



INTRODUCTION

On the General Assembly's last week before Spring Break (March 29 – April 2), legislators ran a busy schedule of committee meetings and sent numerous bills off to the Governor to sign into law. Most of the bills heard that week had bipartisan support; however, some did not. House Bill 264, Emergency Powers Accountability Act, passed through the House this week with a vote completely along party lines, with 69 Republicans voting in favor and 50 Democrats voting against. The bill would require the Governor to seek concurrence from other elected officials on the Council of State to continue a state of emergency beyond seven days, and again every 30 days following.

House Republicans argue that the Governor, regardless of party, should not have unilateral control and should receive bipartisan input on such sweeping decisions. "Over the course of last year I think we can all agree that the governor has made some of the most consequential decisions of any governor in modern history," said Representative Destin Hall. "All of those decisions, those huge consequential decisions, have been made by one person without the requirement that that one person consult a single other elected official." House Democrats argue that the Governor was elected by the voters who chose, during this pandemic, to continue to put their faith in the Governor's decisions and continue to leave that power to the Governor. This bill is now on its way to the Senate where multiple bills have also been filed that include similar measures requiring the Governor to seek concurrence with the Council of State.

Election Integrity Act

Another divisive bill was heard in Senate Redistricting and Elections this week. Senate Bill 326, Election Integrity Act, was sponsored by the three Senate Redistricting and Elections Chairmen; Sens. Hise, Newton, and Warren. This bill would change election laws in various ways. It would move up mail-in absentee ballot deadlines to two weeks prior to the election, currently it is 7 days prior. It would also provide that all ballots must be received by close of business on Election Day, or else they will not be counted. Currently, the law provides for a three-day grace period if the absentee ballot is postmarked on or before Election Day. Finally, the bill would provide funds for a mobile ID unit to offer IDs to eligible voters in need of identification to participate in our elections. Currently, the North Carolina constitutional amendment passed by voters to require identification at the polls is being held up in courts.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



THIS LEGISLATIVE REPORT IS A PUBLICATION OF KOCHANЕК LAW GROUP AND IS A MEMBER BENEFIT OF NCCEP. ANY USE OR REPRODUCTION OF THIS REPORT IS LIMITED TO NCCEP AND ITS MEMBERS.

FOR MORE INFORMATION:

Colleen Kochanek
Ashley Matlock Perkinson
Rachel E. Beaulieu
P.O. Box 1038
Wake Forest, NC 27588
919.809.5600

colleen@kochaneklawgroup.com
ashley@perkinsonlawfirm.com
rachel@beaulieuedlaw.com
www.kochaneklawgroup.com

This bill is partly in response to ongoing tension between the Republican-led legislature and the State Board of Elections over a legal settlement the State Board of Elections entered into during last fall's elections. This settlement resulted in a pushback of the deadline to receive mail-in ballots post-Election Day, a change Republican legislators believe was unlawful since it impacted election laws and was not authorized by the General Assembly. Although our state lawmakers may have an extra bone to pick after the State Board's contentious settlement, North Carolina is not alone in introducing measures to shake up our election process. After many claims of voter fraud led by former President Trump during the presidential election, Republican legislators across the country have filed scores of voting-related bills. Republican lawmakers believe there needs to be a shake-up to the system to restore voter confidence and the integrity of this nation's elections. Opponents believe many of the presented changes would result in voter suppression. Senate Bill 326 was initially scheduled for a vote but was changed to discussion-only at the last minute. It will be brought back up in Senate Redistricting and Elections for a vote at a later date.

Executive Orders

Governor Cooper issued new executive orders earlier this week. Executive Order 206 provides protections against residential evictions, in line with the federal Centers of Disease Control and Prevention's extension of the moratorium until June 30th. Executive Order 205 continues to allow delivery and takeout mixed drinks through April 30th. Executive Order 207 aims to speed up the processing of unemployment insurance claims, effective until June 30th, as well.

Spring Break

Both the House and the Senate took a "spring break" this week with no sessions being held and no votes on bills. This week was also the Senate bill filing deadline so although many Senators were not present – hundreds of bills have been filed as the process can be done electronically. Over the last few weeks, a mountain of bills has been filed (over 400 at last check) to meet the deadline. We have been pouring through those bills to find any that impact our clients and will slowly catch up on the legislative report as we get through the bills that are filed.

