealer to make expenditures related to achieving CO2 reductions or neutrality at the dealer's facility at the expense of the dealer. Makes organizational changes.

Amends GS 20-305(44), amending new subsection GS 20-305(44)b, which makes it unlawful for a person to require, coerce, or attempt to coerce any new motor vehicle dealer located in this State to refrain from using all or part of the name of a dealer's founder, owner, existing trade name, or dealer principal in the dealer's trade name; provided the name the dealer proposes to use for its trade name would not disparage the manufacturer's or distributor's brand or be confusing to the consuming public (prior version did not have disparagement/confusion language).

Amends new GS 20-305(55) (unlawful for a person to interfere with the independence and governance of a dealer or dealer applicant having multiple owners by requiring, coercing, or attempting to coerce the dealer or dealer applicant to enact specified measures that would alter its governance, facilities, and finances) to specify that it does not prohibit a manufacturer or distributor from requiring the dealer or dealer applicant to designate a single natural person that the manufacturer or distributor may contact and who will be responsible for all business communications and day to day business decisions with the manufacturer or distributor, or from requiring that the designated person own a minimum percentage of ownership reasonably determined by the manufacturer or distributor.

Section 2

Makes organizational changes to GS 20-305(56) (setting forth conduct that constitutes the unreasonable interference of the establishment, maintenance, operation, or control of either a single location dealer website or dealer group website). Amends definition of dealer group website. Amends list of six non-exhaustive instances of unreasonable interference. Now specifies in GS 20-305(56)(b), pertaining to manufacturer websites, it is unlawful for any manufacturer or distributor to do either of the following: (1) fail to give, to the extent technologically feasible, substantially equivalent visibility to all of the manufacturer's or distributor's franchised dealers that are located in this State, on any website owned, operated, or controlled by the manufacturer or distributor on which customers are permitted to order or reserve vehicles for purchase or lease and (2) maintain a website or other electronic or digital means of communication for negotiating or otherwise establishing prices or other binding terms of sale or lease of new vehicles directly between the manufacturer or distributor and retail customers located in this State, provided that a manufacturer, factory branch, distributor, or distributor branch may maintain a website or

other electronic or digital means of communication if the final selling or lease price of the new vehicles is determined by eligible dealers, and provided further that a dealer may not be required to set a non-negotiable price as a condition for the dealer's inclusion on any website owned, controlled, or maintained by a manufacturer or distributor.

Section 3

Amends GS 20-305.2 as follows. Now makes it unlawful for any manufacturer or distributor that has any franchised dealers in this State to sell, lease, or otherwise distribute one or more models, brands, or series of motor vehicles in this State that are propelled solely or primarily by electric or hydrogen, or vehicles that utilize autonomous self-driving technology rated at Level 3, 4, or 5 by the Society of Automotive Engineers (was, just electric or hydrogen vehicles), without making some vehicles utilizing the same or substantially similar advanced technology functionally available for purchase by all of its franchised dealers located in this State within 12 months of the date vehicles possessing such advanced technology are first delivered to any of the manufacturer's or distributor's dealers in this State or at such time as the manufacturer or distributor has sold at least 2,500 vehicles utilizing such advanced technology in this State, whichever date occurs first. Now requires the Commissioner to promptly investigate any complaint brought by a franchised dealer that a manufacturer or distributor with whom the dealer holds a franchise or any affiliated entity has violated this subsection, and, if the Commissioner determines that this subsection has been violated, the Commissioner must take appropriate action against the subject manufacturer or distributor. Deletes language specifying that it is not a violation if the manufacturer or distributor: (1) makes a reasonable quantity of vehicles using the same electric, hydrogen, or other new technology available on some models, brands, or series of vehicles available for all of its existing franchised dealers located within this State to purchase at no additional charge other than the minimum costs necessary for these dealers to sell and service the electric, hydrogen, or other new technology vehicles or (2) is selling, leasing, or otherwise distributing new electric, hydrogen, or other new technology vehicles in this State as part of a trial or introductory program where fewer than 2,000 of the vehicles are sold, leased, or distributed in this State during any 12-month period.

