

The Daily Bulletin: 2023-06-21

PUBLIC/HOUSE BILLS

H 563 [REGULATE HEMP-DERIVED CONSUMABLES & KRATOM. \(NEW\)](#) Filed Apr 4 2023, *AN ACT TO REGULATE THE SALE AND DISTRIBUTION OF HEMP-DERIVED CONSUMABLE PRODUCTS, TO BAN HEMP-DERIVED CONSUMABLE PRODUCTS FROM SCHOOL GROUNDS, AND TO REGULATE THE SALE AND DISTRIBUTION OF KRATOM PRODUCTS.*

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

Parts I and V.

Substantially revises new GS Chapter 18D, now pertaining to regulation of hemp-derived consumable products (was, hemp-derived cannabinoid products) in Part I of the act, as discussed below. Part V of the act creates new GS Chapter 18E, pertaining to Regulation of Kratom Products and Processors, which is largely identical to the regulatory scheme set forth in GS Chapter 18D, except for the differences discussed below. Removes references to the NC Alcoholic Beverage Control Commission (Commission) throughout new GS Chapter 18D and replaces it with the Department of Revenue (Department). Makes conforming changes throughout new GS Chapter 18D for new term, "hemp-derived consumable products," and change from Commission to Department.

Enacts new 18D/E-101, creating the following four sales restrictions on hemp-derived consumable products and kratom products and processors: (1) knowingly, or having reason to know, sell a hemp-derived consumable product/kratom product to a person under 18 years of age; (2) knowingly, or having reason to know, distribute samples of hemp-derived consumable products/kratom products in or on a public street, sidewalk, or park; (3) engage in the business of selling hemp-derived consumable products/a kratom product without a valid license; and (4) (i) for GS 18D-101, knowingly, or having reason to know, sell at retail a hemp-derived consumable product that has a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis or (ii) for GS 18E-101, knowingly, or having reason to know, sell at retail a kratom product that violates the provisions of GS 18E-106 (limits on kratom products). Provides for civil penalties imposed by the Department ranging from a penalty of no more than \$500 for the first violation to a penalty of no more than \$2,000 and either suspension of the seller's license for up to a year or revocation of the seller's license for a fourth or subsequent violation within three years of the first violation. Permits the Department, in any case which the Department is entitled to suspend or revoke a seller's license, to accept from the seller an offer in compromise to pay a penalty of not more than \$3,000. Specifies that the Department may either accept a compromise or revoke a license, but not both. Allows the Department to accept a compromise and suspend the license in the same case.

Provides for three listed defenses, including (1) demonstrating that the purchaser produced identification showing their age to be the required age for purchase and bearing a physical description of the person named on the card that reasonably describes the purchaser or (2) production of other facts that reasonably indicated that at the time of sale, the purchaser was at least the required age. Retains civil penalty provision and forfeiture authorization from prior version and applies it to new GS Chapter 18E.

Amends new GS 18D/18E-102, offenses involving the purchase, attempted purchase, or possession of hemp-derived consumable products/kratom products by a person under 18 years of age, as follows. Makes it unlawful for: (1) any person to give hemp-derived consumable products/kratom products to any person under 18 without the consent of the person's parent or guardian; (2) any person under 18 to purchase, or attempt to purchase, any hemp-derived consumable products/kratom products; (3) for any person to enter or attempt to enter a place where hemp-derived consumable products/kratom products are sold or to obtain, or attempt to obtain hemp-derived consumable products/kratom products by using fraudulent identification; and (4) for any person to allow their identification to be used by any other person attempting to purchase hemp-derived consumable products/kratom products if they are under 18. Specifies that if the person is under 18, they are guilty of a Class 2 misdemeanor and if they are over 18, they are guilty of a Class 1 misdemeanor. Provides for aiding and abetting liability.

Specifies that the act is not intended to prohibit an underage person from selling, transporting, or possessing hemp-derived consumable products/kratom products in the course of employment, if the employment of the person for that purpose is lawful under applicable youth employment statutes.

Amends new 18D/E-103, creating three offenses involving the manufacture and distribution of hemp-derived consumable products and kratom products and processors: (1) knowingly, or having reason to know, distribute samples of any hemp-derived consumable products/kratom products in or on a public street, sidewalk, or park; (2) engage in the business of manufacturing or distributing hemp-derived consumable products/kratom products without a valid license; or (3) (i) knowingly, or having reason to know, manufacture or distribute a hemp-derived consumable product that has a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis or (ii) knowingly, or having reason to know, manufacture or distribute a kratom product that violates the provisions of GS 18E-106 (product limits). Specifies that violation is a Class A1 misdemeanor. Specifies that in addition to any criminal punishment, a violation must result in the Department imposing one or more of four listed civil penalties against the licensee including suspension of their license for not more than three years, revocation of licenses, and monetary penalties ranging from \$1,000 for the first violation to \$7,500 for a third violation within three years of the first violation. Provides for offers in compromise of not more than \$8,000 in cases where the Department is entitled to suspend or revoke a seller's compromise. Allows the Department to accept a compromise and suspend the license in the same case, but not to revoke a license if an offer in compromise is accepted. Directs that the clear proceeds of any civil penalty be remitted to the Civil Penalty and Forfeiture Fund. Authorizes forfeiture of products sold in violation of the bar on hemp-derived consumable products that have a delta-9 tetrahydrocannabinol concentration of more than three tenths of one percent (0.3%) on a dry weight basis or kratom products that are sold in violation of GS 18E-106.

For violations pertaining to the manufacture and/or distribution of hemp-derived consumable products that have a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis (GS 18D-103), creates a defense if the manufacturer does all of the following: (1) recalls all hemp-derived consumable products from the same batch as the product on which the violation is based; (2) has samples of the batch tested by an independent testing laboratory (provides for minimum sample sizes); and (3) provides certified results from the independent testing laboratory indicating that the sample tested does not contain a delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis.

Amends new GS 18D/E-105, setting forth seven licensure requirements for persons or entities in the business of manufacturing, distributing, or selling hemp-derived consumable products/kratom products, including that the applicant be at least 18 years of age, not have been convicted of a felony related to a controlled substance within 10 years in any state or federal jurisdiction, and that they consent to reasonable inspection and the taking of reasonable samples by the Alcohol Law Enforcement (ALE) Division of the person's inventory of hemp-derived consumable products/kratom products. Sets forth application fee schedule as follows: (1) for a manufacturer's license, \$5,000; (2) distributor license, \$2,500; (3) retail sales license, \$100 per location with a cap of \$2,500 with a requirement that the applicant submit a list of all locations to the Department; (4) online sales license, \$100 per location with a cap of \$2,500 with a requirement that the applicant submit a list of all internet websites to the Department.

Specifies that the license is valid for one year and sets forth fee renewal schedule as follows; (1) \$1,000 for a manufacturer's license; (2) \$750 for a distributor license; and (3) the same amount as the initial application fee for retail licenses.

