

The Daily Bulletin: 2023-06-20

PUBLIC/HOUSE BILLS

H 125 (2023-2024) **NC HEALTH & HUMAN SERVICES WORKFORCE ACT (NEW)**. Filed Feb 15 2023, *AN ACT TO ALLOW MILITARY RELOCATION LICENSES FOR PHYSICIAN AND PHYSICIAN ASSISTANT SERVICEMEMBERS AND SPOUSES; TO ALLOW THE GRANTING OF AN INTERNATIONALLY-TRAINED PHYSICIAN EMPLOYEE LICENSE; TO MODIFY THE LAW FOR OVER-THE-COUNTER HEARING AIDS; TO MODIFY THE CREDENTIALING OF BEHAVIOR ANALYSTS UNDER THE NORTH CAROLINA BEHAVIOR ANALYST BOARD; TO MAKE MODIFICATIONS TO THE LAWS OF OPTOMETRY; TO DEVELOP A PLAN TO TRANSITION THE NURSE AIDE I EDUCATION AND TRAINING PROGRAM TO THE BOARD OF NURSING; TO PROTECT HEALTH CARE WORKERS FROM VIOLENCE BY REQUIRING CERTAIN HOSPITALS TO HAVE LAW ENFORCEMENT OFFICERS IN EMERGENCY DEPARTMENTS, TO ADDRESS THE VIOLATION OF A PROTECTIVE ORDER ISSUED UPON THE REQUEST OF A HOSPITAL, TO INCREASE THE PUNISHMENT FOR ASSAULT AGAINST CERTAIN PERSONNEL; TO MODERNIZE AND EXPAND PHYSICIAN-PHARMACIST COLLABORATIVE PRACTICE; AND TO EXTEND FLEXIBILITY FOR AMBULANCE TRANSPORT PROVIDED UNDER THE EXPIRING FEDERAL PUBLIC HEALTH EMERGENCY DECLARATION.*

Senate committee substitute to the 3rd edition makes the following changes.

Part II.

Section 2.1(a).

Amends GS 90-12.03 (providing for internationally-trained physician employee licenses [was, internationally-trained hospital physician employee licenses]), as follows. Changes the rural county population requirements from a population of 500 people per square mile to a population of less than 500 people per square mile. Clarifies that an applicant must have a current and active license in good standing to practice medicine in a foreign country (was, be presently licensed to practice medicine in a foreign country). Specifies that the applicant must have completed medical education at a medical school listed in the World Directory of Medical Schools (was, completed medical school and postgraduate training that is substantially similar to State requirements) and must also meet one of two listed requirements: (1) completion of two years of post-graduate training in a medical education program accredited by an agency with the World Federation for Medical Education Recognition Status after graduation from medical school or (2) the applicant has practiced medicine in their country of licensure for at least ten years after graduation. Applicant must now also demonstrate competency in at least one of four listed ways, or, allows the NC Board of Medicine (Board) to waive those requirements and issue a temporary license and require the applicant to successfully pass the Special Purpose Examination (SPEX) or Post-Licensure Assessment Systems within one year. Expands requirement pertaining to disciplinary status of applicant's foreign license to include determination on whether the applicant has had a license revoked, suspended, restricted, denied, or otherwise acted against in any jurisdiction and is the subject of no pending investigation, including voluntary relinquishment of a license in anticipation of or in response to disciplinary action (was, just not subject to disciplinary action). Requires that the applicant not have any convictions in any court involving moral turpitude, or the violation of a law involving the practice of medicine, or a conviction of a law substantially equivalent to a felony. Requires that the applicant submit a background screening from the country where they are licensed to the Board. Now requires that the holder of the license not practice medicine or surgery outside of the confines of the NC hospital or rural medicine practice, or its affiliate, by whose employment the holder was qualified to be issued the license pursuant to GS 90-12.03(a) (was, just can't practice medicine outside the confines of the hospital/rural practice or its affiliates). Makes conforming changes. Makes a clarifying change to the effective date.

Part III.

Section 3.1(c).

Amends GS 93D-2 to specify that the provisions of the Chapter (was, Article) do not apply to the sale of over-the-counter hearing aids.

Part IX.

Section 9.1.

Amends GS 90-18(c) (list of actions that do not constitute practicing medicine or surgery under Article 1, Practice of Medicine) as follows. Amends subdivision (3a) to now exclude the provision of health care services by a licensed pharmacist under a collaborative practice agreement with at least one physician performed pursuant to rules developed by a joint subcommittee of the Medical Board and Board of Pharmacy (collectively, Boards) and approved by both Boards (currently, excludes the provision of drug therapy management by a licensed pharmacist engaged in the practice of pharmacy pursuant to an agreement that is physician, pharmacist, patient, and disease specified when performed pursuant to rules approved by the Boards). Defines *healthcare services* as medical tasks, acts, or functions authorized through written agreement by a physician and delegated to a pharmacist for the purpose of providing drug therapy, disease, or population health management for patients.

