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Focusing on Legislative Representation

LEGISLATIVE REPORT  
April 19, 2019

**INTRODUCTION**

Well, it has been quite an interesting couple of weeks. We have been under an avalanche of bills that have been filed over the last few weeks, many of them making major policy changes. Meanwhile, committees are meeting with a renewed level of intensity as they try to move bills before the impending cross-over deadline of May 9<sup>th</sup>, which requires bills to move out of one chamber or the other to remain eligible for consideration the rest of the session. Of course, during all this the House budget writers have been meeting behind closed doors to put their budget proposal together so that it can be released next week, which will start a whole new level of pressure and debate about priorities for the State.

Both the House and Senate are on “Spring Break” with the House leaving on the 17<sup>th</sup> and returning on the 24<sup>th</sup> and the Senate being out all next week. This break will allow legislators and staff time to spend with their families and will give everyone a short respite before the big push to get bills moving before the cross-over deadline. Besides the end of session, the cross-over deadline is the busiest time of the session as bills fly through both chambers and we are sure to see some late nights.

We hope you all have a great Easter Holiday and get some rest as we prepare for the rest of the session.



**NORTH CAROLINA COLLEGE  
OF EMERGENCY PHYSICIANS**



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## BILLS OF INTEREST

HOUSE BILL 603, Pain Capable Unborn Child Protection Act, is identical to Senate Bill 547, summarized below in this Legislative Report. **Introduced by Representatives McElraft, Hurley, Conrad, and Stevens and referred to the House Health Committee.**

HOUSE BILL 615, NC Consumer Fireworks Safety Act, would: (1) allow the sale, possession, and use of certain consumer fireworks; (2) prohibit the sale of consumer fireworks to persons under the age of 18 (currently, 16); (3) allow cities and counties, by ordinance, to regulate the use and sales of consumer fireworks, sparkling devices, and novelties to the public; (3) levy an excise tax on the sale of consumer fireworks at the rate of 5% of the price; and (4) require 25% of the net proceeds of the tax collected to be credited to the Firefighters' Education Fund to provide education and training to firefighters in North Carolina. **Introduced by Representatives Szoka, Brody, Hardister, and Wray and referred to the House Judiciary Committee.**

HOUSE JOINT RESOLUTION 627, NC Response/Extreme Abortion-on-Demand Policy, was filed in response to New York's "Reproductive Health Act," which states that it is the policy of the State of New York that every individual who becomes pregnant has the fundamental right to choose to have an abortion. The bill contains several "whereas" clauses, and states that the General Assembly stands in mourning due to the countless lives that will be lost as a result of New York's Reproductive Health Act; will continue to educate the public about the developing unborn child and advocate for protective pro-life laws; and stands in solidarity with all who advocate for the effective and legal protection of unborn children and their mothers in this country. **Introduced by Representatives McElraft, Howard, Grange, and Stevens and referred to the House Rules Committee.**

HOUSE BILL 632, Hydraulic Fracturing/Statewide Ban, would ban the use of horizontal drilling and hydraulic fracturing for oil and gas exploration or development in the State of North Carolina. **Introduced by Representatives Queen, Russell, and Autry and referred to the House Rules Committee.**

HOUSE BILL 646, ID Approval/Flex Muni One-Stop, is a bill filed in response to criticism of the previous Voter ID law, under which several college and university-issued IDs would not have qualified for the purposed of voting. This bill would:

- clarify the approval process for student and employee identification cards for voting purposes;
- provide an additional window for approval of student and employee identification cards for the 2020 elections; and
- provide flexibility in the number of hours of early one-stop voting in odd-numbered year elections.

**Introduced by Representatives Lewis, Hawkins, Hardister, and Russell and referred to Senate Rules Committee.**

HOUSE BILL 648, NC FAIR State & Congressional Districts Act, would:

- establish, no later than June 1 of each year ending in zero, the Independent Redistricting Commission, which would have 16 individuals registered to vote in this State for at least one year, with 11 voting members and five nonvoting alternate members;
- prohibit the Commission from doing any of the following: (1) drawing a district for the purpose of favoring a political party, incumbent legislator, or member of Congress, or other person or group; (2) drawing a district for the purpose of augmenting or diluting the voting

strength of a language or racial minority group; or (3) making any use of any of the following: political affiliations of registered voters, previous election results, residential address of an incumbent or declared candidate, demographic information, other than population head counts, except as required to comply with federal or State law, or any other data which could identify with reasonable certainty the voting tendencies of any group of citizen;

- direct the Commission to obtain federal census population data from the Census Bureau by December 31 of each year ending in zero, and use the data to prepare descriptions and maps of geographic and political units;
- require the Commission to obtain from the Census Bureau, as soon as possible after January 1 of each year ending in one, population data necessary and use the data to assign a population figure to geographic and political units for congressional and legislative redistricting;
- require the Commission, by February 1 of each year ending in one, to interview at least three individuals classified as a Special Master and select one to contract with to draft proposed election maps; sets out the Master's duties, including preparing two proposed plans each for the legislative and Congressional districts.