Section 4

Amends GS 20-305(14), which makes it illegal for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or representatives of these entities, to delay, refuse, or fail to deliver motor vehicles or motor vehicle parts or accessories in reasonable quantities relative to the new motor vehicle dealer's facilities and sales potential in the new motor vehicle dealer's market area, or within a reasonable time, after receipt of an order (was, bona fide sold retail customer order) from a dealer that has a franchise for the retail sale of any new motor vehicle sold or distributed by the manufacturer or distributor, any new vehicle, parts or accessories to new vehicles as are covered by such franchise, and such vehicles, parts or accessories as are publicly advertised as being available or actually being delivered. Deletes requirements that: (1) the manufacturer or distributor fill each bona fide retail customer order from one of its in-state franchised dealers in the chronological sequence in which the order is received without regard for or consideration of the dealer's previously earned allocation of vehicles; and (2) requires the orders to be filled before the manufacturer or distributor allocates vehicles that are similarly configured and have similar options to dealers based on any other allocation system, program, policy, or criteria, except for those allocated in new sub-subdivision g, and be filled from the entire allocation of all new motor vehicles that has been designated for distribution in the state.

Amends GS 20-305(14)'s requirement that any sales objectives which a manufacturer, factory branch, distributor, or distributor branch establishes for any of its franchised dealers in this State must be reasonable, and every manufacturer, factory branch, distributor, or distributor branch must allocate its products within this State in a manner that, in addition to other listed requirements, also discloses to all of its franchised dealers handling the same line-make both its system of allocation and the actual new vehicle allocation that occurred during the previous calendar month and during the previous calendar months, including, but not limited to: a complete breakdown by model, color, equipment, and other items or terms; a concise listing of same line-make dealerships broken down by same line-make dealers within each dealer's area of responsibility, district, region, and the State; and an explanation of the derivation of the allocation system, including its mathematical formula or formulae, in a clear and comprehensible form. The data provided by the manufacturer or distributor is required to reflect all new vehicles allocated to its franchised dealers in this State pursuant to a mathematical formula or on a discretionary basis. All of the allocation data that a manufacturer or distributor is required to provide to each of its same line-make dealers in this State pursuant to this sub-subdivision shall either be made available for its dealers to review online at their discretion or be provided to dealers regularly, at least on a quarterly basis, as well as promptly upon the email, online, or other written request of a dealer or in the event a manufacturer or distributor has changed its allocation formula, process, or policies. Exempts any model or series of vehicle for which a manufacturer or distributor has sold fewer than 1,000 units in this State within the previous 12

months from the minimum vehicle allocation rights of dealers under GS 20-305(14)(h) (was, GS 20-305(14)(g)). Makes organizational changes.

Section 5

Deletes proposed amendments to GS 20-305(14a) that was in Section 5. Makes organizational changes to act to account for deleted section text.

Further amends GS 20-305 by making it illegal for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any of those entity's representatives to use economic coercion (as defined) to influence a dealer to participate in or comply with any program or policy sponsored, endorsed, or supported by the manufacturer or distributor, in order to sell any model, type, or series of vehicle or other products or services (prior version did not have "in order"), in addition to other listed prohibited conduct. Now specifies that for purpose of GS Chapter 20 the terms economic coercion, coerce, and attempt to coerce include the manufacturer's or distributor's use of rebates, credits, incentive payments, or other consideration that has the effect of causing a variance in the price of new motor vehicles offered to its franchised dealers located in the State or that offers participating or compliant dealers the ability to sell or receive any model, type, or series of vehicle or other products or services offered by or through the manufacturer or distributor (previously, just applied to the subdivision).

Section 6

Amends GS 20-286 by adding to the definitions that apply in Article 12, Motor Vehicle Dealers and Manufacturers Licensing Law, of GS Chapter 20 the term sell or selling, to specify that it applies to retail customers and transactions. Makes technical changes.