Amends GS 90-18.4 (limitations on clinical pharmacist practitioners), to eliminate references to drug therapy management. Provides that physicians can authorize clinical pharmacist practitioners to provide healthcare services so long as the Boards have adopted rules governing the approval of individual practitioners, the practitioner has current approval from both Boards, and the Medical Board has assigned an identification number to the practitioner that is shown on written prescriptions. Eliminates limitations relating to practitioners' prescription substitutions and authority to order medication and tests. Deems orders written by a clinical pharmacist practitioner for medications, tests, or other devices to have been authorized by the supervising physician, with the supervising physician responsible for authorizing the order, and authorizes registered nurses, licensed practical nurses, and pharmacists to perform the order in the same manner as if the order were received from a licensed physician. Authorizes institutional and group practices to implement site-specific, multi-provider collaborative practice agreement for the care of their patients. Requires the institution or group practice to develop an oversight policy and requires evaluation of the practitioners engaged in the agreement by an appointed supervising physician. Lists six requirements that apply to clinical pharmacist practitioners and supervising physicians engaging in collaborative practice, including (1) requiring a clinical pharmacist practitioner to have a site-specific supervising physician, (2) requiring the supervising physician to conduct periodic review and evaluation of the health care services provided by the clinical pharmacist practitioner, (3) allowing a physician to supervise any number of clinical pharmacist technicians as the supervising physician deems can be safely and effectively supervised, (4) requiring delegated health care services to be included in the written agreement between the supervising physician and the clinical pharmacist practitioner, (5) allowing a supervising physician to include a statement of authorization in the written agreement to allow the clinical pharmacist practitioner to conduct drug substitutions as specified, and (6) allowing supervising physicians to add other advanced practice providers that they supervise to the collaborative practice agreement. Allows for the healthcare settling location of health care services provided by the clinical pharmacist practitioner to be fully or partially embedded for a site-specific practice. Requires the supervising physician to determine the setting location and include the location in the site-specific collaborative practice agreement.

Amends the definition of clinical pharmacist practitioner in GS 90-85.3 to include authorization to perform medical acts, tasks, and functions for drug therapy, disease, or population health management agreements with physicians pursuant to GS 90-18.4, as amended.

Authorizes the Boards to adopt temporary rules to implement Section 9.1.

Section 9.2(a).

Enacts GS 58-50-296 to require health benefit plans offered by insurers to cover services provided by a pharmacist if (1) the service or procedure was performed within the pharmacist's licensed scope of practice and (2) the plan would have covered the service if the service or procedure was performed by another healthcare provider. Requires insurers offering a health benefit plan that delegate credentialing agreements to contracted healthcare facilities to accept credentialing for pharmacists employed or contracted with those facilities. Bars an insurer from penalizing an insured or subject an insured to an out-of-network benefit level offered under the insured's approved health benefit plan unless contracting health care providers able to meet health needs of the insured are reasonably available to the insured without unreasonable delay. Prohibits participation of a pharmacy in a drug benefit provider network of an insurer offering a health benefit plan from satisfying any requirement that insurers offering health benefit plans include pharmacists in medical benefit provider networks. Includes agents of an insurer offering a health benefit plan, and third-party administrators. Effective October 1, 2023, and applies to contracts entered into, renewed, or amended on or after that date.

Part X.

Amends GS 131E-158 (pertaining to credentialing of ambulance personnel) to permit the NC Office of Emergency Medical Services to continue the emergency waive flexibilities permitted under the statute for twelve months following the expiration of the Public Health Emergency. Effective when the act becomes law and expires May 11, 2024.

Makes technical, clarifying, and organizational changes. Makes conforming changes to the act's long title.

Intro. by White, Bradford, Riddell.

GS 14, GS 15A, GS 90, GS 93D, GS 95, GS 131E

Business and Commerce, Occupational Licensing, Courts/Judiciary, Juvenile Law, Abuse, Neglect and Dependency, Court System, Criminal Justice, Criminal Law and Procedure, Government, General Assembly, Public Safety and Emergency Management, State Government, Executive, Health and Human Services, Health, Health Care Facilities and Providers, Social Services, Child Welfare, Military and Veteran's Affairs

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H 168 (2023-2024) [DNCR AGENCY BILL.-AB](#) Filed Feb 21 2023, *AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES, AS RECOMMENDED BY THE DEPARTMENT.*

Senate amendment to the 3rd edition makes a technical change to GS 20-79.7.

Intro. by K. Hall, Wray.

GS 20, GS 66, GS 121, GS 132, GS 140, GS 143, GS 143B, GS 146

Environment, Environment/Natural Resources, Government, Cultural Resources and Museums, Public Records and Open Meetings, State Agencies, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources), State Government, Executive, State Property, Transportation

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H 471 (2023-2024) [STATE AUDITOR/INFO. SYSTEMS/CORRECTIVE ACTION](#). Filed Mar 23 2023, *AN ACT TO PROVIDE THAT THE STATE AUDITOR MAY AUDIT INFORMATION SYSTEMS, TO DIRECT THE STATE AUDITOR TO PROVIDE RECOMMENDATIONS ON CORRECTIVE ACTION TO UNDERPERFORMING STATE AGENCIES, AND TO MAKE OTHER AMENDMENTS RELATING TO THE OFFICE OF THE STATE AUDITOR.*

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

Amends GS 147-64.6(d) (duties and responsibilities of the State Auditor [Auditor] pertaining to reports and work papers) as follows. Now requires (was, permitted at the discretion of the Auditor) that pertinent work papers and other supportive materials related to an audit or other investigation be made available to specified persons for inspection and access (was, just inspection) unless otherwise prohibited by law; reinstates the provision that this requirement is to promote intergovernmental cooperation and avoid unnecessary duplication of audit effort. Specifies that the purpose of the request must be in connection with an official civil investigation or criminal investigation, or potential prosecution being conducted under the authority of their office (was, some matter officially before requesting party, including criminal investigations). Stipulates information that Auditor must provide in order to withhold documents from production. Provides for civil action by requesting party to challenge Auditor's claim with respect to any of the withheld papers or supporting materials. Reinstates deleted provision allowing access to confidential work papers and supportive materials as provided in the statute or upon issuance of a court order by the Wake County Superior Court after notice and a hearing.