**Introduced by Representatives Warren, Hanig, Martin, and Beasley and referred to the House Redistricting Committee.**

HOUSE BILL 649, Grand Jury if LEO Charged Performing Duties, is identical to Senate Bill 415, summarized in the April 9, 2019, Legislative Report. **Introduced by Representatives D. Hall, Rogers, McGrady, and Richardson and referred to the House Judiciary Committee.**

HOUSE BILL 655, NC Health Care for Working Families, would expand Medicaid to eligible adults who have a modified adjusted gross income that does not exceed 133% of the federal poverty level. Program participants would be required to pay an annual premium that is set at 2% of the participant's household income and would be required to comply with work requirements. Federal funding for the expansion would be supplemented by participant premiums and assessments on health care systems and prepaid health plans. If the bill were to become law, it would require approval from the federal Centers for Medicare and Medicaid Services. Although it clearly Expands Medicaid beneficiaries in North Carolina – the sponsors are not calling it Expansion.

This legislation is very similar to last session's "Carolina Cares" Medicaid expansion, but it adds grant funds for rural health care needs, which would be paid for by prepaid health plans' payment of the gross premium tax (which requires legislative approval).

In the past, a bipartisan group of legislators has supported the legislation, but Sen. Phil Berger has remained a staunch opponent, making its prospects unclear. The N.C. Healthcare Association and the N.C. Medical Society support the bill. **Introduced by Representatives Lambeth, Murphy, Dobson and White and referred to the House Health Committee.**

HOUSE BILL 658, Allow Donations of Unexpired Drugs, would modify the expired drug provision of the Drug, Supplies, and Medical Device Repository Program to allow participating pharmacists to accept and dispense drugs that have not reached their expiration date for the purpose of increasing access for individuals who are uninsured or underinsured. **Introduced by Representatives Sasser, Hanig, and Humphrey and referred to the House Health Committee.**

HOUSE BILL 659, Improving Access to Patient Care, would:

- define collaborative care services to mean patient care services authorized by a physician and delegated to a pharmacist for the purpose of drug therapy and disease management;
- require those services performed by a pharmacist to be in accordance with rules developed by the NC Medical Board and the NC Board of Pharmacy and approved by both Boards;
- require the clinical pharmacist practitioner to register with the Board of Pharmacy and maintain annual requirements as a clinical pharmacist practitioner;
- require the clinical pharmacist practitioner's unique identification number to be shown on any prescriptions he or she writes;
- require supervising physicians to evaluate the provision of collaborative care services by the clinical pharmacist practitioner and to conduct periodic review and evaluation of the clinical pharmacist practitioner as stated in their agreement; and
- authorize the physician to collaborate with and supervise as many clinical pharmacist practitioners as the physician deems safe and effective.

**Introduced by Representative Sasser and referred to the House Health Committee.**

HOUSE BILL 673, Funds for UNC Area Health Education Centers, would:

- appropriate \$4,802,500 in recurring funds for 2019-20 from the General Fund to the UNC Board of Governors to be allocated to the Asheville campus of the UNC School of Medicine to support the joint program with the Mountain Area Health Education Center;
- appropriate \$4.8 million in recurring funds for 2019-20 from the General Fund to the UNC Board of Governors to be allocated to the Southern Regional Area Health Education Center (SR AHEC) to be used for residencies in the SR AHEC service areas and for facility and structural improvements associated with current residency programs; and
- appropriate \$500,000 in recurring funds for 2019-20 from the General Fund to the UNC Board of Governors to be allocated to UNC Rockingham Health Care to provide matching grant funds for a primary care rural advancement program.

**Introduced by Representative Fraley and referred to the House Committee on Appropriations/Education.**

HOUSE BILL 676, Tax Reduction Act of 2019, would: (1) increase the standard income personal tax deduction from \$20,000 to \$20,750 for married, filing jointly/surviving spouse taxpayers, from \$15,000 to \$15,563 for heads of household, and from \$10,000 to \$10,375 for single and married, filing separately taxpayers; (2) simplify the franchise tax base; (3) lower the franchise tax rate; (4) require marketplace facilitators to collect and remit sales and use tax on marketplace facilitated sales; and (5) make other tax law changes. **Introduced by Representatives Howard, Setzer, and Szoka and referred to the House Finance Committee.**