Section 7

Amends GS 20-305(58) by replacing references to end user with retail customer. Amends GS 20-305(59) by adding requirement that the specified illegal sales to an end-user occur within a five-year period subsequent to the sale or lease of the vehicle to the retail customer.

Amends GS 20-305.2 by changing references to the end user to the retail customer. Now permits the manufacturer or distributor to, on the same terms offered to the dealer, also sell to the retail customer or activate for a fee a permanent or temporary motor vehicle accessory, option, add-on, feature, improvement, or upgrade for a motor vehicle of a line-make manufactured, imported, or distributed by the manufacturer or distributor (was just imported or distributed by the manufacturer). Makes conforming changes to also refer to the distributor in reference to the manufacturer's obligations to certain dealers. Makes technical change. Specifies that when providing a new motor vehicle to a dealer for offer or sale to the public, it is unlawful for the manufacturer or distributor to fail to provide to the dealer a written disclosure that may be provided to a potential buyer of the new motor vehicle of each accessory or function of the vehicle that may be initiated, updated, changed, or maintained by the manufacturer or distributor through over the air or remote means, and the charge to the customer for initiation, update, change, or maintenance. Specifies that a manufacturer or distributor may comply with this subdivision by notifying the dealer that the information is available on a website or by other digital means.

Section 8

Amends GS 20-305.1, which allows the retail rate a motor vehicle dealer customarily charges for parts and labor to be established at the dealer's election by submitting to the manufacturer or distributor 100 sequential non-warranty customer-paid service repair orders containing warranty-like parts, or 60 consecutive days of non-warranty customer-paid service repair orders which contain warranty-like parts, whichever is less, covering repairs made no more than 180 days before the submission and declaring the average percentage markup. Amends the presumption related to the average of the parts makeup rate and the average labor rates, so that they are now both presumed to be accurate (was, reasonable). Now specifies that the presumption can be rebutted by reasonably substantiating that that the rate requested is either: (1) not supported by the submission and by declaring the accurate rate based upon the submission repair orders; or (2) fraudulent. Now provides that if the manufacturer or distributor believes the dealer's submission is fraudulent, the manufacturer or distributor may file a protest with the Commissioner not later than 30 days following the dealer's rejection of the rebuttal rate. Makes conforming changes.

Section 9

Amends GS 20-305(30) to extend the period for manufacturers operating a program as of October 1, 1999, that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, or had in effect a documented policy that had been conveyed to its franchised dealers in this State and that varied the price charged to its franchised dealers in this State in a manner that would violate this subdivision, it is be lawful for that program or policy, including amendments to that program or policy that are consistent with the purpose and provisions of the existing program or policy, or a program or policy similar thereto implemented after October 1, 1999, to continue in effect as to the manufacturer's franchised dealers located in this State from June 30, 2025 to June 30, 2028. Similarly extends the period for manufacturers operating as of June 30, 2001, from June 30, 2025 to June 30, 2028.

Intro. by Jackson, Perry, Lazzara.

[GS 20](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle](#)

S 408 (2023-2024) [PROPERTY TAX MODIFICATIONS](#). Filed Mar 29 2023, *AN ACT TO MODIFY THE MACHINERY ACT OF NORTH CAROLINA*.

Senate amendment to the 2nd edition makes the following change. Changes the effective date for GS 105-275 as amended by the act and GS 105-308 as amended by the act from taxes imposed for taxable years beginning on or after July 1, 2023, to taxes imposed for taxable years beginning on or after July 1, 2024.

Intro. by Moffitt, Hanig, B. Newton.

[GS 105](#)

[View summary](#)

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

S 425 (2023-2024) [MEDICAID AGENCY OMNIBUS.-AB](#) Filed Mar 29 2023, *AN ACT TO UPDATE LAWS PERTAINING TO MEDICAID AND BEHAVIORAL HEALTH*.