Makes technical, clarifying, and organizational changes.

Intro. by Cleveland, Riddell.

GS 93B, GS 147

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Government, Ethics and Lobbying, Public Records and Open Meetings, State Agencies, Office of State Auditor

H 488 (2023-2024) [CODE COUNCIL REORG. AND VAR. CODE AMEND.](#) Filed Mar 27 2023, *AN ACT TO REORGANIZE THE BUILDING CODE COUNCIL AND CREATE THE RESIDENTIAL CODE COUNCIL, TO AMEND VARIOUS PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE AND LAND DEVELOPMENT REGULATIONS, AND TO INCREASE THE PROJECT COST MINIMUM FOR APPLICABILITY OF GENERAL CONTRACTOR LICENSING REQUIREMENTS.*

Senate committee substitute to the 5th edition makes the following changes.

Section 1.

Amends GS 143-138(d) (State Building Code [Code] amendments) to require the Residential Code Council (RCC) to now perform a comprehensive review as part of its six-year review and revision process to the NC Residential Code (Residential Code). Directs the RCC to review the NC Energy Conservation Code, the NC Fuel Gas Code, and the NC Mechanical Code and allows it to amend the relevant chapters of the Residential Code affected by that review by January 1, 2026. Specifies that following the adoption of the amendments to the Residential Code impacted by that review, the Residential Code will also be subject to its first six-year revision under GS 143-138(d).

Section 2.

Amends GS 87-14 (regulations as to issue of building permits) to increase the minimum value of the combined costs required for a building permit under GS 160D-1110 from \$30,000 to \$40,000, effective October 1, 2023. Makes conforming changes to GS 160D-1110 (building permits), as amended by the act, to reflect new \$40,000 minimum value.

Makes conforming to GS 160D-1110(g), effective January 1, 2025, to reflect new \$40,000 minimum value that became effective October 1, 2023.

Increases minimum value of the cost of undertaking from \$30,000 to \$40,000 in GS 44A-11.1 (pertaining to requirement to designate a lien agent as part of the building permitting process or as part of a contract for improvements to real property) and GS 89D-12(c)(the minimum value of the landscape construction or contracting work performed by landscape contractor in order for licensing requirement to kick in), effective October 1, 2023.

Makes organizational changes to account for newly inserted amendments. Makes clarifying changes to effective date to account for reorganization of the section.

Section 3.

Amends new GS 160D-804(j) now pertaining to local government regulations of private driveway pavement (was, roadway pavement) design standards for subdivisions. Removes new privately owned roads from the scope of the subsection. Now also specifies that GS 160D-804(j) only applies to construction of new privately owned driveways, parking lots, and driving areas associated with parking lots (was, parking lots or streets) within a new development or subdivision that the developer designates as private and that are intended to remain privately owned after construction. Makes a technical change.

Section 4.

Amends GS 143-138 (Code) and GS 160D-1104(d) (preventing local governments from adopting certain resolutions without prior approval) to prevent a local government or the Code itself from requiring routine exterior sheathing inspections for structures or dwellings covered by the Code or Residential Code only where the structure or dwelling is located in a region where the ultimate wind speed is less than 140 miles per hour (was, less than 150 miles per hour). Makes conforming changes to GS 160D-1104 (duties and responsibilities of inspector), as amended by the act and effective January 1, 2025, to reflect new restriction on local government from adopting sheathing inspections in areas where the wind speed is less than 140 miles per hour.

Makes organizational changes.

Intro. by Brody, D. Hall, Cotham, Riddell.

GS 113A, GS 143, GS 153A, GS 160D

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

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.*

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

Section 21

Requires the Commission for Public Health to implement 15A NCAC 18E .1713 (Local Health Department Responsibilities) by requiring Accepted systems to be permitted in an equivalent manner to a conventional system and sized in accordance with the Accepted system approval without requiring a request from an owner (was, 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.

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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 790 (2023-2024) **INNOCENCE INQUIRY COMMISSION PROVISIONS**. Filed Apr 18 2023, *AN ACT TO MODIFY LAWS RELATING TO THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AND TO MODIFY VARIOUS LAWS RELATED TO CRIMINAL PROCEDURE.*

Senate committee substitute to the 3rd edition makes the following changes.

Amends GS 15A-1465 by removing the requirement that the Director of the North Carolina Innocence Inquiry Commission report to the chairs of the specified NCGA committee annually by February 1 of each year on all funds received through private gifts, donations, or devises from any source other than the State. Instead, amends GS 15A-1475 to require that the Commission's annual report to the same NCGA committee include a record of the receipt and expenditure of all private donations, gifts, and devises for the reporting period.

Makes additional technical changes.

Adds the following content.