BALANCE BILLING

SENATE BILL 415, Greater Transparency in Health Care Billing, is really a bill to stop balanced billing for out of network care. The bill provides one of the most unfair plans for compensating health care provider's by setting a rate that would be at or below Medicare. The bill supports the insurance industry without regard to the already unfair negotiating power between insurance companies and providers. **The bill will be strongly opposed by the North Carolina College of Emergency Physicians.** Below are the details of the bill which would:

- enact a new statute defining a benchmark amount, to be calculated at least annually, which is presumed to be a reasonable total payment for services provided by a health care provider outside an insurer's health care provider network, or for emergency care services provided;
 - detail the calculation of the benchmark amount, and provides for the application of the benchmark amount, deeming payment of the amount to prevent the health care provider from collecting additional amounts from the insured or any third party;
 - **The benchmark amount would be the lesser of one hundred percent of the current Medicare payment rate for the same or similar services; the health care provider's actual charges or the median contracted rate in the insurer's health care provider network for the same or similar services.**
- make changes to the law regarding services by outside provider networks;

- now require the insurer, upon notice from the insured, to determine whether a health care provider is able to meet the needs of the insured is reasonably available to the insured without unreasonable delay by reference to the insured's location and the specific medical needs of the insured;
- require the amount allowed for services provided for outside provider networks to be calculated using the benchmark, unless otherwise agreed to by the health care provider and the insurer;
- prohibit health care providers from subjecting an insured to or otherwise requiring prior payment of an amount in excess of the applicable reasonable payment established under the newly formulated benchmark, prior to services being rendered to the insured;
- **specify that the insurer is not required to make payment of any amount owed directly to a health care provider;**
- **establish that noncompliance is an unfair and deceptive trade practice and actionable;**
- require a health services facility or a health care provider participating in the insurer's health care network to provide the insured with a written disclosure containing five specific components at the time the facility or provider: (1) treats the insured for anything other than screening and stabilization, (2) admits an insured to receive emergency services, (3) schedules a procedure for nonemergency services for an insured, or (4) seeks prior authorization from an insurer for the provisions of nonemergency services to an insured;
 - require health services facilities to provide a written disclosure to the insured containing four specified components at the time the facility begins the provision of emergency services to an insured when the facility does not have a contract with the applicable insurer;
 - prohibit health services facilities and health care providers from collecting an amount for services in excess of the benchmark amount described above, unless the insurer does not have contracted health care providers or health services facilities in its health care provider network that are able to meet the needs of the insured and that are reasonably available to the insured without unreasonable delay;
- **require health services facilities contracting with providers that do not participate in an insurer's health care provider network to require the nonparticipating health care providers to comply with the billing and collections practices set out in the statute;** and
- require a non-participating health care provider that does not participate in the health care provider network of the insured's insurer to include a statement on any billing notice to an insured that the insured is not responsible for paying any more than the applicable in-network deductible, co-payment, or coinsurance amounts and has no legal obligation to pay any remaining balance in excess of the benchmark amount that applies.

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

BILLS OF INTEREST

HOUSE BILL 434, Reflexology Regulation Act, would create new certification for reflexology and require that payment for reflexology services may only be received by those who are certified. Enacts new GS 90-726.4 exempting certain listed licensed professionals who in the course of their work may apply pressure to certain reflex areas on a person's body, if the application of pressure accounts for 25% or less of that person's work. **Introduced by Representatives Warren and Riddell and referred to the House Health Committee.**

HOUSE BILL 436, Support Law Enforcement Mental Health, would require the NC Criminal Justice Education and Training Standards Commission and the NC Sheriff's Education and Training Standards Commission to: (1) administer a psychological screening examination prior to certification or employment to determine the law enforcement officer's mental and emotional suitability to properly fulfill the responsibilities of an officer; (2) include in the minimum educational and training standards for entry level employment, education and training to develop knowledge and increase awareness of effective mental health and wellness strategies; and (3) regularly provide information on any statewide mental health resources specifically available to officers. The bill also would require all criminal justice agencies or departments in the state that employ certified officers to coordinate with the appropriate LME/MCO or prepaid health plan to make information on State and local mental health resources and programs easily available to all employees and develop policies to encourage employees to utilize the resources available. **Introduced by Representatives K. Baker, Szoka, and Hunter and referred to the House Judiciary 4 Committee.**

HOUSE BILL 437, Fair Maps Act, would amend the State Constitution, if approved by a majority of the qualified voters of the State at the general election in November 2022, to provide for an independent redistricting process for electoral districts for Congress and the General Assembly. **Introduced by Representatives Harrison, Morey, Martin, and Reives and referred to the House Rules Committee.**