Authorizes the Department to adopt, amend, and repeal rules to carry out the provisions of GS Chapter 18D/E. Provides for distribution of revenue collected from fees to the ALE Division to cover its costs in enforcing GS Chapter 18D/E. Exempts businesses with permits issued under GS 18B-1001 (ABC permits) or GS 90-85.21 (pharmacy permits) from the licensure requirements of GS 18D/E to sell hemp-derived consumable products/kratom products. Specifies that such businesses are still subject to the other provisions of GS 18D/E.

Makes organizational, conforming, and technical changes.

For processors and distributors of kratom products licensed under GS 18E-105, requires them to register all kratom products they offer for sale in the State with the Department. Specifies that the registration must include any information that the Department deems necessary to ensure compliance with the provisions of GS Chapter 18E. Requires the Department to require the processor or distributor, upon receipt of any adverse event report related to a product manufactured or distributed by that processor or distributor, to submit a copy of the adverse event report, as required under 21 U.S.C. 49 §379aa-1, to the Department within 30 days. If the processor or distributor does not submit a copy of the adverse event report within the time allotted, requires that the registration for that product must be revoked and the license for that processor or distributor must be suspended or revoked, at the discretion of the Department.

Provides for forfeiture of property that has not been previously seized pursuant to an arrest or search in conjunction with certain alleged violations of GS 18D/E-101 by application to the court for an order authorizing seizure of such property. Specifies that an order for seizure can only issue after criminal process has been issued for any of those alleged violations.

Part I.

In addition to statutory provisions set forth above, makes the following changes to new GS Chapter 18D. Adds new defined terms *cannabinoid*, *department*, *distributor*, *hemp*, *hemp-derived consumer product*, *hemp-derived psychoactive cannabinoid*, *hemp product*, *independent testing laboratory*, *ingestion*, *inhalation*, *license*, *manufacturer*, and *seller*. Removes defined terms *commission*, *hemp-derived cannabinoid*, and *proof of age*. Changes definition of *batch* to the hemp-derived consumable product produced during a period of time under similar conditions and identified by a specific code that allows traceability. (Was, a single stock keeping unit with common cannabinoid input or a hemp flower of the same varietal and harvested on the same date manufactured during a defined cycle in such a way that it could be expected to be of a uniform character and should be designated as such.)

Amends GS 18D-106 (testing requirements prior to distribution of a hemp-derived consumable product) to add that the tests run on such products must also test for any other controlled substance, in addition to six other listed things that must be tested for. Provides for required sample sizes based on the size of the batch for batch testing. Makes conforming changes. Amends GS 18D-107 (setting forth additional requirements and restrictions for hemp-derived consumable products) as follows. Changes the cap on the amount of milligrams per serving of an ingestible from 75 milligrams to 200 milligrams of hemp-derived cannabinoids. Makes clarifying changes.

Changes the effective date to July 1, 2024 (was, October 1, 2023).

Part II.

Deletes proposed changes to GS 18B-500(b)(1) and repeal of GS 90-87(13). Repeals instead of amending GS 90-94.1 (exemption for use or possession of hemp extract). Effective July 1, 2023, and applies to offenses committed on or after that date.

Part III.

Amends the appropriation provision to specify that once the \$2 million provided to the ALE Division has been exhausted, the fees remitted to the Division pursuant to GS 18D-105 should be used to support the new full-time positions on a recurring basis. Also specifies that any nonrecurring funds appropriated by this section for the 2023-24 fiscal year that remain unexpended at the end of the 2023-24 fiscal year will not revert at the end of the 2023-24 fiscal year and will remain available for expenditure for the purpose for which the funds were appropriated until the funds are expended.

Part IV.

Amends Article 29A of GS Chapter 115C so that it also requires a policy prohibiting the use of hemp-derived consumable products, in addition to tobacco. Changes the entity responsible for adopting such written policies from the local boards of education to the governing bodies of public school units under GS 115C-407. Removes duties to implement and enforce such policies. Makes conforming changes.

Enacts new GS 115C-407.1 (policy prohibiting the use of hemp-derived consumable products in school buildings, grounds, and at school sponsored events), as follows. Requires governing bodies of public school units to adopt a written policy prohibiting at all times the use of any hemp-derived consumable product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the public school unit. Requires the policy to further prohibit the use of all hemp-derived consumable products by persons attending a school-sponsored event at any other location when in the presence of students or school personnel or in an area where the use of hemp-derived consumable products is otherwise prohibited by law. Requires the policy to include at least the following: (1) adequate notice to students, parents, the public, and school personnel of the policy; (2) posting of signs prohibiting at all times the use of hemp-derived consumable products by any person in and on school property; and (3) requirements that school personnel enforce the policy.

Authorizes hemp-derived consumable products to be included in instructional or research activities in public school buildings if the activity is conducted or supervised by the faculty member overseeing the instruction or research and the activity does not include smoking, chewing, or otherwise ingesting or inhaling the hemp-derived consumable product. Specifies that local

school units can adopt and enforce a more restrictive policy on the hemp-derived consumable products in school buildings, in school facilities on school campuses, or at school-related or school-sponsored events, and in or on other school property.

Requires charter schools, regional schools, schools for students with visual and hearing impairments, and UNC lab schools to adopt a policy in conformity with the requirements discussed above. Makes conforming change to Section 6(d) of SL 2018-32 (renewal school system plans) to account for increased scope of mandatory tobacco/hemp-derived consumable products policy.

Applies beginning with the 2023-24 school year.

Part V.

In addition to statutory provisions set forth above, does the following as part of new GS Chapter 18E. Defines terms *department*, *distributor*, *processor*, *kratom product*, and *seller*. Prohibits a kratom processor, distributor, or seller from preparing, manufacturing, distributing, or offering for sale any of six listed types of kratom products. Enacts new GS 18E-104 and GS 18E-108, which is identical to GS 18D-104's enforcement provisions and GS 18D-109's statutory construction provisions, respectively. Makes conforming change to GS 18B-500(b) as amended by the act to refer to new GS Chapter 18E. Effective date of GS Chapter 18E is July 1, 2024, and applies to all kratom products possessed, sold, distributed, processed, or manufactured on or after that date, and to all offenses committed on or after that date.

Part VI.

Now requires the Department to establish guidance to parties regulated by the provisions of GS Chapter 18D and GS Chapter 18E as enacted by the act. Specifies that the Department must adopt and amend rules prior to July 1, 2024; however, no rule may become effective until on or after that date. Requires the Department to provide and accept applications for licensure, and issue licenses in accordance with GS Chapters 18D and 18E prior to July 1, 2024, in order that licensees may be in compliance on July 1, 2024. Specifies that no license issued by the Department will become effective prior to July 1, 2024. Authorizes the Department to use the procedure set forth in GS 150B-21.1 (APA procedure for temporary rules) to adopt or amend any rules as required by the act.

Now requires the Department of Public Safety (DPS), solo (was the Board of Agriculture, DPS, and the ABC Commission), to adopt rules consistent with the provisions of the act. Allows for the APA procedures pertaining to temporary rules to apply to the rules adopted or amended by those entities.

Changes the general effective date to when the act becomes law.

Makes conforming changes to the act's titles.

Intro. by McNeely, Sasser, Cotham, Fontenot.