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

Section 4

Amends new GS 122C-115.5, pertaining to alignment of counties with an area authority to also require the DHHS Secretary (Secretary) to direct the dissolution of an area authority upon the Secretary's assumption of full control of all powers of an area authority under GS 122-125.

Amends GS 122C-115 (pertaining to the duties of counties and appropriation and allocation of funds by counties and cities) by reinstating the deleted provision that made this statute control when there is a conflict with GS 153A-77 (Authority of boards of commissioners over commissions, boards, agencies, etc.) or GS 122C-115.1 (County governance and operation of mental health, developmental disabilities, and substance abuse services program).

No longer repeals GS 122C-215 and instead makes the following changes to the statute. Expands upon when the Secretary may assume control of an area authority by providing that when the Secretary determines that an area authority is in imminent danger of failing financially; of failing to provide minimally adequate services to clients in need in a timely manner; or failing to execute on priority infrastructure, services, and supports needed across the State related to mental health, intellectual or other developmental disabilities and substance use disorder, the Secretary may assume control, in part or full, of the area authority and appoint an administrator to exercise the powers assumed by the Secretary. Requires the Secretary to give written notice to the area board and give the area authority an opportunity to be heard before assuming control. Makes conforming changes. Specifies that the assumption of control divests the area authority of its authority as to the powers assumed, which may include service delivery, in addition to the already included adoption of budgets, expenditure of money, and all other financial powers. Makes the existing provisions related to assumption of control applicable to the Secretary's assumption of partial control. Requires that when the Secretary assumes full control that the Secretary direct the dissolution of the area

authority. Requires the Department of Health and Human Services (DHHS) to define specified terms as they are used in this statute and sets out requirements for adopting and changing those definitions.

Further amends GS 150B-1 to exempt DHHS from rulemaking with respect to the development of definitions under GS 122C-125.

Amends GS 108D-60 and GS 150B-1(e) by correcting statutory cross-references.

Section 5

Amends GS 122C-112.1 to require the Secretary to direct and oversee the allocation and use of single-stream funding to support the priority infrastructure, services, and supports, including those (was, limited to those) identified in the State Plan.

Makes a technical change to GS 122C-112.1.

Section 10

Amends GS 108A-55.4 as follows. Requires health insurers to respond within 60 days (previously no timeframe as specified) of receiving an inquiry from the Division of Health Benefits regarding a claim for payment for any health care item or service that is submitted no later than three years after the date of the provision of the health care item or service. Adds that all third parties requiring prior authorization of an item or service furnished to an individual eligible to receive medical assistance must accept an authorization provided by DHHS that the item or service for which third-party reimbursement is being sought is a covered service or item for that individual under the North Carolina Medicaid State Plan, or under a relevant waiver of the State Plan, as if that authorization is the prior authorization made by the third party for the item or service. Makes additional clarifying changes. Effective January 1, 2024.

Intro. by Krawiec, Burgin, Corbin.

[GS 58](#), [GS 108A](#), [GS 108D](#), [GS 122C](#), [GS 126](#), [GS 150B](#)

[View summary](#)

[Government](#), [APA/Rule Making](#), [State Agencies](#), [Department of Health and Human Services](#), [State Government](#), [State Personnel](#), [Health and Human Services](#), [Health](#), [Health Care Facilities and Providers](#), [Health Insurance](#), [Mental Health](#), [Social Services](#), [Public Assistance](#)