HOUSE BILL 446, Safeguarding Voting Rights, would enact a variety of provisions regarding automatic voter registration, online voter registration, and absentee ballot procedures. In addition, the bill would allow: (1) county boards of elections by majority vote of its members to adopt a plan that establishes flexibility in voting hours for the opening and closing of one-stop early voting sites; and (2) the Executive Director of the State Board to exercise emergency powers to conduct an election in a district where the normal schedule for the election is disrupted by a pandemic or national health crisis as declared by the President or the Governor. **Introduced by Representatives Morey, Dahle, K. Smith, and Quick and referred to the House Rules Committee.**

HOUSE BILL 449, Prohibit Defense Based on Sex or Gender, would prohibit as a defense to homicide prosecutions or assault the discovery of, perception of, or belief about another person's actual or perceived sex, gender, gender identity, or sexual orientation, whether or not accurate, specifying the same is not provocation negating malice as an element of murder. The statute would not preclude the admission of evidence of a victim's or witness's conduct, behavior, or statements that is relevant or otherwise admissible. **Introduced by Representatives Autry, Morey, Clemmons, and Alston and referred to the House Rules Committee.**

HOUSE BILL 450, Equality for All, would enact a variety of provisions to protect the State's citizens against discrimination. The bill would define "protected status" as a person's race, color, national origin, religion, age, disability, sex, marital status, familial status, sexual orientation, gender identity, military or veteran status, or genetic information. The bill includes provisions regarding unlawful discriminatory in housing practices, proof of violation, exemptions, employment, equal access to public accommodations, discrimination by lenders and insurance companies, nondiscrimination in schools, and jury service. The bill would further direct the Legislative Research Commission to review State antidiscrimination laws to develop legislative proposals that will further equality for all in North Carolina through comprehensive legislation. **Introduced by Representatives Alston, Harrison, and Fisher and referred to the House Rules Committee.**

HOUSE BILL 451, Full Repeal of HB2, would repeal the statute that preempts State agencies, boards, offices, departments, institutions, branches of government, including The University of North Carolina and the North Carolina Community College System, and political subdivisions of the State, including local boards of education, from regulation of access to multiple occupancy restrooms, showers, or changing facilities. **Introduced by Representatives Meyer, Morey, Butler, and John and referred to the House Rules Committee.**

HOUSE BILL 452, Mental Health Protection Act, would enact the Mental Health Protection Act to:

- define *conversion therapy* as defined as practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to (i) change behaviors and gender expressions or (ii) eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender;
- exclude from the definition of *conversion therapy* counseling that provides assistance to an individual undergoing gender transition or counseling that provides acceptance, support, and understanding of an individual or facilitates an individual's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity;
- prohibit the following from engaging in conversion therapy with an individual under 18 years of age or an adult who has a disability: (1) licensed clinical social worker; (2) licensed marriage and family therapist; (3) licensed clinical mental health counselor; (4) psychiatrist licensed; and (5) licensed psychologist;
- consider the practice of conversion therapy by any of these professionals as unprofessional conduct and subject each licensed professional to discipline under the licensed professional's respective licensing entity; and
- prohibit any State funds, or any funds belonging to a municipality, agency, or political subdivision of this State, from being used to conduct conversion therapy, refer an individual for conversion therapy, health benefits coverage for conversion therapy, or a grant or contract with any entity that conducts conversion therapy or refers individuals for conversion therapy.

Introduced by Representatives Fisher, Butler, Dahle, and Harrison and referred to the House Rules Committee.

HOUSE BILL 453, Human Life Non-Discrimination Act/No Eugenics, would prohibit a person from intentionally or knowingly performing, inducing, or attempting to perform or induce an abortion of an unborn child if the abortion is being sought because of the actual or presumed race or sex of the unborn child or because of the presence or presumed presence of Down syndrome. **Introduced by Representatives McElraft, Bradford, K. Baker, and Arp and referred to the House Health Committee.**

HOUSE BILL 458, Food Desert Agriculture Incentive Zones, would create the North Carolina Food Desert Agriculture Grant Fund in the Department of Agriculture and Consumer Services (DACS) to be used to encourage agricultural production and availability in food desert zones in the state. The bill would allow an owner of property located in a food desert zone using the property for the production of crops, the production of plants for sale as food, or the hosting of a farmers' market to apply for a grant from the Fund. Awards would be issued in the order that applications were received, with applications submitted after funds have been exhausted to be paid in the next fiscal year when funds are available. The bill would appropriate \$500,000 in 2021-22 for the

grants. **Introduced by Representatives Brown, Reives, Brody, and Alston and referred to the House Finance Committee.**

HOUSE BILL 462, Funds/OIC Give Mobile Vaccinations, would appropriate \$500,000 for 2021-22 to the Opportunities Industrialization Center Inc. to provide COVID-19 testing and vaccinations and other medical care in Nash and Edgecombe Counties through the mobile Wellness on Wheels unit. **Introduced by Representative Willingham and referred to the House Appropriations Committee.**