HOUSE BILL 691, Online Voter Registration, would: (1) require the State Board of Elections to develop an application form for voter registration that may be printed out in blank form or filled in online and printed out for mailing; and (2) allow individuals who are eligible to vote and have either a North Carolina drivers license or a special identification card to register to vote online. The Division of Motor Vehicles would compare the information submitted by the applicant with the information maintained in its database to verify that the applicant possesses a current and valid form of identification. **Introduced by Representative Alexander and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 700, Digital Campaign Finance Disclosure Changes, would define and regulate digital communication in electioneering communications and advertising disclosures as follows:

- define the term "qualified digital communication" as any communication, for a fee, placed or promoted on a public-facing Web site, Web application, or digital application, including a social network, advertising network, or search engine;
- amend the terms "electioneering communication" and "advertising" to include a *qualified digital communication* that meets specified characteristics;
- require the disclosure statement, in a qualified digital communication advertisement, to appear (i) in letters at least as large as the smallest text in the qualified digital communication or (ii) in a heading or similar section of text displayed above or within the qualified digital communication that is visually distinct from the text of the qualified digital communication and to have a reasonable degree of color contrast between the background and the disclosure statement. If the qualified digital communication is disseminated through a medium in which the provision of the disclosure statement is not possible, the qualified digital communication would, in a clear and conspicuous manner, include the following: the name of the person who paid for the qualified digital communication; a means for the recipient to obtain the remainder of the information required with minimal effort and without receiving or viewing any additional material other than the disclosure statement;
- require the State Board to maintain records of qualified digital communications for political advertising on its website, which information would be deemed public records and available for inspection on the website; and
- require the information posted on the website to include: the name of the person; the city and state where the entity is located; the amount spent by the person for each candidate; a copy of the political advertisement; and the dates or date range on which the political advertisement runs.

**Introduced by Representatives Grange, Harrison, Lewis, and Hawkins and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 701, Improve Impl. of Public Health System Mission, would direct the Department of Health and Human Services, Division of Public Health, to study ways to improve upon implementing the mission of the state's public health system through various strategies, including reducing the number of fatal injuries, investigating ways to reduce injuries and deaths involving firearms, promoting safe and healthy environment and increasing environmental health in homes, schools, and communities. **Introduced by Representative Gailliard and referred to the House Health Committee.**

HOUSE BILL 703, Southern Regional AHEC Funds, would appropriate \$4.8 million from the General Fund to the UNC Board of Governors to be allocated to the Southern Regional Area Health Education Center to be used for residencies in the Center's service areas and for structural improvements associated with the residency programs. **Introduced by Representatives Lewis, Szoka, Brisson and Lucas and referred to the House Committee on Appropriations, Education.**

HOUSE BILL 704, Dental Bill of Rights, is identical to Senate Bill 252, summarized in the March 20, 2019, Legislative Report. **Introduced by Representatives Lewis, Murphy, Dobson, and Wray and referred to the House Health Committee.**

HOUSE BILL 715, SHRA/Stronger Whistleblower Protection, would strengthen State Human Resources Act whistleblower protections by:

- providing that any State employee who makes a report in good faith is immune from civil liability that might otherwise be incurred or imposed as a result of making the report;

- providing that the identity of a State employee who makes a report in good faith is not a public record, and require the employee's identity to remain confidential until the matter is resolved or the employee consents to the report being made public;
- defining "good faith" as honesty in fact with the goal of complying with the duties imposed by this section;
- providing protection from retaliation for *good-faith* reports;
- requiring each State department, agency, and institution to post notice and use other appropriate means to keep State employees informed of their duties and protections and the availability of assistance from the State Auditor;
- requiring each substantiated allegation of improper governmental activities made that involves fraud, mismanagement, or waste of State resources to be immediately referred to and reviewed by the Office of State Budget and Management (OSBM), and require OSBM within 90 days of the date of referral, to determine the amount of any savings to the State generated by substantiated allegations; and
- providing that a State employee who makes a substantiated allegation that results in a savings to the State is entitled to receive a monetary reward equal to 20% of the amount of the savings generated as determined by the Office of State Budget and Management.

**Introduced by Representatives Cleveland, Stevens, Warren, and Riddell and referred to the House Judiciary Committee.**

HOUSE BILL 721, Increase Access to Telehealth Services, would:

- define telehealth for the purposes of Medicaid and NC Health Choice coverage, as the delivery of health care-related services by a Medicaid or NC Health Choice provider licensed in the State to a Medicaid or NC Health Choice recipient through one of the three specified types of communications and technologies;
- specify four actions that DHHS must take regarding Medicaid and NC Health Choice coverage of telehealth services, including promoting access to health care for Medicaid and NC Health Choice recipients through telehealth services;
- require DHHS to ensure that (1) Medicaid and NC Health Choice coverage and reimbursement for telehealth services are equivalent to the reimbursement and coverage for the same services if provided in person and (2) that any deductible, copayment, or coinsurance requirement is equivalent to the same service if it was provided to the patient in person;
- add a provision to the State Health Plan requirements that they provide coverage for telehealth services;
- similarly, require every health benefit plan offered by an insurer in this State to reimburse for covered services provided to an insured through telehealth with coverage and provider reimbursements comparable to in-person services; and
- appropriate \$1 million in nonrecurring funds for the 2019-21 biennium from the General Fund to DHHS for a telehealth infrastructure and equipment grants project in the two counties with the poorest health outcomes.