S 438 (2023-2024) [NCORR ADMINISTRATIVE MODIFICATIONS](#). Filed Mar 30 2023, *AN ACT TO ESTABLISH PROCUREMENT PROCEDURES FOR CONSTRUCTION PROJECTS FUNDED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM, TO PROTECT HOMEOWNERS FROM AN INCREASE IN PROPERTY TAX LIABILITY RESULTING FROM THE REVALUATION OF REAL PROPERTY REHABILITATED USING COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY FUNDS OR HURRICANE FLORENCE DISASTER RECOVERY FUNDS BY LIMITING THE ABILITY OF ASSESSORS TO REAPPRAISE REAL PROPERTY AT HIGHER VALUES UNDER CERTAIN CIRCUMSTANCES, TO INCREASE THE INFORMAL BID THRESHOLD FOR CONTRACTS FOR CONSTRUCTION OR REPAIR WORK RELATED TO DISASTER RECOVERY UNDERTAKEN BY THE NORTH CAROLINA OFFICE OF RECOVERY AND RESILIENCY, AND TO MAKE OTHER PROGRAMMATIC CHANGES.*

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

Section 1

Amends GS 143B-1040 (Office of Recovery and Resiliency [ORR]) to remove references to Hurricanes Florence and Matthew, so that the funding entity is just the Community Development Block Grant Disaster Recovery program (Recovery program).

Section 2

Amends new GS 143B-1042 to add new defined term *contractor* and to expand the scope of the term *construction activities* to apply to any actions undertaken for specified purposes in the definition (was, any physical actions undertaken on property for those purposes). Amends nine requirements for contracts awarded or assigned by ORR related to detached single-family

dwelling funded with funds provided by the Recovery program, including: (1) adding the length of time, if any, that an applicant has been temporarily relocated to the minimum requirements (was, just requirements) for ORR's priority-based award system; (2) changing the contractor award limit from a single bid package of 20 detached single-family dwellings to no greater than 75 at any given time; (3) changing the requirements for contracts to both expedite the recovery process for citizens while protecting the Recovery program from financial loss (previously, required contract provisions were just to protect the Recovery program from financial loss) by deleting provisions providing alternate daily liquidated damages calculation of 2% and requiring that liquidated damages be placed in a disaster recovery fund; (4) extending the deadline for completion of construction activities from 120 days to 135 days and makes technical changes; (5) changing the permissible reasons for an extension from ORR from unusual weather phenomena to weather phenomena or unforeseen circumstances. Defines *weather phenomena* as a weather event that creates a reasonable impossibility of the construction activities during the same period of time and locality where the construction activities are to be performed, as reported by the National Oceanic and Atmospheric Administration National Weather Service statistics. Defines *unforeseen circumstances* as actions taken by the applicant or other third party that limit the ability of ORR or contractors to continue construction activities. Permits the Director to grant extensions under this subdivision not to exceed 45 days in total for any individual assignment or award. In addition, when unforeseen circumstances arise, permits the Secretary of the Department of Public Safety to grant an additional extension under this subdivision not to exceed 45 days in total for any individual assignment or award. Specifies that any extension granted by the Secretary under this subdivision must be reported to the chairs of the specified NCGA committees within five business days. Limits the combined total number of days for all extensions granted under this subdivision to not more than 90 days for any individual project awarded or assigned; (6) deleting provision barring a contractor from being awarded or assigned a contract unless the contractor has completed at least 75% of the construction projects on the subject property; and (7) adding new provision requiring ORR to limit the expansion or reduction in square footage of any detached single-family dwelling to no greater than 5% of the pre-disaster square footage of the dwelling, except insofar as it is reasonably necessary due to lot setback requirements or other lot size requirements of the real property. Amends effective date to have it also apply to contracts assigned on or after the date the act becomes law.

Section 3

Amends one of the reasons for increased reappraisal for a permanent residence that has increased in true value under new GS 105-286.1 and GS 105-328.1(b)(4) (reappraisal limitation for certain rehabilitation of real property) so that it allows for such increased reappraisal after the owner's permanent residence is modified (was, rehabbed) using Recovery program funds or Hurricane Florence Disaster Recovery funds, five calendar years have elapsed (was, five years since the first reappraisal of the permanent residence).

Intro. by Jackson, Perry, Britt.