[APPROP, GS 18B, GS 18D, GS 18E, GS 90, GS 106, GS 115C, GS 116](#)

[View summary](#)

[Agriculture, Business and Commerce, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, APA/Rule Making, Budget/Appropriations, State Agencies, UNC System, Department of Public Safety](#)

H 686 (2023-2024) [CIVIL RIGHTS EDUCATION](#). Filed Apr 18 2023, *AN ACT TO PROVIDE COMPREHENSIVE CIVIL RIGHTS EDUCATION TO EVERY STUDENT IN THE STATE*.

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

Instead of enacting new GS 115C-81.58 requiring coverage of the civil rights movement (1954-1968) in the standard course of study for students in elementary through high school, amends GS 115C-81.45 instead to require that a unit on civil rights be included as part of the middle school civic and citizenship education standard course of study and high school course in Founding Principles of the United States of America and North Carolina: Civil Literacy. Requires that the unit include the topics listed in the previous edition, with the following changes. Specifies that the topic of the civil rights movement that

occurred in the US from 1954 through 1968 includes the natural law and natural rights principles that informed the leadership of Rev. Dr. Martin Luther King, Jr.; the tactics and strategies of nonviolent resistance that Dr. King championed in response to the Jim Crow laws of that era; and the repeal of the Jim Crow laws of that era and the passage of civil rights legislation in the United States. Requires instruction on other acts of discriminatory injustice elsewhere around the globe to reinforce the lesson that hatred on the basis of immutable characteristics can overtake any society, removing the previously stated examples of such discriminatory injustice.

Intro. by Hardister, Blackwell, Quick.

[APPROP, GS 115C](#)

[View summary](#)

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

H 808 (2023-2024) [GENDER TRANSITION/MINORS. \(NEW\)](#) Filed Apr 18 2023, *AN ACT TO PROHIBIT GENDER TRANSITION PROCEDURES FOR MINORS.*

Senate committee substitute to the 3rd edition makes the following changes. Deletes the content of the previous edition and replaces it with the following.

Enacts new Article 1N, entitled Gender Procedures on Minors, to GS Chapter 90. Enacts new GS 90-21-151 that bars a medical professional from performing a surgical gender transition on a minor or from prescribing, dispensing or providing puberty-blocking drugs or cross-sex hormones to a minor.

Sets forth and defines terms used in the Article, 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 when used for the purpose of assisting an individual with a gender transition.
- *Gender* is the psychological, behavioral, social, and cultural aspects of being male or female.
- *Gender reassignment surgery* is any 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.
- *Medical professional* is any individual licensed to practice medicine or licensed to prescribe or dispense drugs.
- *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, or hair reconstruction or (2) surgical procedures for biologically female patients, such as subcutaneous mastectomy, voice surgery, liposuction, lipofilling, or pectoral implants.
- *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.

- *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, if the minor's parents or guardians give informed consent: (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 (9) (definition of non-genital gender reassignment surgery), that a treating physician certifies is medically necessary to treat a physiological condition. Specifies that a medical professional is not prohibited from continuing or completing treatment for a minor that includes a surgical gender transition procedure, or the administration of puberty-blocking drugs or cross-sex hormones if: (1) the treatment commenced before October 1, 2023, and was still active as of that date; (2) it is in the minor's best interest, in the reasonable medical judgment of the medical professional, for the course of treatment to be continued or completed; or (3) the minor's parents or guardians consent to the continuation or completion. Specifies that outside of new GS 90-21.15, the Article does not prohibit treatment provided by a licensed mental health professional that is provided within the scope of their practice.

Prohibits a medical professional and entities that they employ or contract with, from being required to perform a surgical gender transition procedure or prescribe, provide, or dispense, puberty-blocking drugs or cross-sex hormones. Prohibits hospitals and healthcare institutions from being required to participate in, or allow the use of their facilities in, performing a surgical gender transition procedure or prescribing, providing, or dispensing puberty-blocking drugs or cross-sex hormones. Provides civil, criminal, and administrative liability to medical professionals, entities, hospitals, and other healthcare institutions for exercising rights under these provisions.

Makes violations of the Article by a medical professional unprofessional conduct that results in revocation of the professional's license to practice.

Effective October 1, 2023.

Enacts new GS 90-21.154 creating civil liability for any (1) medical professional who performs a surgical gender transition procedure on a minor or who prescribes, provides, or dispenses puberty-blocking drugs or cross-hormones to a minor, and (2) any entity that employs or contracts with a medical professional who does so. Makes those individuals/entities liable to the minor for any physical, psychological, emotional, or physiological harm that the minor suffers to due to the procedure, drugs, or hormones. Allows the minor or the parent or guardian of a minor who suffers injury, to bring a civil action; sets out the required timeframe for bringing the action. Allows seeking declaratory or injunctive relief, compensatory damages (including pain and suffering, loss of reputation, loss of income, and loss of consortium which includes loss of expectation of shared parenthood), punitive damages, attorneys' fees and court costs, and any other appropriate relief. Excludes any damages that are awarded from the limit on noneconomic damages awarded in any medical malpractice action that is set in GS 90-21.19(a). Prohibits medical professionals and entities that employ or contract with medical professionals from seeking a contractual waiver of this liability and declares null and void any attempted waiver. Effective July 1, 2023.

Effective October 1, 2023, 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.

Includes a severability clause.

Changes the act's titles.

Intro. by Blackwell, Pless, Fontenot, Torbett.

GS 90, GS 143C

[View summary](#)

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

PUBLIC/SENATE BILLS

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

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

Part I.

Moves the content of Article 29F to GS Chapter 115C, into new GS Chapter 114A, entitled "Parents' Bill of Rights." Makes conforming changes. Makes the following additional changes.

Adds that a parent does not have the right to prohibit the creation by the State of a video or voice recording of their child without the parent's prior written consent, if the recording is used solely for the security or surveillance of school transportation. Makes additional clarifying changes.

Part II.

Changes the numbering of new statutes in new Article 7B in GS Chapter 115C and makes conforming changes.

Provides that parents have the right to opt into (was, opt out of) certain data collection for their child, as provided in Part 5 of Article 7B and Article 29. Amends GS 115C-402.15 to require local boards of education to annually give parents notice and opt-in (was, opt-out) opportunities for surveys covered by GS 115C-76.65 (parental rights to opt-in to protected information surveys) and the Protection of Pupil Rights Amendment; makes conforming changes.

Makes conforming changes to GS 115C-150.16, GS 115C-218.10, GS 115C-238.60, GS 116-239.5, and Section 6 of SL 2018-32 to account for new Article 7B.

Part III.

Amends the definition of *parent*, as it applies to Part 3 (Parental Consent for Treatment) in Article 1A of GS Chapter 90, so that it is now defined as a minor's parent, guardian, or person standing in loco parentis. A person standing in loco parentis is a person who has assumed parental responsibilities including support and maintenance of the minor.

Amends GS 90-21.10B by amending what type of parental consent is required before a health care practitioner can provide, solicit, or arrange treatment for a minor child to require written or documented consent (was, written consent only). Makes conforming changes.