**Introduced by Representatives Saine, Lambeth, Dobson and Jones and referred to the House Health Committee.**

HOUSE BILL 724, Truth In Caller ID Act, would prohibit a telephone solicitor from causing misleading information to be transmitted to users of caller identification technologies, or otherwise block or misrepresent the origin of the telephone solicitation. It would not be a violation for a telephone solicitor to utilize the name and number of the entity the solicitation is being made on behalf of rather than the name and number of the telephone solicitor. **Introduced by**

**Representatives Moore, Saine, Shepard, and Humphrey and referred to the House Commerce Committee.**

HOUSE BILL 725, Strengthen Youth Tobacco Prevention/Funds, would:

- create the Tobacco Use Prevention Fund in the Division of Public Health, Chronic Disease and Injury Section of DHHS, to prevent the use of new and emerging tobacco products, especially among youth and people of childbearing age;
- prohibit DHHS from using the funds in the Fund for anything beyond the seven stated purposes, including creating regional tobacco use prevention programs and tracking youth tobacco use and exposure; and
- appropriate \$17 million from the Settlement Reserve Fund to the Tobacco Use Prevention Fund.

**Introduced by Representatives Adcock, Lambeth, Martin and White and referred to the House Committee on Appropriations, Health and Human Services.**

HOUSE RESOLUTION 737, Study Transformative Strategies for NC, would establish the 12-member House Select Committee to Study Transformative Strategies for a New North Carolina Economy to study legislative changes and budgetary investments needed to develop a Green New Deal for North Carolina and achieve specified climate and environmental resiliency outcomes within the target window of 10 years from the start of execution of the plan devised by the Committee. The Committee could seek information from experts in the fields of renewable energy, climate science, environmental sustainability, green technology and industry, and any others deemed appropriate. The Committee would provide a final report on the results of its study, including any proposed legislation, to the members of the General Assembly by December 1, 2020.

**Introduced by Representatives Logan, Autry, Hawkins, and Insko and referred to the House Rules Committee.**

HOUSE BILL 740, Ending NC's Involvement in Torture, would: (1) establish the criminal offenses of torture and enforced disappearance and add these offenses to those for which an investigative grand jury may be convened; (2) provide that the Attorney General has concurrent jurisdiction with the district attorneys of this state to prosecute certain criminal law violations; (3) prohibit the State from contracting with a vendor or providing State funds to a non-state entity that has an officer, a director, or an owner who has been convicted of a torture or enforced disappearance offense; and (4) prohibit loans or grants of state funds to airports that have not established and implemented a policy prohibiting the use of the airport for activities that violate the law against torture and enforced disappearance. **Introduced by Representatives Insko, Harrison, and Meyer and referred to the House Rules Committee.**

SENATE BILL 455, Equality for All, is identical to House Bill 514, summarized in the April 9, 2019, Legislative Report. **Introduced by Senators Waddell, Searcy, and Woodard and referred to the Senate Rules Committee.**

SENATE BILL 546, Opioid Epidemic Response Act, would include a variety of provisions related to opioid regulations to: (1) remove the requirement that buprenorphine prescribers register with the State, in addition to registering with the federal government; (2) decriminalize the use of drug testing equipment to detect contaminants; (3) broaden the objectives of syringe exchange programs to encompass reducing the number of drug overdoses in the State and remove the ban on the use of State funds to purchase certain supplies; (4) add reporting requirements for gabapentin and naloxone hydrochloride to the Controlled Substances Reporting System; (5) require prescribers to check the Controlled Substances Reporting System when prescribing benzodiazepines; (6) clarify

the role of the State Opioid Treatment Authority; and (7) establish a State Opioid Treatment Authority fund and an Opioid Treatment Program Central Registry Fee. **Introduced by Senator J. Davis and referred to the Senate Rules Committee.**

SENATE BILL 547, Pain Capable Unborn Child Protection Act, would enact the Pain Capable Unborn Child Protection Act to prohibit a person from performing or inducing, or attempting to perform or induce, the abortion of an unborn child capable of feeling pain unless it is necessary to prevent a serious health risk to the unborn child's mother. The bill would:

- provide that an unborn child is deemed capable of feeling pain if it has been determined by the physician performing or inducing, or attempting to perform or induce, an abortion of the unborn child, or by another physician upon whose determination such physician relies, that the probable postfertilization age of the unborn child is 20 or more weeks;
- specify that, for these purposes, a dead unborn child is not capable of feeling pain;
- prohibit, except in a medical emergency or in the removal of a dead unborn child, an abortion from being performed or induced, or be attempted to be performed or induced, unless the physician has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician;
- require the physician, when an abortion of an unborn child capable of feeling pain is necessary to prevent a serious health risk to the unborn child's mother, to terminate the pregnancy through or by the method that, using reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, using reasonable medical judgment, termination of the pregnancy in that manner would pose a more serious health risk to the unborn child's mother than would other available methods. Such a determination could not be made if the determination is based on a claim or diagnosis that the unborn child's mother will engage in conduct that she intends to result in her death or in the substantial and irreversible physical impairment of one or more of her major bodily functions;
- require a physician who performs or induces, or attempts to perform or induce, an abortion to report specified information to the Department of Health and Human Services beginning January 1, 2020;
- provide that the reports required may not contain the name or the address of the woman whose pregnancy was terminated and may not contain any other information identifying the woman whose pregnancy was terminated, and require each report to contain a unique medical record identification number that allows the report to be matched to the medical records of the woman whose pregnancy was terminated;
- direct the Department of Health and Human Services, beginning on June 30, 2020, and each June 30 thereafter, to publish in paper form and on its website a summary providing statistics for the previous calendar year compiled from all of the reports, ensuring that the information included in the summary cannot reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted;
- allow DHHS to assess a physician who fails to submit a report as required a late penalty of \$1,000 for each 30-day period or portion thereof that a report is overdue;
- allow DHHS, if, more than six months following the due date, a physician still has failed to submit such a report or has submitted an incomplete report, to bring an action against the physician requesting a court to order the physician to submit a complete report within a specified time frame or be subject to civil contempt;
- provide that the intentional or reckless failure by a physician to comply, other than the late filing of a report, or the intentional or reckless failure by a physician to submit a complete report in accordance with a court order, would constitute unprofessional conduct and would be grounds for disciplinary action;



- provide that a physician who intentionally or recklessly falsifies a report is guilty of a Class 1 misdemeanor;
- make it a Class D felony, unless the conduct is covered under some other provision of law providing greater punishment, a person to intentionally or recklessly perform or induce, or attempts to perform or induce, an abortion in violation of this statute;
- prohibit a woman upon whom an abortion is performed or induced, or upon whom an abortion is attempted to be performed or induced, from being prosecuted for a violation of the statute;
- allow a woman upon whom an abortion has been performed or induced in intentional or reckless violation of the statute, or the father of an unborn child aborted in intentional or reckless violation of the statute, to maintain a civil action for actual and punitive damages against the person who performed or induced the abortion;
- allow specified persons to bring an action for an injunction against a person who has intentionally or recklessly violated the statute to prevent him or her from performing or inducing, or attempting to perform or induce, further abortions in violation;
- provide that no damages may be awarded to a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct;
- require the court, in each civil or criminal proceeding or action brought under this Article, to rule on whether the anonymity of a woman upon whom an abortion has been performed or induced, or upon whom an abortion has been attempted to be performed or induced, must be preserved from public disclosure if the woman does not give her consent to such disclosure;
- establish the North Carolina Pain Capable Unborn Child Protection Act Litigation Defense Fund, which would consist of any appropriations made by the General Assembly and any private donations, gifts, or grants, and would be used only to cover any costs or expenses incurred by the Attorney General in relation to actions taken to defend the law;
- provide that this Article may not be construed to repeal, by implication or otherwise, any applicable provision of State law regulating or restricting abortion. An abortion that complies with this section but violates Article 11 of Chapter 14 of the General Statutes (Abortion and Kindred Offenses) or any other applicable provision of State law would be deemed unlawful.

**Introduced by Senators Krawiec, Ballard, and Sawyer and referred to the Senate Rules Committee.**

SENATE BILL 560, Disciplining Judges - State Bar, would:

- repeal the statutes creating the Judicial Standards Commission;
- amend the powers of the North Carolina State Bar Council (Council) to include investigating and resolving inquiries concerning the qualifications and conduct of any judge or justice;
- provide that any judge or justice is subject to the disciplinary jurisdiction of the Council under the NC Code of Judicial Conduct as adopted by the Supreme Court and under the procedures adopted by the Council;
- enact new provisions to set forth definitions with regard to any investigation concerning the qualifications and conduct of any judge or justice conducted under the Article, unless the contact clearly requires otherwise;
- authorize the Council to issue a private letter of caution upon a determination that any judge has engaged in conduct that violates the Code but that does not warrant a recommendation of public reprimand, censure, suspension, or removal;
- define *letter of caution* as a written action of the Council that cautions a judge not to engage in certain conduct that violates the Code;