Amends GS 15A-211, making laws governing electronic recording of juvenile interrogations applicable to any custodial interrogation of any person in a felony criminal investigation conducted at any place of detention (previously, any custodial interrogation of any person in a criminal investigation conducted at any place of detention if the investigation is related to any

Class A, B1, or B2 felony, and any Class C felony of rape, sex offense, or assault with a deadly weapon with intent to kill inflicting serious injury). Amends the statute's stated purpose to include increasing court confidence in addition to court efficiency. Revises the definition of *in its entirety* as it applies to the Article to include an uninterrupted record that begins at the start of the interview of custodial interrogation and ends when the custodial interrogation has completely finished. Eliminates the requirement for the record to clearly show both the interrogator and the person in custody; instead requires any visual recording of a custodial interrogation to film both the interrogator and suspect. Adds that the record must reflect all starting and ending times and dates, as well as the starting time and date of the recess and resumption of the interrogation. Replaces the previous provisions regarding electronic recording requirements. Enacts a similar requirement to require any law enforcement officer conducting a custodial interrogation in a place of detention of (1) a juvenile involved in a criminal investigation or (2) any person involved in a felony criminal investigation, to make an electronic recording of the custodial interrogation in its entirety. Requires recordings of non-defendant custodial interrogations to be provided to the juvenile or criminal defendant as part of discovery requirements under GS Chapters 7B and 15A. Adds that electronic recordings of non-defendant custodial interrogations can be destroyed at the conclusion of the State appeal process. Applies to custodial interrogations occurring on or after October 1, 2023.

Effective October 1, 2023, amends GS 15A-266.7, requiring the State Crime Lab to notify the office of district attorney for all CODIS matches.

Adds new Article 54, Reliability of In-Custody Informant Statements, to GS Chapter 15A, providing as follows. Requires all interviews of in-custody informants by a law enforcement officer to be recorded using a visual recording device that provides an authentic, accurate, unaltered, and uninterrupted record of the interview that clearly shows both the interviewer and the in-custody informant. Provides an exception for attorneys for the State or defense conducting an interview as part of trial preparation. Defines *in-custody informant* as a person, other than a co-defendant, accomplice, or co-conspirator, whose testimony is based on statements allegedly made by the defendant while both the defendant and the informant were held within a city or county jail or a State correctional institution or otherwise confined, where statements relate to offenses that occurred outside of the confinement. Prohibits destroying or altering any electronic recording of an in-custody informant interview until one year after the completion of all State and federal appeals of the conviction, including the exhaustion of any appeal of any motion for appropriate relief or habeas corpus proceedings. Requires law enforcement to clearly identify and catalogue every electronic recording. Applies to offenses committed on or after October 1, 2023.

Make conforming changes to the act's long title.

Intro. by Pyrtle.

GS 15A

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Courts/Judiciary, Juvenile Law, Delinquency, Court System, Administrative Office of the Courts, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure

PUBLIC/SENATE BILLS

S 99 (2023-2024) **BOND REFERENDUM TRANSPARENCY**. Filed Feb 13 2023, *AN ACT TO INCREASE THE TRANSPARENCY OF BOND REFERENDUMS BY REQUIRING ADDITIONAL DISCLOSURES ON BOND APPLICATIONS, THE ORDER APPROVING THE BOND APPLICATION, AND ON THE BALLOT; TO INCREASE THE TRANSPARENCY OF BOND REFERENDUMS BY REQUIRING THE AMOUNT OF PROPERTY TAX INCREASE ON THE BALLOT QUESTION IF KNOWN AND ADDITIONAL POSTING OF BOND ORDERS; AND TO REQUIRE THE LOCAL GOVERNMENT COMMISSION TO MAINTAIN A DATABASE OF PROPOSED BOND ISSUE APPROVED BY THE COMMISSION.*

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

Section 1.

Moves amendments to GS 159-61(d) (form of ballot question on bond referenda) to Section 1 (was, Section 4). Rewords the form of the ballot question so that it begins with the following, "additional property taxes may be levied on property located in

[name of unit of local government] in an amount sufficient to pay the principal of and interest on bonds if approved by the following ballot question.” Eliminates requirement that the bond question appear in the format listed in the statute. Deletes proposed ballot language that would have provided the voter with: (1) a disclosure of the maximum bond issuance term and a disclosure of the interest rate charged over the same period of years immediately prior and (2) a disclosure that approval would permit the local government to issue up to 2/3 of the principal amount authorized by the ballot question without voter approval in future years. Changes the ballot disclosure pertaining to property tax liability so that it now will provide the estimated increase in property tax liability to service the debt for each \$100,000 of property tax value, per year (was, \$10,000 of property tax value).

Section 3.

Amends GS 159-52 (c) (approval of proposed bond issue application by Local Government Commission [LGC]) as follows. Changes the disclosure pertaining to property tax liability so that it now will provide the unit’s increase in property tax liability to service the debt for each \$100,000 of property tax value, per year (was, \$10,000 of property tax value). Specifies that the order approving the application must be posted online on the LGC’s, the local government’s, and the appropriate local county board(s) of elections’ website(s).

Section 5.

Amends GS 159-55 (sworn statement of debt as part of procedure for issuing bonds) to provide that the local government’s finance officer or designee must file a summary sheet containing the following information prior to the public hearing on the bond order: (1) the current financial state of the unit of local government, including any outstanding bonds held by the unit of local government; (2) the information required by GS 159-55.1 for the statement of disclosure; (3) the amount of debt that may be issued over [maximum bond issuance term] years, and the interest charged for similar debt over the last [same period of time in years] was [provide applicable range]; (4) the information required by GS 159-55. Specifies that the summary sheet must be posted online on the LGC’s, the local government’s, and the appropriate local county board(s) of elections’ website(s).