Intro. by Galey, Lee, Barnes.

GS 90, GS 114A, GS 115C

[View summary](#)

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

S 176 **CONSUM. IN CRISIS PROTECT. ACT./ESOPs MIN. BUS. (NEW)** Filed Feb 28 2023, *AN ACT TO ENACT THE CONSUMERS IN CRISIS PROTECTION ACT AND TO EXPAND THE DEFINITIONS OF MINORITY BUSINESS AND HISTORICALLY UNDERUTILIZED BUSINESS FOR PURPOSES OF PUBLIC CONTRACTS TO INCLUDE ESOP COMPANIES WITH MAJORITY OWNERSHIP BY MINORITY PERSONS OR SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.*

Senate committee substitute to the 1st edition makes the following changes. Divides the act into two parts, with previous content placed into Part I.

Part I.

Amends definition of *legal claim* under new Article 94 to GS Chapter 58, the Consumers in Crisis Act so that it now means a civil claim or cause of action, including any claim that triggers obligations under GS 58-63-15(11) (unfair methods of competition and unfair or deceptive trade practices) or related regulations (was, a civil claim or cause of action).

Adds the following new content.

Part II.

Expands the definition of *minority business* under GS 143-128.2(g)(1) (definition of minority business as it pertains to minority business participation goals) so that it includes an employee stock ownership plan company in which at least 51% of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals. Expands the definition in GS 143-128.4 of *historically underutilized businesses* so that it includes an employee stock ownership plan company in which at least 51% of the stock is owned by persons who are Black, Hispanic, Asian American, female, disabled, or who are socially and economically disadvantaged.

Part III.

Sets general effective date of when the act becomes law, unless otherwise specified.

Makes organizational and conforming changes. Makes conforming changes to the act's titles.

Intro. by Johnson, Britt, Craven.

GS 58, GS 143

[View summary](#)

Business and Commerce, Consumer Protection, Courts/Judiciary, Government, State Agencies, Department of Insurance

S 411 (2023-2024) **VARIOUS EDUCATION CHANGES. (NEW)** Filed Mar 29 2023, *AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION LAWS.*

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

Moves existing content from the previous edition into new Part II and adds the following.

Part I.

Increases the powers and duties of the State Board of Education (Board) under GS 115C-12 by (1) requiring the Board to adopt a rule establishing a medical condition action plan (Plan) to be implemented by each public school unit for each student at risk for a medical emergency as diagnosed by a doctor and (2) requiring the Board, in consultation with the Department of Public

Instruction (DPI) and the Department of Health and Human Services (DHHS), to adopt a rule establishing the required response of public school unit employees when a student has a medical emergency not otherwise covered by a medical condition action plan (Medical Emergency Plan). Requires DPI to provide each public school unit with a copy of the rule and each public school unit to implement the rule.

Amends GS 115C-375.1 (pertaining to certain medical care to students) to require each governing body of a public school unit to implement the Plan discussed above. Requires the Plan adopted by the Board to include all of the following: (1) a standard medical condition action plan form; (2) detailed instructions in the medical condition action plan form to ensure that all individuals designated by the principal, or, if there is no principal, the staff member with the highest decision-making authority, to provide medical care for a student at risk for a medical emergency as diagnosed by a doctor, know how to address the medical emergency; and (3) information detailing the method by which and by whom any medical emergency will be handled when the student is at a school-sponsored activity not on the campus of the public school unit, including field trips and interscholastic athletic activities. Changes the entity authorized to allow employees or volunteers to administer medical care, including the Plan, from the board of education or its designee to the governing body of a public school unit or its designee. Requires at least one public school unit employee per school to be trained in first aid and lifesaving techniques, including seizure recognition. Amends the ban on requiring public school unit employees to administer drugs or medications or attend life-saving technique trainings to permit school administrators to engage in these activities. Specifies that if a school does not have a principal, then the staff member with the highest decision making authority must determine which persons will participate in the medical care program at the beginning of each school year. Amends the provision that provides immunity from civil liability to when authority was given to give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the student. Makes technical, conforming, and organizational changes.

Authorizes the Board to adopt temporary rules to implement the Plan and other requirements set forth above.

Enacts new GS 115C-47(68) and (69) (local boards of education) and amends GS 115C-218.75 (charter schools), GS 115C-238.66 (regional schools), and GS 116-239.8 (laboratory schools) by requiring these entities to implement the Plan and Medical Emergency Plan adopted by the Board.

Amends Section 6(d)(2) of SL 2018-32 to make a local board of education with an approved renewal school system plan subject to GS 115C-47(68) and (69).

Applies beginning with the 2023-24 school year.

Part III.

Amends GS 115C-111.2 (allowing public, local educational agencies to contract with private service providers for disability related services) to provide that the agencies may contract with private special education facilities or service providers to furnish the specified services (was, furnish any of the specified services that the public providers are unable to furnish). Enacts new GS 115C-111.2(b) as follows. Defines *nursing services*. Specifies that the following conditions must be met before a local education agency must make available a parent's choice of nurse when providing nursing services under an IEP: (1) the IEP requires nursing services; (2) the child received nursing services from the nurse (i) prior to the nursing services being required by the child's IEP or (ii) prior to the child enrolling in his or her current school; (3) the parent's choice of nurse is employed by a nursing agency and willing to provide the nursing services required by the child's IEP; (4) the nursing agency employing the parent's choice of nurse meets all standard contract terms required for any other nursing agency contracted by the local educational agency, including licensing and liability requirements; (5) the contracted rate is equal to or less than the contracted rate of other nurses contracted by the local educational agency. Specifies that GS 115C-111.2 should not be construed to limit the local education agency's responsibility to provide a free public education. Applies beginning with the 2023-24 school year.

Part IV.

Amends GS 115C-315 by removing the provision stating that school nurses employed in public schools before July 1, 1998, are not required to be nationally certified to continue employment. Instead, allows any person licensed as a registered nurse who has at least two years of licensed experience in a hospital or health clinic to be employed as a school nurse and specifies that they are not required to possess or promise to obtain any other certification or license as a condition of employment.

Amends the act's titles.

[View summary](#)[Education, Elementary and Secondary Education](#)

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.*

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

Amends GS 20-279.15 by amending the conditions under which judgments are deemed satisfied, to include when, subject to a limit of \$5,000 (was, \$30,000 in current law and \$60,000 in previous edition) because of bodily injury to or death of one person, the sum of \$100,000 has been credited upon any judgment rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident.