- allow the Supreme Court, upon recommendation of the Council, to issue a public reprimand, censure, suspend without pay, or remove any judge for willful misconduct in office, willful and persistent failure to perform the judge's duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and provide that the removal for these reasons forfeits retirement compensation and disqualifies the individual from holding further judicial office;
- allow the Supreme Court, upon recommendation of the Council, to suspend, for a period of time it deems necessary and during which time the judge is compensated, any judge for temporary physical or mental incapacity interfering with job performance, and to remove any judge for physical or mental incapacity interfering with job performance this is or is likely to become permanent; and provide that a judge removed for these reasons is entitled to retirement compensation if the judge has met the required creditable service for incapacity or disability retirement, and prohibits such a judge from sitting as an emergency justice or judge;
- allow any citizen to file a written complaint with the Council concerning the qualifications or conduct of a justice or judge, which the Council would investigate as it deems necessary, and authorize the Council to make an investigation upon its own motion;
- prohibit an investigation by the Council when the sole basis of the complaint is a superior court judge's legal ruling which has not yet been reviewed or ruled upon by the Court of Appeals or the Supreme Court;
- require a hearing prior to any recommendation of public reprimand, censure, suspension, or removal;
- require all papers filed with and proceedings before the Council to be confidential and not public records;
- require all disciplinary hearings to also be confidential;
- require five Council members to concur in any recommendation for public reprimand, censure, suspension or removal of any judge;
- provide that the notice and statement of charges, answers and other pleadings, Council recommendations, and the record filed for support are no longer confidential upon issuance of a public reprimand, censure, suspension, or removal by the Supreme Court;
- allow the Council to issue advisory opinions as a trial court to punish for contempt, or for refusal to obey lawful orders or process issued by the Council;
- transfer to the Council the authority, powers, duties and functions, records, personnel, property and unexpended balances of appropriations, allocations, or other funds of the lobbying registration and lobbying enforcement function of the Judicial Standards Commission; and
- require rules adopted by the Judicial Standards Commission remain in effect unless subsequently modified by the Council.

**Introduced by Senators Rabon and Britt and referred to the Senate Judiciary Committee.**

SENATE BILL 566, NC Consumer Fireworks Safety Act, is identical to House Bill 615, summarized above in this Legislative Report. **Introduced by Senators Gunn and Sawyer and referred to the Senate Rules Committee.**

SENATE BILL 579, Prison Reform Act of 2019, would:

- create the Department of Correction as a cabinet-level agency (currently under the Department of Public Safety);
- create the Department of Juvenile Justice and Delinquency Prevention (DJJDP) as a cabinet-level department;

- require DJJDP to reimburse providers and facilities providing approved medical services to juvenile offenders outside juvenile facilities the lesser of either (1) 70% of the provider's then-current prevailing charge or (2) two times the then-current Medicaid rate for any given service;
- exempt vendors providing services that are not billed on a fee-for-service basis;
- require DJJDP to make every effort to contain medical costs for juvenile offenders by using its own hospital and health care facilities to care for offenders; and
- require DJJDP to make efforts to use those with which it has a contract, or if none are reasonably available, then with hospitals with available capacity or other health care facilities in a region.

**Introduced by Senators Steinburg, McKissick and Sanderson and referred to the Senate Rules Committee.**

SENATE BILL 584, Criminal Law Reform, would:

- amend the statute that makes a violation of an ordinance of a county, city, town, or metropolitan sewerage district a Class 3 misdemeanor and subject to specified fines, and makes a violation of ordinances regulating vehicles an infraction and subject to a penalty of no more than \$50 to provide that these provisions do not apply to ordinances created after December 1, 2019;
- require any rule adopted under Article 2A, Rules, of the Administrative Procedure Act, that creates a new criminal offence or subjects a person to criminal penalties to be subject to legislative review whether or not the required written objections have been received, and would apply to rules adopted after December 1, 2019;
- enact a new statute, Default intent, to provide that no person may be convicted of a crime unless the person is shown to have acted recklessly, if: (1) the underlying criminal offense was created after December 1, 2019, by General Assembly enactment or adoption of an administrative rule; and (2) the statute or rule does not include a specific criminal intent as an element of the offense. This does not apply to (1) an offense that is not punishable by an active sentence or by a fine exceeding \$500 or (2) the law creating the offense indicates intent to impose strict liability;
- provide that a person is shown to have acted recklessly if all of the following apply: (1) the person consciously disregards a substantial and unjustifiable risk, whether as to conduct, circumstance, or result; and (2) the person's disregard of the risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in a similar situation;
- prohibit the conviction of a person of a criminal offense unless the offense appears in GS Chapter 14 (Criminal Law), Chapter 20 (Motor Vehicles), or Article 5 of Chapter 90 (Controlled Substances Act), unless the person has actual knowledge that the behavior that is the basis for being charged with the offense constitutes a crime.