Amends GS 159-55.1 (statement of disclosure necessary for bond authorization), GS 159-56 (pertaining to publication of bond order as introduced), and GS 159-58 (pertaining to publication of bond order as adopted) to specify that the statement of disclosure/bond order as introduced/bond order as adopted must be posted online on the LGC’s, the local government’s, and the appropriate local county board(s) of elections’ website.

Section 6.

Requires the LGC to establish an online database that makes publicly available a searchable listing of all proposed bond issue approved by the LGC. Requires the database to contain the following information: (1) the summary sheet provided for in GS 159-55(e); (2) the ballot question as provided for in GS 159-61 and (3) a statement of the result of the ballot question once certified by the appropriate board of elections. Effective January 1, 2024.

Section 7.

Amends GS 69-25.1 (special tax elections to be held upon petition of voters in rural fire protection districts to require that the ballot question specify that the maximum tax rate authorized be fifteen cents (15¢) on the \$100 valuation of property and first proposed fire tax rate, if any, is proposed. Makes a clarifying change.

Section 8.

Changes the act’s general effective date to December 31, 2023. Specifies it applies to bonds proposed on or after that date.

Makes organizational, technical and clarifying changes.

Makes conforming changes to the act’s long title.

Intro. by Johnson, Ford, Settle.

GS 69, GS 159

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Government, Budget/Appropriations, Elections, Local Government

S 145 (2023-2024) [CONTINUING CARE RETIREMENT COMMUNITIES ACT.-AB](#) Filed Feb 22 2023, *AN ACT TO ENACT THE CONTINUING CARE RETIREMENT COMMUNITIES ACT, AS RECOMMENDED BY THE DEPARTMENT OF INSURANCE.*

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

Part 13.

Amends GS 58-64A-370 by amending the membership of the Continuing Care Advisory Committee as follows. Instead of requiring all 12 members to be appointed by the Commissioner, divides the appointments between the Commissioner and the NCGA and updates membership qualifications as follows. Requires six members to be appointed by the Commissioner as follows: two residents of continuing care retirement communities, one owner of a continuing care retirement community, one provider of continuing care at a continuing care retirement community or one provider of a continuing care at home program, one person who can be classified as a representative of residents of continuing care retirement communities, and one person who can be classified as a representative of continuing care retirement communities. Requires three members to be appointed by the President Pro Tempore of the Senate as follows: one person who can be classified as a representative of residents of continuing care retirement communities, one person who can be classified as a representative of continuing care retirement communities, and one person who is a certified public accountant licensed to practice public accountancy in North Carolina. Requires three members to be appointed by the House of Representatives as follows: one person who can be classified as a representative of residents of continuing care retirement communities, one person who can be classified as a representative of continuing care retirement communities, and one person who is a certified public accountant licensed to practice public accountancy in North Carolina. No longer requires the inclusion of any individuals representing and nominated by the North Carolina Continuing Care Residents Association or by LeadingAge North Carolina. Makes conforming changes to the filling of vacancies. Adds the requirement that any appointment to fill a vacancy on the Committee that is due to resignation, dismissal, death, or disability must be for the remainder of the unexpired term and filled by the appointing authority.

Intro. by Johnson.

GS 58

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Business and Commerce, Insurance, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, State Agencies, Department of Insurance, Health and Human Services, Social Services, Adult Services

S 389 (2023-2024) [PARENT CONSENT TO DONATE BLOOD/TECH CORRECT. \(NEW\)](#) Filed Mar 28 2023, *AN ACT TO ALLOW PERSONS SIXTEEN AND SEVENTEEN YEARS OF AGE TO GIVE OR DONATE BLOOD WITH WRITTEN PARENTAL CONSENT AND TO MAKE TECHNICAL CORRECTIONS TO THE MIDWIFERY STATUTES.*

House committee substitute to the 2nd edition adds the following content.

Amends GS 90-178.2, as amended by SL 2023-14, containing the definitions of terms applicable to Article 10A, Practice of Midwifery, of GS Chapter 90 as follows. Amends the definition of interconceptional to clarify that it includes perimenopause care. Amends the definition of prenatal care to define it as care focused on the promotion of a healthy (was, normal) pregnancy using management strategies and therapeutics as indicated, including the specified activities. Effective October 1, 2023.

Amends GS 90-178.4(a3), as enacted in SL 2023-14, by specifying that the entity responsible for adopting rules governing the safety of home births attended by a Certified Nurse Midwife is the joint subcommittee of the North Carolina Medical Board and the Board of Nursing, including the four additional members required by the act. Also amends the statute by adding that the joint subcommittee has the authority to adopt, amend, and repeal rules necessary to administer Article 10A. Effective October 1, 2023.

Makes conforming changes to the act's titles.

Intro. by Hise, Mayfield.

GS 90, GS 130A

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

S 626 (2023-2024) **MODIFY HUMAN TRAFFICKING AND RIOT LAWS. (NEW)** Filed Apr 5 2023, *AN ACT TO MODIFY LAWS RELATING TO HUMAN TRAFFICKING, AS RECOMMENDED BY THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND TO MODIFY LAWS RELATING TO RIOTING.*

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

Make a clarifying change to GS 15B-11(b).