Further amends GS 20-309 as follows. Amends the provision applicable to policies of motor vehicle bodily injury liability insurance that binds the insurer by a final judgment taken by the insured against an uninsured motorist if the insurer as been served with a copy of summons, complaint, or other process in the action against the uninsured motorist by registered or certified mail, return receipt requested, or in any manner provided by law by adding that the insurer may also be issued a summons, complaint, or other process as an unnamed party and served by registered or certified mail, return receipt requested, or in any manner provided by law. Specifies that service outside of the statute of limitations is valid if the summons has been properly issued, preserved, and served under NC Rule of Civil Procedure 4. Provides that an uninsured motor vehicle includes an underinsured highway vehicle, meaning a highway vehicle with respect to the ownership, maintenance, or use of which, the sum of the limits of liability under all bodily injury liability bonds and insurance policies applicable at the time of the accident is less than the total damages sustained by an individual seeking payment of benefits under the underinsured motorist bodily injury coverage (was, less than the applicable limits of underinsured motorist coverage for the vehicle involved in the accident and insured under the owner's policy). Amends the condition under which a highway vehicle will also be an underinsured highway vehicle for purposes of an underinsured motorist claim asserted by a person injured in accident where more than one person is injured, to be when all bodily injury liability bonds and insurance policies applicable to the highway vehicle at the time of the accident are exhausted and the total amount actually paid to that person from the exhaustion of the bodily injury liability bonds and insurance policies applicable to such highway vehicle at the time of the accident is less than the total damages sustained by the person seeking payment of benefits. Amends the provision specifying that a highway vehicle is not an underinsured motor vehicle for purposes of an underinsured motorist claim under an owner's policy insuring that vehicle unless the owner's policy insuring that vehicle provides underinsured motorist coverage with limits that are greater than that policy's bodily injury liability limits, by adding that, in such events the available underinsured motorist coverage is that amount of underinsured motorist coverage under the owner's policy insuring that vehicle which exceeds the policy's bodily injury liability limits. Amends the conditions under which exhaustion of underinsured motorist coverage for the purpose of any single claim is deemed to have occurred to include when either (1) the limits of liability per claim have been paid or tendered (was, paid) upon the claim or (2) by reason of multiple claims, the aggregate per occurrence limit of liability has been paid or tendered (was, paid). Deems underinsured motorist coverage to apply to the first dollar of a claim beyond amounts paid to the claimant under the exhausted liability policy or policies applicable to the underinsured highway vehicle at the time of the accident. Adds that the amount of underinsured motorist coverage applicable to any claim for benefits must not be reduced by a setoff or credit against any coverage, including liability insurance, except for workers' compensation coverage to the extent provided for under the statute. Provides that if a claimant is an insured under the underinsured motorist coverage on separate or additional policies, the total amount of underinsured motorist coverage applicable to the claimant is the sum of the limits of the claimant's underinsured motorist coverages as determined by combining the highest limit available under each policy and must not be reduced by a setoff against any coverage, including liability insurance, except for workers' compensation coverage to the extent provided for under the statute. Deletes the provision setting the limit of underinsured motorist coverage applicable to any claim as the difference between the amount paid to the claimant under the exhausted liability policy or policies and the limit of underinsured motorist coverage applicable to the motor vehicle involved in the accident; also deletes the provision setting the limit when a claimant is an insured under the underinsured motorist coverage on separate or additional policies.

Adds the following new content.

Amends GS 44-49 to require that a physician, dentist, nurse, hospital, corporation, or other person entitled to a lien upon any sums recovered as damages for personal injury in any civil action to provide an itemized statement, hospital record, or medical report within 120 days of when it is requested (previously no time frame was specified).

Amends GS 58-70-90 by adding and defining the term *itemized accounting* as it is used in Part 3 (Prohibited Practices by Collection Agencies Engaged in the Collection of Debts from Consumers) of Article 70 of GS Chapter 58. Defines *itemized accounting* as an accounting of the amount claimed to be owed, which must include at least (1) if the debt has not been charged off--the amount of principal; each additional amount added for any interest, fees, or charges; and the identity of the person imposing each additional amount and (2) if the debt has been charged-off, the charge-off balance, any post-charge off interest and fees, and any post charge-off payments and credits. Makes additional technical changes. Amends GS 58-70-115, which prohibits collection agencies from collecting or attempting to collect any debt by using unfair practices, amending one of the listed types of unfair practices to include when the collection agency is a debt buyer or acting on behalf of one, bringing suit or initiating an arbitration proceeding against the debtor, or otherwise attempting to collect on the debt without access to (was, without) the specified types of documentation and verification of the amount of the debt owed. Amends GS 58-70-155 by amending the listed items to be considered authenticated business records sufficient to establish the amount and nature of the debt that must be filed before entry of a default judgment or summary judgment against a debtor in a complaint initiated by a debt buyer to include an itemized accounting instead of the amount of the original debt; also removes an itemization of charges and fees claimed to be owed, the original charge off balance (or an explanation of how the balance was calculated if the balance has not been charged off), an itemization of post charge off additions, the date of last payment, and the amount of interest claimed and the basis for the interest charged.

Amends GS 58-50-130 by expanding upon those who may receive stop loss, catastrophic, or reinsurance coverage to include small employers employing more than five (was, more than 20) eligible employees. Applies to contracts issued, renewed, or amended on or after October 1, 2023.

Makes additional technical changes throughout the bill. Changes the act's long title.

Intro. by Johnson, Craven, Britt.

[GS 20, GS 44, GS 58](#)

[View summary](#)

[Banking and Finance, Business and Commerce, Insurance, Courts/Judiciary, Civil, Civil Law, Motor Vehicle, Government, State Agencies, Department of Insurance, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance](#)

S 747 (2023-2024) [ELECTIONS LAW CHANGES](#). Filed Jun 1 2023, *AN ACT TO MAKE VARIOUS CHANGES REGARDING ELECTIONS LAW*.

Senate amendments to the 2nd edition make the following changes.

Amendment #1

Sections 2 and 3.

Amends GS 163-22 (State Board of Elections [Board]), GS 163-33 (county boards of elections), and GS 163-37 (county boards of commissioners) to prevent each entity from accepting in-kind contributions, along with monetary donations, for conducting elections or employing individuals on a temporary basis.

Makes the changes to GS 163-231, as already amended by the act, that required the State Board to require county boards of elections to use verification software to check the signatures of voters noted on executed absentee ballots before those ballots are accepted by the county boards effective September 1, 2024, instead of July 1, 2024.

Adds a severability clause.

Amendment #2

Sections 2 and 3.

Amends GS 163-33(18) and GS 163-37(b) to clarify the subsection does not prohibit the in-kind donation or use of a voting site to the Board if that voting site is used for the purpose of conducting elections.

Section 16.

Amends GS 163-210 (pertaining to presidential election results and casting of the State's votes for President and Vice-President). Changes the day that presidential/vice-presidential electors must be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh to vote on behalf of the State for President and Vice-President from noon on the first Monday after the second Wednesday in December next after their election back to noon of the first Tuesday after the second Wednesday in December next after their election.

Section 20.

Expands the list of curable deficiencies relating to container-return absentee ballot envelopes to include the container-return envelope not being witnessed as required by GS 163-231(a) and any other requirement in executing the container-return envelope under State or federal law. Makes organizational changes.

Section 21.

Amends GS 163-231 (pertaining to voting by absentee ballot and return of ballot to county board of elections) by specifying that failure to include a printed witness name does not invalidate the application and certificate if the identity of an individual can solely be identified by the witness's signature.

Section 30.