**Introduced by Senators Wells and Daniel and referred to the Senate Judiciary Committee.**

SENATE BILL 620, Electric Standup Scooter, would enact a variety of provisions to:

- define *electric standup scooter* as a device with no more than three 12-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the user while riding, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 20 miles per hour on a paved level surface;
- exempt electronic standup scooters from registration and certificate of title requirements;
- make electric standup scooters subject to all provisions of Motor Vehicle laws that apply to bicycles and make operators subject the rights and duties of a bicycle rider;
- allow scooters to be parked on a sidewalk;

- require scooters to be equipped with a brake and lamps;
- prohibit the operation of a scooter at more than 15 miles per hour;
- require a person to be 16 or older to operate a scooter;
- allow a local authority to regulate the operation of scooters by: (1) restricting the maximum operating speed in pedestrian zones; and (2) assessing penalties against operators for moving or parking violations, which must not exceed those against bicycle riders for equivalent violations;
- allow a local authority to regulate a scooter-share program by: (1) requiring operators to pay fees, not to exceed reasonable costs to local authorities of administering the programs; (2) requiring operators to indemnify the local authority for claims, demands, costs, and losses or damages arising out of any negligent act, error, omission, or willful misconduct by the operator or its officers or employees; (3) designating locations where operators are prohibited from staging shared scooters, provided at least one location is on each side of each city block in commercial zones and business districts;
- define *scooter-share operator* as a person offering shared scooters for hire and requires the operator to carry insurance coverage in the specified amounts according to insurance type;
- allow a local authority to require a scooter-share operator to provide trip data for all trips starting or ending within the local authority's jurisdiction;
- include requirements governing trip data, including privacy provisions; and
- prohibit local authorities from imposing any unduly restrictive requirement on a scooter-share program.

**Introduced by Senators McKissick and Newton and referred to the Senate Rules Committee.**

SENATE BILL 622, Tax Reduction Act of 2019, would increase the standard personal income tax deduction, simplify the franchise tax base, lower the franchise tax rate, require marketplace facilitators to collect and remit sales and use tax on marketplace facilitated sales, and make other tax law changes. **Introduced by Senators Tillman, Hise, and Newton and referred to the Senate Finance Committee.**

SENATE BILL 626, Assistance/Verification/Absentee Ballots, would limit who can assist certain voters with absentee ballots by removing near relatives and verifiable legal guardians from current statutes that reference persons authorized to file an absentee ballot on behalf of a voter and instead would authorize a person working with a multipartisan team to file an absentee ballot on behalf of a voter. The bill would define a "multipartisan team" to include members, employees, or volunteers working as part of a team trained and authorized by the county board of elections to assist voters with absentee ballots, and require each county board of elections to train and authorize multipartisan teams, pursuant to procedures adopted by the State Board. The bill also would require a voter, if the address on the absentee ballot is different from the residence address of the voter, to provide to the county board of elections the address where the voter will temporarily reside so that the county board of elections can verify the address. County boards of elections would be required to establish procedures for verifying out-of-county addresses. **Introduced by Senators Bishop, Daniel, and Hise and referred to the Senate Redistricting and Elections Committee.**

SENATE BILL 641, Fix Our Democracy, is identical to House Bill 574, summarized in the April 16, 2019, Legislative Report. **Introduced by Senators J. Jackson, Foushee, and deViere and referred to the Senate Rules Committee.**

SENATE BILL 643, Remove Drivers Lic. Revocation/Fees/Penalties. This bill was filed to address persons losing their license because of their inability to pay a fine and would instead impose a civil judgment. The bill would:

- remove failure to pay a fine, penalty, or costs for a motor vehicle offense as a reason for mandatory revocation of a driver's license or for a court to report a person's name to the Division of Motor Vehicles;
- authorize the court to enter a civil judgment for persons who fail to pay a fine, penalty, or costs for a motor vehicle matter within 40 days of the date specified by a court order. The civil judgment would be for the total money value of outstanding fines, penalties, or costs imposed by the court, and when the fine, penalty, or costs are paid in full, the civil judgment would be deemed satisfied, and the judgment would be cancelled;
- direct the Division of Motor Vehicles and the North Carolina Administrative Office of the Courts to jointly study: (1) whether legislative changes are necessary to ensure the return or restoration of previously suspended licenses for failure to pay a fine, penalty, or costs; and (2) whether the addition of new civil judgement provision should be retroactive and made applicable to all unpaid fines, penalties, or costs. The DMV and AOC would report to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Oversight Committee on Justice and Public Safety by December 1, 2019.

**Introduced by Senator J. Jackson and referred to the Senate Rules Committee.**

SENATE BILL 645, Local Gov'ts/Broadband Service Infrastructure, would authorize cities and counties to enter into an agreement with a qualified private entity to construct facilities or equipment of a broadband service for the purpose of leasing such facilities or equipment to one or more lessees who are not a governmental unit, if approved by voters in a referendum. The bill also would authorize cities and boards of county commissioners to use ad valorem tax levies, grants, or any other unrestricted funds in exercising authority granted, but in no case could the funds utilized exceed 50% of the total funds expended to construct the facilities or equipment.