GS 105, GS 143, GS 143B, GS 160D

[View summary](#)

Development, Land Use and Housing, Building and Construction, Land Use, Planning and Zoning, Property and Housing, Government, Public Safety and Emergency Management, Tax, Local Government

S 452 (2023-2024) [NC DEPARTMENT OF INSURANCE OMNIBUS .-AB](#) Filed Mar 30 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE INSURANCE LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE.*

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

Further amends GS 20-279.21 by amending the required content of the notice that a motor vehicle insurer must provide when issuing and renewing a policy in specified conditions, to require notifying the insured that: (1) the insured is required to purchase uninsured motorist bodily injury coverage, uninsured motorist property damage coverage, and underinsured motorist bodily injury coverage (was, if applicable, underinsured motorist bodily injury coverage) and (2) the insured's underinsured motorist bodily injury coverage limits (was, if applicable) must be equal to the highest limits of bodily injury liability coverage for any one vehicle insured under the policy unless the insured elects to purchase greater or lesser limits for underinsured motorist bodily injury coverage. Makes technical changes.

Amends GS 20-279.25 to allow proof of financial responsibility to be evidenced by the certificate of the State Treasurer that the person has deposited with the Treasurer \$150,000 (was, \$85,000) in cash, or securities. Makes conforming changes.

Intro. by Johnson, Craven, Britt.

[GS 20, GS 58](#)

[View summary](#)

[Business and Commerce, Insurance, Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Insurance, Health and Human Services, Health, Health Insurance](#)

S 527 (2023-2024) [SAFETY REQUIREMENTS FOR ELEVATORS](#). Filed Apr 3 2023, *AN ACT TO CHANGE ELEVATOR SAFETY REQUIREMENTS FOR CERTAIN RESIDENTIAL RENTAL ACCOMMODATIONS AND TO AMEND THE NORTH CAROLINA STATE BUILDING CODE ACCORDINGLY*.

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

Section 1

Amends GS 143-143.7 (pertaining to elevator safety requirements for certain residential rental accommodations) as follows. Requires elevators in a private residence, cottage, or similar accommodation to meet the following requirements for the gap between the hoistway face of the landing door, the door space guard, or the door baffle and the hoistway face of the car door as well as the door of the car or gate itself to meet the following requirements:

- Changes the requirements for horizontal sliding car doors and gates must be designed and installed such that the total of the gap between the hoistway face of the landing door, the door space guard, or the door baffle and the hoistway face of the car door or gate, after the car door or gate has been subject to a force of 75 pounds applied horizontally on an area four inches by four inches at right angles to and at any location on the car door when fully closed, must be no more than four inches (was, four and three-quarters inches).
- Changes requirements for folding car doors must be designed and installed such that the total of the gap between the hoistway face of landing door, the door space guard, or the door baffle and the hoistway face of the car door, after the car door has been subject to a force of 75 pounds applied horizontally using a four-inch diameter sphere at any location within the folds of the door when fully closed, must be no more than four inches (was, four and three-quarters inches).
- Changes the requirements for when the same 75-pound force is applied in the same manner(s) to the horizontal sliding car door or gate or to the folding car door, there must be no permanent deformation of the door or gate, there shall be no deflection exceeding three-quarters of an inch, and the door or gate shall not be displaced from its guides or tracks (was, just the door or gate must not be displaced from its guides or tracks).

Intro. by Moffitt, Johnson, Hanig.

[GS 143](#)

[View summary](#)

[Development, Land Use and Housing, Building and Construction](#)

S 582 (2023-2024) [NORTH CAROLINA FARM ACT OF 2023](#). Filed Apr 4 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL AND WASTEWATER LAWS OF THIS STATE*.

Senate amendment to the 3rd edition makes the following changes. Deletes proposed changes to GS 106-1006 (which would have established a forestry services and advice fund to improve forestry services in the State). Amends GS 87-98.4 (well contractor certification and exemptions) by adding an additional exemption to certification requirement for an employee of a business who constructs, repairs, or abandons a well for the purpose of irrigation that is located on land owned or leased by the business.