Amends GS 9-6.2 (reports of excusals from jury duty based on disqualification) by now requiring the clerk of the superior court to communicate information of persons excused from jury duty based on lack of US citizenship semi-annually instead of quarterly.

Amends GS 163-82.14(c1)(2)(b) (list maintenance of eligible voters) to now specify that a notice of removal of a voter from the registration based on a report submitted under GS 9-6.2 creates a rebuttable presumption that the person is not a US citizen (was, prima facie case). Changes the naturalization evidence that can rebut the presumption from a naturalization certificate issued after the person is excused from jury service to simply providing a naturalization certificate without restriction as to when it was issued.

Section 31

Requires the Board to educate the public on the changes to the deadline for returning completed applications and marked mail-in absentee ballots to the county boards of elections contained in this legislation by mailing information regarding the deadline to North Carolina residential addresses of registered voters, in the same manner as the Judicial Voter Guide, before the municipal election in 2023, the primary in 2024, and the general election in 2024.

Section 33.

Requires the Board to select ten counties in the State to run a pilot program during the primary held in 2024 for signature verification on executed mail-in absentee ballots. Requires the Board to seek diversity of population size, regional location, and demographic composition in selecting the ten counties. Directs that the pilot program will consist of county boards of elections using signature verification software to check the signatures of voters noted on all executed mail-in absentee ballots received by the county boards of elections in the 2024 primary. Requires the Board to select the signature verification software and ensure that the software is available for all ten counties to use in the 2024 primary and to assist the selected county boards of elections in implementing the signature verification software, including assisting the selected county boards of elections in any training needed on how the software is to be used for signature matching on executed mail-in absentee ballots.

Requires the Board to closely monitor the pilot program. Requires the county boards of election to submit a report to the Board on its findings on the use of signature verification software during the 2024 primary, including: (1) whether the signature matching software was used for all returned mail-in absentee ballots, and what the voter signature on the executed mail-in absentee ballot was matched against; (2) how many executed mail-in absentee ballots were counted by the county board of elections in the 2024 primary; (3) how many executed mail-in absentee ballots were flagged by the signature matching

software, and any information known on how close of a match the signatures must be for the signature match software to not flag the voter's signature; and (4) information on how the signature matching software worked to flag an executed mail-in absentee ballot with a signature that did not match the signature on file for the voter, including any known information on the rate of error in the software.

Directs that in implementing the pilot program, no executed mail-in absentee ballot can be rejected by the county board of elections for failing any signature verification. Specifies that all executed mail-in absentee ballots otherwise eligible to be counted in line with State law must be counted.

Directs the Board to report its findings, along with any recommendations, to the General Assembly and specified NCGA committee by May 1, 2024. Specifies that the report must contain the following: (1) a compilation of the information received by the county boards set forth above, (2) the estimated cost to implement signature verification statewide, (3) any suggested changes in law to fully implement signature verification and how a voter can cure a deficiency related to signature verification, and (4) any other information relevant to signature verification of mail-in absentee ballots.

Makes organizational changes to account for new sections.

Amendment #3

Section 20.

Amends GS 163-230.1 to provide that cure documentation to cure a deficiency in a container-return envelope may be transmitted to the county board of elections via e-mail if the deficiency is that the voter failed to include with the container-return envelope a required photocopy of identification or an affidavit. Adds the requirement that the notification of the voter regarding curable deficiencies must be done by mail, and by telephone or email if the phone number or e-mail address was provided on the application on the container-return envelope.

Amends GS 163-230.3 to requires that the request form for absentee ballots include the voter's telephone number and email address, but prohibits denying a request because of failure to include this information and requires that the request state that this information is optional if the voter wants to be contacted regarding any deficiencies in the returned executed absentee ballots.

Intro. by Hise, P. Newton, Daniel.

GS 9, GS 143B, GS 163

[View summary](#)

Courts/Judiciary, Court System, Administrative Office of the Courts, Criminal Justice, Criminal Law and Procedure, Government, Elections, State Agencies, State Board of Elections, Local Government

S 749 (2023-2024) **NO PARTISAN ADVANTAGE IN ELECTIONS**. Filed Jun 12 2023, *AN ACT TO REVISE THE STRUCTURES OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS AND COUNTY BOARDS OF ELECTIONS, TO REVISE THE EMERGENCY POWERS OF THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS, AND TO MAKE VARIOUS CONFORMING CHANGES*.

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

Part I.

Section 1.1

Reverses the repeal of GS 163-28 (State Board of Elections [Board] as an independent agency) and instead amends the statute to specify that the Board is administratively located within the Department of Secretary of State but will exercise its statutory powers, duties, functions, and authority and shall have all powers and duties conferred upon the heads of principal departments.

Part II.

Section 2.1.

Amends GS 163-19(c) (appointments to the Board) to now provide that any vacancy occurring on the Board will be filled by the General Assembly (was, also upon recommendation of the initial appointing authority). Deletes provision specifying that the General Assembly is not required to appoint a member to fill the vacancy by the list submitted by the relevant political party. Now permits the General Assembly to fill the vacancy in accordance with GS 120-121 (appointment by enactment of a bill) during a regular or extra session. Directs that if the General Assembly has adjourned for more than ten days, the vacancy will be filled by the individual recommending the initial appointment via a letter appointing an individual to serve until the expiration of the term or until the General Assembly fills the vacancy, whichever occurs first.

Part IV.

Section 4.1.

Amends GS 163-30 (appointments to the county boards of elections) to remove provisions requiring the General Assembly to fill any county board of elections vacancy from the names provided by the political party chair of the vacating member. Permits the General Assembly to fill the vacancy in accordance with GS 120-121 (appointment by enactment of a bill) during a regular or extra session. Directs that if the General Assembly has adjourned for more than ten days, the vacancy will be filled by the individual recommending the initial appointment via a letter appointing an individual to serve until the expiration of the term or until the General Assembly fills the vacancy, whichever occurs first.

Intro. by Daniel, P. Newton, Hise.

GS 163

[View summary](#)

Government, Elections, General Assembly, State Agencies, Secretary of State, State Board of Elections, State Government, Executive, Local Government

LOCAL/HOUSE BILLS

H 57 (2023-2024) **OMNIBUS LOCAL CHANGES. (NEW)** Filed Feb 6 2023, *AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE TO USE PROCEEDS FROM ON-STREET PARKING METERS TO FUND CAPITAL PROJECTS, AND TO PROVIDE FOR EVEN-YEAR ELECTIONS AND TO EXTEND THE TERMS OF ELECTED OFFICERS IN THE TOWNS OF HARMONY AND LOVE VALLEY.*

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

Part I.

Instead of amending the City of Hendersonville's town charter to authorize use of parking meter funds to amortize bonds issued to finance such facilities, or used for any other public purpose, now enacts a standalone provision, allowing the City of Hendersonville to use the proceeds from parking meters on public streets to fund any capital project.

Adds the following new content.

Parts II and III.