**Introduced by Senators Burgin and T. Alexander and referred to the Senate Rules Committee.**

SENATE BILL 646, Amend Certificate of Need Laws, would:

- remove psychiatric facilities, kidney disease treatment centers, intermediate care facilities for individuals with intellectual disabilities, chemical dependency treatment facilities, diagnostic facilities, and ambulatory surgical facilities from the facilities governed by Certificate of Need;
- prohibit the Department of Health and Human Services (DHHS) from limiting the number of operating rooms in gastrointestinal endoscopy rooms in developing a State Medical Facilities Plan;
- exempt from certificate of need review the development, acquisition, construction, expansion or replacement of a health service facility or health service that obtained approval prior to October 1, 2019, as: an ambulatory surgical facility, including an ambulatory surgical facility with one or more operating rooms or gastrointestinal endoscopy procedure rooms; a diagnostic center; kidney disease treatment center, including freestanding dialysis units; chemical dependency treatment facility; intermediate care for individuals with intellectual disabilities; psychiatric hospital;
- require DHHS to exempt from certificate of need review the establishment of a home health agency by a licensed continuing care retirement community to provide home health care services to one or more residents of the retirement community who have entered into a contract with the retirement community to receive continuing care services with lodging; and

- prohibit DHHS from licensing an ambulatory surgical facility developed, acquired, or replaced on or after October 1, 2019, unless the application meets four criteria.

**Introduced by Senators Burgin, Krawiec and Hise and referred to the Senate Rules Committee.**

SENATE BILL 649, SAVE Our Benefits Act, would require all State agencies and all licensing boards to enter into a memorandum of agreement or computer matching agreement with the Department of Homeland Security to use the Systematic Alien Verification for Entitlements (SAVE) Program in order to verify the immigration status of applicants for public benefits. The bill would prohibit any State agency or licensing board, beginning January 1, 2020, from providing a public benefit to any applicant unless first having used the SAVE Program to verify the immigration status of the applicant, and to an alien who is not qualified, a nonimmigrant, or an alien who is paroled into the country for less than a year, as specified. **Introduced by Senators Sanderson and Hise and referred to the Senate Rules Committee.**

SENATE BILL 654, Charter Schools Provide Transp. & Food, would require charter schools to provide transportation and food services for any student enrolled in the charter school and to participate in the National School Lunch Program. **Introduced by Senators Garrett and Robinson and referred to the Senate Rules Committee.**

SENATE BILL 658, Prescription Drug Pricing, would:

- require manufacturers to notify interested parties, which include State agencies, of upcoming substantial price increases at least 60 days in advance;
- require manufacturers to provide notification of the price of new products within three days of FDA approval, and within 30 days after that a reason for the price;
- mandate disclosure of any ingredients known to pose a risk of dependency in humans by manufacturers who market a drug to a prescriber;
- set a penalty of \$1,000 per day for violations until the required information is submitted; and
- require the Secretary of the Department of Health and Human Services to develop a plan to collect data from manufacturers regarding the cost and pricing of prescription drugs and to set up an online portal to provide public access to the information.

**Introduced by Senators Mohammed, Smith and Van Duyn and referred to the Senate Rules Committee.**

## BILL UPDATES

HOUSE BILL 464, Small Business Health Care Act, was amended in the House Insurance Committee to:

- provide that nothing in new Article 50A, Association Health Plans, regulates or prohibits any group health insurance policy that is not an association health plan;
- allow an employer member who obtains coverage under an association health plan to also provide coverage to the spouse or dependent children of an eligible employee or an individual the employer pays on an IRS Form 1099; and
- require an association health plan to also provide coverage for the essential health benefits listed in 42 USC Sec. 18022(b).

**The bill as amended was approved by the House Insurance Committee and will next be considered by the House Health Committee.**

SENATE BILL 375, Death by Distribution, was heard in the Senate Judiciary Committee and a committee substitute was adopted. The new version would:

- modify the elements of the crime created for death by distribution of certain controlled substances to require that the person unlawfully sells and delivers, rather than distributes, at least one certain controlled substance to the victim which was a related cause of the victim's death;
- make the same change to the crime of aggravated death by distribution of certain controlled substances;
- clarify that the statute does not restrict or interfere with the rights and immunities provided for drug-overdose victims and Samaritans; and
- specify that issuing a valid prescription for a controlled substance for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice is not unlawful distribution. **This provision was requested by the NC College of Emergency Physicians to protect our members and we appreciate Sen. Bishop offering and supporting the amendment.**

**The bill was approved as amended by the Senate Judiciary Committee and will next be considered by the Senate Rules Committee.**

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