Amends GS 14-288.2, as amended by Section 1 of SL 2023-6, as follows. Amends the Class A1 misdemeanor to now include when a person willfully incites another to engage in a riot and that inciting results in a riot or is directly and imminently likely to produce a riot (was, willfully incites or urges another to engage in a riot, so that as a result of such inciting or urging a riot occurs or a clear and present danger of a riot is created). Amends the Class E felony for willfully inciting another to engage in a riot and the inciting is a contributing cause of a riot where property damage exceeds \$2,5000 or there is serious bodily injury, by removing willfully urging another to engage in such a riot. Amends the Class D felony so that it now applies to a person who willfully incites another to engage in a riot, and that inciting is a contributing cause of a riot in which there is a death (was, willfully incites or urges another to engage in a riot and that inciting or urging causes a death). Applies to offenses committed on or after December 1, 2023.

Makes conforming changes to the act's titles.

Intro. by Alexander, Hanig, Barnes.

[GS 14](#), [GS 15B](#), [GS 50D](#)

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**Courts/Judiciary, Criminal Justice, Criminal Law and
Procedure**

S 631 (2023-2024) **MINOR GENDER TRANS. PROC./PUBLIC PROVIDERS. (NEW)** Filed Apr 5 2023, *AN ACT TO PROHIBIT THE USE OF PUBLIC HEALTHCARE FACILITIES AND STATE FUNDS FOR GENDER TRANSITION PROCEDURES ON MINORS.*

House committee substitute to the 2nd edition replaces the entirety of the 2nd edition with the following.

Enacts new Article 1N, entitled Gender Procedures on Minors, to GS Chapter 90. Bars a public healthcare facility, or a health care provider employed by or under contract with a public healthcare facility, from performing a surgical gender transition on a minor or from dispensing or providing puberty-blocking drugs or cross-sex hormones to a minor (new GS 90-21.151(a)).

Sets forth 13 defined terms, including the following:

- *Biological sex* is the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.
- *Cross-sex hormones* are supraphysiologic doses of testosterone or other androgens to members of the female biological sex or supraphysiologic doses of estrogen or synthetic compounds with estrogenic activity to members of the male biological sex.
- *Gender* is the psychological, behavioral, social, and cultural aspects of being male or female.
- *Gender reassignment surgery* is any medical or surgical service that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual's biological sex, in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's biological sex, including a genital or non-genital gender reassignment surgery as defined in this section.
- *Gender transition* is the process in which a person goes from identifying with and living as a gender that corresponds to his or her biological sex to identifying with and living as a gender different from his or her biological sex, and may involve social, legal, or physical changes.

- *Genital gender reassignment surgery* is a gender reassignment surgery performed for the purpose of assisting an individual with a gender transition, including, without limitation, any of the following: (1) surgical procedures such as penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or ovariectomy for biologically female patients; (2) reconstruction of the fixed part of the urethra with or without a metoidioplasty; or (3) phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses for biologically female patients.
- *Minor* is an individual who is younger than 18 years of age.
- *Non-genital gender reassignment surgery* is a gender reassignment surgery performed for the purpose of assisting an individual with a gender transition, including, without limitation, any of the following: (1) surgical procedures for biologically male patients, such as augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, or various aesthetic procedures or (2) surgical procedures for biologically female patients, such as subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, or various aesthetic procedures.
- *Puberty-blocking drugs* are gonadotropin-releasing hormone analogues or other synthetic drugs used in biological males to stop luteinizing hormone secretion and therefore testosterone secretion, or synthetic drugs used in biological females which stop the production of estrogens and progesterone, when used to delay or suppress pubertal development in children for the purpose of assisting an individual with a gender transition.
- *Public healthcare facility* is any of the following: (1) The University of North Carolina Health Care System; (2) any healthcare institution, agency, or entity which has an affiliation agreement with the University of North Carolina, a constituent institution of the University of North Carolina, or the University of North Carolina Health Care System; (3) any facility operated by the Division of State Operated Healthcare Facilities, Department of Health and Human Services; (4) any local health department; or (5) any healthcare facility created or operated under Article 2 of GS Chapter 131E.
- *Surgical gender transition procedure* is any surgical service, including, without limitation, genital gender reassignment surgery and non-genital reassignment surgery, physician's services, and inpatient and outpatient hospital services related to gender transition, that seeks to do any of the following for the purpose of effecting a gender transition: (1) alter or remove physical or anatomical characteristics or features typical for the individual's biological sex or (2) instill or create physiological or anatomical characteristics that resemble a sex different from the individual's biological sex.

Exempts the following procedures on minors from the bar set forth above: (1) services to persons born with a medically verifiable disorder of sex development, including a person with external biological sex characteristics that are unresolvedly ambiguous, such as those born with 46 XX chromosomes with virilization, 46 XY chromosomes with under-virilization, or having both ovarian and testicular tissue; (2) services provided when a physician has otherwise diagnosed a disorder of sexual development that the physician has determined through genetic or biochemical testing that the person does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action; (3) the treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures, whether or not the gender transition procedure was performed in accordance with State and federal law; (4) breast reduction procedures for a female patient causing a physical disorder; (5) any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent danger of death or impairment of major bodily function unless surgery is performed; and (6) any procedure, including those listed in GS 90-21.150(6) (definition of genital gender reassignment surgery) and (10) (definition of non-genital gender reassignment surgery), that a treating physician certifies is medically necessary to treat a physiological condition.