HOUSE BILL 464, Home Education Tax Credit, would allow an income tax credit of \$1,250 per semester for each of a taxpayer's eligible dependent children who is a resident of this State and who, for one or two semesters during the taxable year, is enrolled in a home school. A taxpayer would not qualify for a credit for any semester during which the taxpayer's eligible dependent child for whom the credit would otherwise be claimed met any of the following conditions: (1) spent any time enrolled in a public school; (2) spent any time enrolled as a full-time student taking at least 12 hours of academic credit in a postsecondary educational institution; (3) was 22 years of age or older during the entire semester; or (4) graduated from high school prior to the end of the semester. **Introduced by Representatives Pittman and Kidwell and referred to the House Finance Committee.**

HOUSE BILL 468, Establish Surgical Technology Standards, would establish qualifications for surgical technologists employed by hospitals or ambulatory surgical facilities. The bill would prohibit hospitals or ambulatory surgical facilities from employing or contracting for services of a surgical technologist unless the individual (1) provides evidence of successfully completing an accredited training program and holds and maintains the Certified Surgical Technologist credential issued by the National Board of Surgical Technology and Surgical Assisting or its successor, (2) provides evidence of successfully completing an appropriate training program for surgical technology in the US military or the US Public Health Service, or (3) provides documentation of employment to practice surgical technology in a licensed hospital or ambulatory surgical facility on December 31, 2019, or documentation of employment to practice surgical technology during the three years immediately preceding December 31, 2019. The bill would allow facilities to employ or contract with individuals who do not meet the qualifications if the facility has made a diligent and thorough effort but cannot employ or contract with sufficient qualified surgical technologists who satisfy the requirements. **Introduced by Representatives White, Lambeth, and Sasser and referred to the House Health Committee.**

HOUSE BILL 470, Medicaid Expansion, would make more North Carolinians eligible for Medicaid under the Accountable Care Act – Medicaid Expansion. With only Democratic primary sponsors on the bill and the continued opposition of Republican leadership, the bill is not likely to progress. Both Sen. Berger and Representative Lambeth have stated recently that they don't expect renewed interest in Medicaid expansion, despite federal changes that add new incentives.

Under the bill, individuals would be eligible for Medicaid benefits if: (1) the individual has a modified adjusted gross income that is at or below 133% of the federal poverty level; (2) the individual is 19 or older and under age 65; (3) the individual is not entitled to or enrolled in Medicare benefits under Part A 35 or Part B of Title XVIII of the federal Social Security Act; and (4) the individual is not otherwise eligible for Medicaid coverage under the North Carolina State Plan as it existed on January 1, 2020. These beneficiaries would receive benefits through an Alternative Benefit Plan with copayments the same as those required for traditional Medicaid beneficiaries and with coverage consistent with Medicaid transformation. The bill would state the

General Assembly's intent to impose a Medicaid Coverage Gap Assessment on hospitals that would pay for the State share of the program and administrative costs associated with Medicaid expansion. **Introduced by Representatives Graham, Insko, Pierce, and R. Smith and referred to the House Rules Committee.**

HOUSE BILL 473, *Revise Laws/Safe Surrender/Infants*, would identify the categories of individuals, including a health care provider who is on duty or at a hospital, local/district health department, or nonprofit community health center, who must take into temporary custody an infant reasonably believed to be under 7 days of age who is voluntarily delivered to the individual by the infant's parent who does not express an intent to return. The bill would require any individual who takes an infant into temporary custody to perform any act necessary to protect the physical health and well-being of the infant and notify the department of social services in the county where the infant is surrendered. It would also provide immunity for any individual to whom an infant was surrendered from any civil or criminal liability. DHHS would be required to create and distribute information about infant safe surrender and the rights of parents. **Introduced by Representatives White, Bradford, and Riddell and referred to the House Committee on Families, Children, and Aging Policy.**

HOUSE BILL 476, *Broadband Consumer Protection*, would authorize the North Carolina Public Utilities to establish and enforce appropriate oversight of broadband in order to meet the State's goals of high-quality and affordable access to broadband. The Commission would: (1) conduct evaluations and audits of facilities and infrastructure used to provide broadband service and evaluate facilities and infrastructure with respect to areas of public safety, resiliency, and any other area the Commission deems relevant to achieve standards of resiliency, quality, public safety, and affordability in broadband service; and (2) report to the Joint Legislative Oversight Committee on General Government and the Fiscal Research Division, beginning December 1, 2021, on outcomes related to achieving these standards. **Introduced by Representatives Moss, Sasser, R. Smith, and Penny and referred to the House Rules Committee.**