Intro. by Jackson, Sanderson, B. Newton.

Chatham, Cumberland, Harnett, Hoke, Lee, Montgomery, Moore, Richmond, GS 14, GS 15A, GS 19A, GS 20, GS 90, GS 99E, GS 105, GS 106, GS 113A, GS 115C, GS 115D, GS 116, GS 130A, GS 136, GS 143, GS 145, GS 160D

[View summary](#)

Agriculture, Business and Commerce, Occupational Licensing, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Education, Elementary and Secondary Education, Higher Education, Environment, Environment/Natural Resources, Government, Cultural Resources and Museums, Public Safety and Emergency Management, State Agencies, Community Colleges System Office, UNC System, Department of Agriculture and Consumer Services, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources), Department of Health and Human Services, State Government, State Property, Tax, Health and Human Services, Health, Public Health, Transportation

S 625 (2023-2024) **CHILD WELFARE, SAFETY AND PERMANENCY REFORMS**. Filed Apr 5 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING JUVENILES AND ASSOCIATED SERVICES*.

Senate amendment to the 3rd edition makes the following changes.

Section 11

Amends GS 7B-903.2, providing for the procedure for emergency motions by a party to the juvenile case, the hospital where the juvenile is located, or the LME/MCO or PHP regarding the requirements of GS 122C-142.2, to require motions to be heard within 10 business days (was, five business days) of when the motion is served or the next scheduled juvenile court session, whichever is later.

Section 13

Deletes the proposed repeal of GS 7B-1114(m), instead maintaining current law which deems parents whose parental rights have been reinstated not liable for support or services provided to the juvenile for the period from the date of the order terminating their rights to the date of the order reinstating their rights.

Section 17

Amends new GS 48-3-709 to consistently refer to the term "post-adoption contact agreement and order." Makes a technical change.

Section 18

Amends new GS 7B-325 to specify that an individual must meet one of the three conditions described to be eligible to file a petition for expungement of their name from the responsible individuals list (previously, appeared to require all three conditions).

Section 21

Eliminates the entirety of Section 21, which amended Section 9A of SL 2015-245, as amended, to direct the Department of Health and Human Services to seek approval from CMS to allow a parent or caretaker relative to retain Medicaid eligibility when the department of social services has been granted custody of a child formerly in the care of a parent or caretaker relative and certain criteria were met. Deletes changes to Section 9D.14 of SL 2021-180 regarding the sunset of the changes in Section 9A of SL 2015-245 and GS 108A-54.3A. Deletes the conforming changes to GS 108A-54.3A.

Intro. by Krawiec, Jarvis, Batch.

GS 7B, GS 48, GS 108A, GS 122C

[View summary](#)

Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Court System, Administrative Office of the Courts, Government, State Agencies, Department of Health and Human Services, Local Government, Health and Human Services, Mental Health, Social Services, Child Welfare

ACTIONS ON BILLS

PUBLIC BILLS

H 20: CASH COMMITMENT ACT.

House: Reptd Fav Com Substitute

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

H 55: FIRE INVESTIGATION LAW REVISIONS.

House: Reptd Fav

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

H 98: MEDICAL FREEDOM ACT.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 116: MODIFY LAWS AFFECTING DISTRICT ATTORNEYS.

House: Withdrawn From Cal

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

H 159: ADOPT OFFICIAL NC DOGWOOD FESTIVAL.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 177: DEQ OMNIBUS.-AB

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 197: BROADBAND CHANGES/DIT.-AB

House: Reptd Fav Com Substitute

House: Re-ref Com On Energy and Public Utilities

H 224: PROTECT NC OPIOID SETTLEMENT PAYMENTS.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 246: REVISE PHARMACY BENEFITS MANAGER PROVISIONS.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading

H 299: PERPETUAL CARE OF CERTAIN CEMETERIES.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading

H 309: INSPECTION OF LOW-SPEED VEHICLES.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 316: RESPIRATORY CARE MODERNIZATION ACT.