Specifies that nothing in new Article 1N should be construed to require a healthcare provider to perform a surgical gender transition procedure or to provide or dispense puberty-blocking drugs.

Enacts new GS 143C-6-5.6, which prohibits State funds from being used, directly or indirectly, for the performance of or in furtherance of surgical gender transition procedures, to provide puberty-blocking drugs or cross-sex hormones to a minor, or to support the administration of any governmental health plan or government-offered insurance policy offering surgical gender transition procedures, puberty-blocking drugs, or cross-sex hormones to a minor. Exempts the State Health Plan for Teachers and State Employees (Health Plan). and specifies that this exemption expires 30 days after the memorandum and order date June 10, 2022, or the permanent injunction ordered therein in *Kadel v. Folwell* is vacated, overturned, or no longer in force. Directs the Health Plan to notify the Revisor of Statutes if the order or injunction is vacated, overturned, or no longer in force.

Effective October 1, 2023.

Makes conforming changes to the act's titles.

[View summary](#)

Government, State Agencies, UNC System, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance

LOCAL/SENATE BILLS

S 154 (2023-2024) [AVERY/UNION/STALLINGS/INDIAN TRAIL OT CHNGS. \(NEW\)](#) Filed Feb 23 2023, *AN ACT TO AUTHORIZE AVERY COUNTY TO LEVY AN OCCUPANCY TAX IN A TAX DISTRICT COMPRISING THE UNINCORPORATED AREAS OF THE COUNTY AND TO AUTHORIZE THE TOWN OF INDIAN TRAIL, A PORTION OF THE TOWN OF STALLINGS, AND UNION COUNTY TO EACH LEVY AN OCCUPANCY TAX, IF APPROVED IN A REFERENDUM.*

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

Amends the applicability of the Avery County District A room occupancy tax so that it is applicable to the gross receipts derived from the rental of an accommodation within the district (was, from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar pace within the district) that is subject to State sales tax; makes conforming changes. Increases the amount of the proceeds that must be used for promoting travel and tourism in the district from one-third to two-thirds. Specifies that the Avery County District A Tourism Development Authority must expend the next tax proceeds for promoting travel and tourism in the district and for tourism-related expenditures in the district as provided in this act.

Organizes the content of the 1st edition into Part I and adds the following content.

Part II.

Authorizes the Town of Indian Trail Town Council to levy a room occupancy tax of up to 5%, subject to approval in a referendum. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (Uniform provisions for room occupancy taxes). Authorizes the Town of Indian Trail Town Council to increase the occupancy tax rate by resolution after 10 days' public notice and hearing, at a rate not exceeding the rate approved by a referendum. Requires the Indian Trail Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the town and the remainder for other tourism-related expenditures. Mandates that at least one-third of the TDA's members must be affiliated with businesses that collect the tax in the town and at least one-half must be currently active in the town's travel and tourism promotion. Provides further parameters of TDA members, meetings, and duties. Requires quarterly and end-of-year reports from the TDA to the Town Council.

Part III.

Creates a new tax district for the part of the Town of Stallings that is located in Union County, to be called Stallings District S. Stallings District S is a body politic and corporate. Provides for the governance of that district by the Stallings Town Council and city officers. Authorizes the Stallings District S governing body to levy a room occupancy tax of up to 5%, subject to approval in a referendum. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 160A-215 (uniform provisions for room occupancy taxes). Requires a referendum to be held regarding levying room occupancy taxes, and requires holding a public hearing before adopting the resolution to levy the tax. Authorizes the governing board of Stallings District S to increase the occupancy tax rate by resolution after 10 days' public notice and hearing, at a rate not exceeding the rate approved by a referendum. Requires the Stallings District S Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the district and the remainder for tourism-related expenditures. Mandates that at least one-third of the members of the TDA must be affiliated with businesses that collect the tax in the district and at least one-half must be currently active in the district's travel and tourism promotion. Provides further parameters of TDA members, meetings, and duties. Requires quarterly and end of year reports from the TDA to the governing body.

Part IV.

Authorizes the Union County Board of Commissioners to levy a room occupancy tax of up to 1%, subject to approval in a referendum. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes). Authorizes the Board to increase the occupancy tax rate by resolution after 10 days' public notice and hearing. Requires the Union County Tourism Development Authority (TDA) to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the town and the remainder for other tourism-related expenditures . Mandates that at least one-third of the TDA's members must be affiliated with businesses that collect the tax in the county and at least one-half must be currently active in the county's travel and tourism promotion.

Makes conforming changes to the act's long title.

Intro. by Hise.

[Avery, Union, GS 153A](#)

[View summary](#)

Government, Tax

S 162 (2023-2024) [YANCEY COUNTY OCCUPANCY TAX INCREASE](#). Filed Feb 27 2023, *AN ACT TO CONFORM AND INCREASE THE YANCEY COUNTY OCCUPANCY TAX AUTHORIZATION*.

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

Further amends the taxing authority of the Yancey County Board of Commissioners (Board) under SL 1987-140, as amended, as follows. Amends the applicability of the room occupancy tax so that it applies to the gross receipts derived from the rental of an accommodation within the county (was, rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place of business within the county) that is subject to State sales tax; makes conforming changes.