Notwithstanding certain local orders, requires that regular municipal elections in the Towns of Harmony and Love Valley to be held at the time of the general election in each even-numbered year. Specifies that election of the mayor and town council members (Town of Harmony)/commissioners (Town of Love Valley) will be on a nonpartisan plurality basis and the results determined in accordance with GS 163-292. Specifies that the election will be conducted in accordance with the uniform municipal election laws in GS Chapter 163 except as otherwise provided by the act. Specifies that the mayor will serve a four-year term, and town council members/commissioners will serve staggered four-year terms.

Specifies that the mayor and town council members (Town of Harmony)/ five commissioners (Town of Love Valley) elected in the 2023 regular municipal elections will serve for a one-year term. In 2024, specifies that a mayor and four town council members/five commissioners will be elected. In the 2024 election, to implement staggering of terms for town council

members/commissioners, requires that the two candidates receiving the highest number of votes will serve four-year terms, and the two candidates receiving the next highest number of votes will serve two-year terms (Town Harmony)/three candidates receiving the next highest number of votes will serve two-year terms (Town of Love Valley). In 2026 and quadrennially thereafter, two town council members/three commissioners will be elected to serve four-year terms. In 2028 and quadrennially thereafter, a mayor and two town council members/two commissioners will be elected to serve four-year terms.

Applies to elections held after the act becomes law.

Makes conforming changes to act's long and short titles.

Intro. by Balkcom.

UNCODIFIED, Henderson, Iredell

[View summary](#)

[Government, Elections, Local Government, Transportation](#)

H 438 (2023-2024) [FRANKLIN/GRANVILLE RECOGNIZED COMMON BOUNDARY](#). Filed Mar 22 2023, *AN ACT TO KEEP THE COMMON BOUNDARY BETWEEN FRANKLIN COUNTY AND GRANVILLE COUNTY AS THE CURRENTLY RECOGNIZED COMMON BOUNDARY WHICH IS CONSISTENT WITH THE COUNTY BOUNDARIES ESTABLISHED BY THE 2020 CENSUS GEOGRAPHY.*

House committee substitute replaces the 1st edition in its entirety with the following.

Requires that the legal boundary line between Franklin County and Granville County to be as depicted by the Census Redistricting Data PL 94-171 TIGER/Line Shapefiles associated with the 2020 federal decennial census, which is consistent with the boundary line used by the counties and reflected in the counties' geographic information systems maps. Specifies that any completed county boundary survey delivered by the NC Geodectic Survey in line with GS Chapter 153A in 2023 or 2024 that is not consistent with the legal boundary described above, is not binding upon Franklin and Granville Counties. Prohibits either county from using any such survey as a common boundary between the two counties.

Directs that, starting on or after the act's effective date, all papers, documents, and instruments required or permitted to be filed or registered related to residents or property must be filed in the county in which the property is located pursuant to the boundary described above despite the fact that papers, documents, and instruments required or permitted to be filed or registered with respect to such residents or property may have been previously recorded in the other county.

Provides that all public records related to residents and property located in areas affected by the establishment of the boundary line that were filed or recorded before the act's in the adjoining county will remain in the respective adjoining county where filed or recorded, and such records will be valid public records as to the property and persons involved, regardless of where they are recorded.

Clarifies that Franklin County, Granville County, their elected and appointed official, and their employees of Franklin County will not incur any liability under any local or general law, ordinance, rule, or regulation for any act or failure to act relating to taxation, school attendance, land use controls, elections, or any other governmental function as it relates to the currently used boundary line.

Makes conforming changes to the act's long title.

Intro. by Winslow.

UNCODIFIED, Franklin, Granville

[View summary](#)

[Government, General Assembly](#)

LOCAL/SENATE BILLS

S 9 (2023-2024) [APEX TOWN COUNCIL APPOINTMENTS. \(NEW\)](#) Filed Jan 25 2023, *AN ACT TO AMEND THE CHARTER OF THE TOWN OF APEX TO ALLOW THE TOWN COUNCIL TO APPOINT THE TOWN CLERK; AND TO ALLOW THE MAYOR TO VOTE ON THE APPOINTMENTS OF THE TOWN MANAGER, TOWN ATTORNEY, AND TOWN CLERK.*

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

Amends Section 4.4 of the Apex Town Charter, SL 1985-356, as amended, to require the Town Council and Mayor (was, Town Council) to appoint a Town Clerk. Adds that the Mayor may vote on an appointment of the Town Clerk if the Mayor has not also voted to break a tie on that appointment.

Adds the following.

Replaces the Board of Commissioners with the Town Council throughout Article IV of the Charter. Provides that the Town Manager holds office at the pleasure of both the Town Council and the Mayor (was, Board of Commissioners), who will also determine the Town Manager's compensation. Adds that the Mayor may vote on an appointment of the Town Manager if the Mayor has not also voted to break a tie on that appointment. Makes the Town Council and Mayor (was, Board of Commissioners) responsible for appointing a Town Attorney. Adds that the Mayor may vote on an appointment of the Town Attorney if the Mayor has not also voted to break a tie on that appointment.

Adds a new Section to Article IV providing that in any instance in which the Mayor may vote on an appointment under the Article, the Mayor may also participate in a vote that is solely on the compensation, discipline, or termination of that appointee, if the Mayor has not also voted to break a tie on that matter.

Changes the act's titles.

Intro. by Adcock, Batch.

[Wake](#)

[View summary](#)

[Government](#)

S 126 (2023-2024) [CITY OF ASHEVILLE/PARKING METER PROCEEDS.](#) Filed Feb 16 2023, *AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO USE PROCEEDS FROM ON-STREET PARKING METERS TO FUND CAPITAL PROJECTS.*

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO USE PROCEEDS FROM ON-STREET PARKING METERS TO FUND CAPITAL PROJECTS. SL 2023-50. Enacted June 21, 2023. Effective June 21, 2023.

Intro. by Daniel, Mayfield, Moffitt.

[UNCODIFIED, Buncombe](#)

[View summary](#)

[Transportation](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 34: [PROTECT THOSE WHO SERVE AND PROTECT ACT.](#)

Senate: Reptd Fav

H 125: [NC HEALTH & HUMAN SERVICES WORKFORCE ACT \(NEW\).](#)

Senate: Reptd Fav

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

H 142: [PROTECT OUR STUDENTS ACT.-AB](#)

Senate: Reptd Fav

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

H 149: REMOTE & VIRTUAL CHARTER/CC PRES CONFIRMATION. (NEW)

Senate: Conf Com Appointed

H 168: DNCR AGENCY BILL.-AB

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

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

House: Failed Concur In S Com Sub

House: Conf Com Appointed

H 192: 2023 WILDLIFE RESOURCES CHANGES.-AB

House: Concurred In S Com Sub

House: Ordered Enrolled

H 295: PROMOTE NORTH CAROLINA SAWMILLS.

Senate: Withdrawn From Com

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

H 361: REQUIRE REPORT/PROTECTION & ADVOCACY AGENCY.

Senate: Reptd Fav

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

H 455: EXPEDITE WATER/WASTEWATER FRANCHISE TRANSFER.