House: Reptd Fav Com Substitute
House: Re-ref Com On Judiciary 1

H 317: UNC OMNIBUS.

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

H 346: REORGANIZATION & ECONOMIC DEVELOPMENT ACT.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Amend Adopted A1
House: Passed 2nd Reading
House: Passed 3rd Reading
House: Ordered Engrossed

H 370: RESPONSIBLE FIREFIGHTING FOAM MANAGEMENT ACT.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 377: GRADE "A" DAIRY ASSESSMENT ACT.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading

H 410: CREDIT UNION UPDATE.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading

H 431: NEW ARCHITECT RECRUITMENT ACT.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 432: PRINCIPAL LICENSURE CHANGES.

House: Reptd Fav
House: Cal Pursuant Rule 36(b)
House: Added to Calendar
House: Passed 2nd Reading
House: Passed 3rd Reading

H 446: EXPEDITE SURPLUS PROP./EDUCATIONAL ORGS.

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

H 447: CLARIFY MOTOR VEHICLE DEALER LAWS.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 448: VARIOUS MOTOR VEHICLE LAW REVISIONS.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 463: NC FARMLAND AND MILITARY PROTECTION ACT.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 487: POW/MIA FLAGS/STATE BLDGS & AMP SCHOOLS.

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

H 495: AGGREGATION OF MULTIPLE FINANCIAL CRIMES.

House: Regular Message Sent To Senate
Senate: Regular Message Received From House
Senate: Passed 1st Reading
Senate: Ref To Com On Rules and Operations of the Senate

H 511: ENHANCE URBAN STORMWATER MANAGEMENT.

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

H 512: FORGIVABLE LOANS/HBCU SUPPLEMENTAL FUNDING.

House: Serial Referral To Finance Stricken

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Withdrawn From Com

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

H 539: NORTH CAROLINA FARMERS APPRECIATION DAY.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 544: LIMITED SHARK FISHING TOURNAMENT MORATORIUM.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 551: LANDLORD-TENANT AND HOA CHANGES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

H 564: SECOND AMENDMENT FINANCIAL PRIVACY ACT.

House: Reptd Fav Com Substitute

House: Re-ref Com On Judiciary 1

H 565: STUDY VOLUNTEER FIREFIGHTER INCENTIVES.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

H 577: STUDY/EMERGENCY INFO ON DMV APPLICATIONS.

House: Regular Message Sent To Senate

H 591: RESTITUTION/SEXUAL EXPLOITATION OF MINOR.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

H 605: SCHOOL THREAT ASSESSMENT TEAMS.

House: Regular Message Sent To Senate

H 611: MODIFY TRAINING/STANDARDS COMMISSIONS POWER.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

H 633: SHINE LIKE HAILEY PARADE SAFETY ACT.

House: Regular Message Sent To Senate

H 648: FAITHFUL ARTICLE V COMMISSIONER ACT.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

H 649: ENSURE TIMELY/CLINICALLY SOUND UTILIZ. REVIEW.

House: Regular Message Sent To Senate

H 650: SMOKE-FREE OPERATING ROOMS.

House: Regular Message Sent To Senate

H 696: VIOLENT OFFENSE/NO CONTACT ORDER.

House: Regular Message Sent To Senate

H 748: FELONY CHILD ABUSE/EXPAND SCOPE.

House: Regular Message Sent To Senate

H 756: STANDARDS ADVISORY COMMISSION.

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

H 807: MODIFY FIREARMS RETRIEVAL PROCESS IN DV CASES.

House: Regular Message Sent To Senate

LOCAL BILLS

H 331: SE REGIONAL AIRPORT AUTHORITY/MEMBERS & SALES. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 419: YOUNGSVILLE CHARTER REVISED & CONSOLIDATED.

House: Passed 3rd Reading

H 470: GREENSBORO/WINSTON-SALEM CIVIL SERVICE BOARD.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

© 2023 School of Government The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

[Print Version](#)