Removes the provision stating that the tax proceeds may be used only for the direct benefit of the county. Specifies that the Yancey County Tourism Development Authority must expend tax proceeds for promoting travel and tourism and for tourism-related expenditures as provided in this act. Makes additional clarifying changes.

Intro. by Hise.

[Yancey](#)

[View summary](#)

Business and Commerce, Government, Tax, Local Government

ACTIONS ON BILLS

PUBLIC BILLS

H 125: NC HEALTH & HUMAN SERVICES WORKFORCE ACT (NEW).

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

H 168: DNCR AGENCY BILL.-AB

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

H 186: DIV. OF JUVENILE JUSTICE MODS.-AB

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/21/2023

H 219: CHARTER SCHOOL OMNIBUS.

Senate: Withdrawn From Com

Senate: Re-ref to Education/Higher Education. If fav, re-ref to Rules and Operations of the Senate

H 258: NOVEL OPIOID CONTROL ACT OF 2023.

Senate: Withdrawn From Com

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

H 316: RESPIRATORY CARE MODERNIZATION ACT.

Senate: Withdrawn From Com

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

H 361: REQUIRE REPORT/PROTECTION & ADVOCACY AGENCY.

Senate: Withdrawn From Com

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

H 364: 2023 UNC SELF-LIQUIDATING CAPITAL PROJECTS.

House: Pres. To Gov. 6/20/2023

H 455: EXPEDITE WATER/WASTEWATER FRANCHISE TRANSFER.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 471: STATE AUDITOR/INFO. SYSTEMS/CORRECTIVE ACTION.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 488: CODE COUNCIL REORG. AND VAR. CODE AMEND.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 574: FAIRNESS IN WOMEN'S SPORTS ACT.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 591: RESTITUTION/SEXUAL EXPLOITATION OF MINOR.

Senate: Withdrawn From Com

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

H 605: SCHOOL THREAT ASSESSMENT TEAMS.

Senate: Reptd Fav

H 611: MODIFY TRAINING/STANDARDS COMMISSIONS POWER.

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/21/2023

H 618: CHARTER SCHOOL REVIEW BOARD.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 627: ON-SITE WASTEWATER RULES IMPLEMENTATION.

Senate: Amend Adopted AI

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 681: INTERSTATE MED. LIC. COMPACT/MIL. LICENSURE.

Senate: Withdrawn From Com

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

H 748: FELONY CHILD ABUSE/EXPAND SCOPE.

Senate: Withdrawn From Com

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

H 772: POLL OBSERVER APPOINTMENTS, ACCESS & ACTIVITY.

House: Withdrawn From Com

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

H 790: INNOCENCE INQUIRY COMMISSION PROVISIONS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 814: EMERGENCY MANAGEMENT MODS.

Senate: Withdrawn From Com

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

H 852: THE REP. BECKY CARNEY CARDIAC ARREST ACT.

House: Reptd Fav

House: Re-ref Com On Appropriations

S 44: MOBILE SALONS/COSMETIC SERVICES AT WEDDINGS. (NEW)

House: Reptd Fav

House: Re-ref Com On Finance

S 99: BOND REFERENDUM TRANSPARENCY.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 145: CONTINUING CARE RETIREMENT COMMUNITIES ACT.-AB

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Finance

S 176: CONSUMERS IN CRISIS PROTECTION ACT.

Senate: Withdrawn From Com

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

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

S 299: REIMBURSE LATE AUDIT COSTS WITH SALES TAX REV.

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

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Veto Overridden

S 329: RETAIL INSTALLMENT SALES ACT AMENDMENTS.

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

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Veto Overridden

S 331: CONSUMER FINANCE ACT AMENDMENTS.

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

Senate: Withdrawn From Com

Senate: Placed on Today's Calendar

Senate: Veto Overridden

S 364: NONDISCRIMIN & DIGNITY IN STATE WORK. (NEW)

Senate: Veto Overridden

S 382: DENTAL PRACTICE ACT CHANGES.

Senate: Failed Concur In H Com Sub

S 389: PARENT CONSENT TO DONATE BLOOD/TECH CORRECT. (NEW)

House: Reptd Fav Com Substitute

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

S 552: MODIFICATIONS TO NOTARY PUBLIC ACT.

House: Withdrawn From Com

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

S 626: MODIFY HUMAN TRAFFICKING AND RIOT LAWS. (NEW)

House: Reptd Fav Com Substitute

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

S 631: MINOR GENDER TRANS. PROC./PUBLIC PROVIDERS. (NEW)

House: Reptd Fav Com Substitute

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

S 747: ELECTIONS LAW CHANGES.

Senate: Reptd Fav

S 749: NO PARTISAN ADVANTAGE IN ELECTIONS.

Senate: Reptd Fav

LOCAL BILLS

H 184: HAYWOOD COUNTY OCCUPANCY TAXES.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

S 120: SWAIN COUNTY OCCUPANCY TAX RATE INCREASE.

Senate: Reptd Fav

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

S 126: CITY OF ASHEVILLE/PARKING METER PROCEEDS.

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 132: BERTIE COUNTY OCCUPANCY TAX AUTHORIZATION.

Senate: Reptd Fav

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

S 154: AVERY/UNION/STALLINGS/INDIAN TRAIL OT CHNGS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 162: YANCEY COUNTY OCCUPANCY TAX INCREASE.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

S 255: IREDELL COUNTY OCCUPANCY TAX MODIFICATIONS.

Senate: Reptd Fav

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

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