House: Ratified

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

Senate: Reptd Fav

H 563: REGULATE HEMP-DERIVED CONSUMABLES & KRATOM. (NEW)

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 574: FAIRNESS IN WOMEN'S SPORTS ACT.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 605: SCHOOL THREAT ASSESSMENT TEAMS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 608: SAFETY REQUIREMENTS FOR ELEVATORS.

House: Concurred In S Amend SA1

House: Ordered Enrolled

H 611: MODIFY TRAINING/STANDARDS COMMISSIONS POWER.

House: Concurred In S Com Sub

House: Ordered Enrolled

H 618: CHARTER SCHOOL REVIEW BOARD.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Com Sub

H 627: ON-SITE WASTEWATER RULES IMPLEMENTATION.

Senate: Regular Message Sent To House

House: Regular Message Received For Concurrence in S Amend

H 628: AMEND ON-SITE WASTEWATER/ENVIRONMENT STATUTES.

Senate: Reptd Fav

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

H 652: HONOR ANNIE BROWN KENNEDY.

House: Withdrawn From Com

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

Senate: Special Message Received From House

Senate: Passed 1st Reading

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 686: CIVIL RIGHTS EDUCATION.

House: Reptd Fav Com Substitute

House: Re-ref Com On Appropriations

H 721: STATE PRECIOUS METALS DEPOSITORY STUDY.

House: Withdrawn From Com

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

H 772: POLL OBSERVER APPOINTMENTS, ACCESS & ACTIVITY.

House: Reptd Fav

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

H 782: CODE EXEMPTION FOR TEMP. MOVIE SETS.

Senate: Withdrawn From Com

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

H 790: INNOCENCE INQUIRY COMMISSION PROVISIONS.

Senate: Reptd Fav

H 808: GENDER TRANSITION/MINORS. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Judiciary

H 813: THE PRETRIAL INTEGRITY ACT.

Senate: Reptd Fav

S 49: PARENTS' BILL OF RIGHTS.

House: Reptd Fav Com Substitute

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

S 91: AMEND RULE 4/ACCEPTANCE OF SERVICE.

House: Withdrawn From Com

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

S 99: BOND REFERENDUM TRANSPARENCY.

Senate: Reptd Fav

S 135: REGISTERED VET. TECH. MODIFICATION.

House: Reptd Fav

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

S 171: DEPARTMENT OF PUBLIC SAFETY AGENCY BILL.-AB

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/22/2023

S 176: CONSUM. IN CRISIS PROTECT. ACT./ESOPs MIN. BUS. (NEW)

Senate: Sequential Referral To Judiciary Stricken

Senate: Sequential Referral To Commerce and Insurance Added After Finance

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Commerce and Insurance

S 195: UNC OMNIBUS.

Senate: Conf Com Appointed

S 246: PROPERTY OWNERS PROTECTION ACT.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/22/2023

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

House: Veto Received from Senate

House: Referred To Rules, Calendar, and Operations of the House

House: Withdrawn From Com

House: Placed On Cal For 06/28/2023

S 329: RETAIL INSTALLMENT SALES ACT AMENDMENTS.

House: Veto Received from Senate

House: Referred To Rules, Calendar, and Operations of the House

House: Withdrawn From Com

House: Placed On Cal For 06/28/2023

S 331: CONSUMER FINANCE ACT AMENDMENTS.

House: Veto Received from Senate

House: Referred To Rules, Calendar, and Operations of the House

House: Withdrawn From Com

House: Placed On Cal For 06/28/2023

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

House: Veto Received from Senate

House: Referred To Rules, Calendar, and Operations of the House

House: Withdrawn From Com

House: Placed On Cal For 06/28/2023

S 382: DENTAL PRACTICE ACT CHANGES.

Senate: Conf Com Appointed

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Withdrawn From Cal

House: Placed On Cal For 06/22/2023

S 411: VARIOUS EDUCATION CHANGES. (NEW)

House: Reptd Fav Com Substitute

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 452: NC DEPARTMENT OF INSURANCE OMNIBUS .-AB

House: Reptd Fav Com Substitute

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

S 527: SAFETY REQUIREMENTS FOR ELEVATORS.

House: Withdrawn From Com

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

S 546: AMD LLC LAWS/PATERNITY DOCS/SPOUSE SUPP. (NEW)

House: Withdrawn From Com

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

S 552: MODIFICATIONS TO NOTARY PUBLIC ACT.

House: Reptd Fav

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 579: PREVENT HARM TO CHILDREN.

House: Withdrawn From Com

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

S 615: ADOPTION LAW CHANGES.

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

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

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

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 747: ELECTIONS LAW CHANGES.

Senate: Amend Adopted A1

Senate: Amend Adopted A2

Senate: Amend Adopted A3

Senate: Amend Tabled A4

Senate: Amend Tabled A5

Senate: Amend Tabled A6

Senate: Amend Tabled A7

Senate: Amend Tabled A8

Senate: Amend Tabled A9

Senate: Amend Tabled A10

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

S 749: NO PARTISAN ADVANTAGE IN ELECTIONS.

Senate: Amend Adopted A1

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

S 753: HONOR JERRY TILLMAN. FORMER STATE SENATOR.

Senate: Adopted

LOCAL BILLS

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

Senate: Conf Com Appointed

H 57: OMNIBUS LOCAL CHANGES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

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

H 69: WARREN COUNTY OCCUPANCY TAX.

Senate: Reptd Fav

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

H 80: ST. JAMES OCCUPANCY TAX AUTHORIZATION.

Senate: Reptd Fav

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

H 133: GRAHAM COUNTY OCCUPANCY TAX.

Senate: Reptd Fav

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

H 220: LANSING/JEFFERSON/STOKES OCC. TAX AUTH. (NEW)

Senate: Reptd Fav

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

H 232: MITCHELL COUNTY OCCUPANCY TAX INCREASE.

Senate: Reptd Fav

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

H 233: AVERY COUNTY OCCUPANCY TAX MODIFICATION.

Senate: Reptd Fav

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

H 238: TOWN OF CLAYTON OCCUPANCY TAX.

Senate: Reptd Fav

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

H 240: TOWN OF FOUR OAKS OCC. TAX AUTHORIZATION.

Senate: Reptd Fav

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

H 438: FRANKLIN/GRANVILLE RECOGNIZED COMMON BOUNDARY.

House: Reptd Fav Com Substitute

House: Ruled Material

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/22/2023

House: Withdrawn From Cal

House: Cal Pursuant Rule 36(b)

S 9: APEX TOWN COUNCIL APPOINTMENTS. (NEW)

House: Reptd Fav Com Substitute

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

S 120: SWAIN COUNTY OCCUPANCY TAX RATE INCREASE.

Senate: Reptd Fav

S 126: CITY OF ASHEVILLE/PARKING METER PROCEEDS.

Senate: Ratified

Senate: Ch. SL 2023-50

S 132: BERTIE COUNTY OCCUPANCY TAX AUTHORIZATION.

Senate: Reptd Fav

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

Senate: Reptd Fav

S 162: YANCEY COUNTY OCCUPANCY TAX INCREASE.

Senate: Reptd Fav

S 255: IREDELL COUNTY OCCUPANCY TAX MODIFICATIONS.

Senate: Reptd Fav

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