HOUSE BILL 477, *Temporary Event Venues*, would authorize a local government, by ordinance, to establish a process to permit temporary event venues and would define a *temporary event venue* as an existing publicly or privately owned building or structure suitable for use as a site for public or private events relating to entertainment, education, marketing, meetings, sales, trade shows, and any other activities or occasions that the local government may authorize. **Introduced by Representatives Brody, Bradford, Faircloth, and Cunningham and referred to the House Local Government Committee.**

HOUSE BILL 483, *Pistol Permit/Mental Health Record to Sheriff*, would require, when a person files an application for a pistol permit, the sheriff requests disclosure of any court orders concerning the mental health or mental capacity of the applicant to be used for the sole purpose of determining whether the applicant is disqualified to receive a permit. This requirement could not increase the documentation an applicant is required to provide when filing an application or increase the application time period. The permit application would contain a conspicuous warning substantially as follows: "By filing this permit application, I understand that I am giving the sheriff the authority to obtain all criminal and mental health court orders required by State and federal law to determine permit eligibility." When a sheriff notifies the potential holder of a mental health order in writing that a particular individual has completed an application for a pistol purchase permit, the holder of any court orders that concern the mental health or mental capacity of an applicant for a pistol purchase permit would be required, upon request, to release to the sheriff any

and all mental health orders concerning the pistol purchase permit applicant. **Introduced by Representative Greene and has not yet been assigned to a House committee.**

HOUSE BILL 488, Analysis Doula Supp. Services/Medicaid Cov., is identical to Senate Bill 393, summarized below in this Legislative Report. **Introduced by Representative Hawkins and has not yet been assigned to a House committee.**

SENATE BILL 369, Make Election Day A State Holiday, would make the statewide general election day an official State holiday and amend the State Human Resources Act to make that day a paid holiday for State employees. **Introduced by Senators Garrett, Woodard, and Murdock and referred to the Senate Rules Committee.**

SENATE BILL 373, Expand Voluntary Health Care Services, would make changes to the law regarding voluntary health care services. The changes in the bill would specifically include the provision of telehealth services to the definition of free clinic and would include licensed dental assistants, nurse practitioners, and dispensing opticians in the definition of health care provider. The bill would also clarify that compensation or other consideration does not include memorabilia, room and board or other essentials necessary during the provision of volunteer health care services. **Introduced by Senators Woodard, Perry, and Corbin and referred to the Senate Rules Committee.**

SENATE BILL 377, Remove Foreign Citizens from Voting Rolls, would add United States citizenship to the qualifications of prospective jurors and require all applications for excuses from jury duty to be made on a form developed and furnished by the Administrative Office of the Courts, with applications to allow specification for the reason(s) for excusal based on disqualification, including non-citizenship status. The bill also would require the State Board of Elections to review the voter registration and citizenship status of each person identified in a clerk's quarterly report of jury duty disqualifications based on US citizenship and distribute to each county board of elections a report of the persons identified who are registered to vote in that county. If the State Board found an individual voted prior to attaining citizenship, it would be required to furnish its investigation to the district attorney for prosecution. **Introduced by Senators Burgin, Krawiec, and Sanderson and referred to the Senate Rules Committee.**

SENATE BILL 378, Eminent Domain, is identical to House Bill 271, summarized in the March 16, 2021, Legislative Report. **Introduced by Senators B. Jackson, Edwards, and Sanderson and referred to the Senate Rules Committee.**

SENATE BILL 380, Interstate Medical Licensure Compact, would enact the Interstate Medical Licensure Compact and give licensed physicians the opportunity to apply for issuance of an expedited license to practice in Compact states, subject to the requirements and restrictions provided in the Compact. The bill would require a physician to designate a state of principal licensure where the physician has a full and unrestricted license to practice medicine and which is the physician's principal residence, where the physician conducts at least 25% of their practice, and is the location of the physician's employer, or the state designated for federal income tax purposes. The bill would also create the Interstate Medical Licensure Compact Commission and require the Commission to establish a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals and applicants in members states. **Introduced by Senators Perry, deViere, and Krawiec and referred to the Senate Rules Committee.**

SENATE BILL 384, Improve Debt Collection Upon Vehicle Reg., is identical to House Bill 413, summarized in the April 1, 2021, Legislative Report. **Introduced by Senators McInnis, Sawyer, and Britt and referred to the Senate Rules Committee.**

SENATE BILL 387, Excellent Public Schools Act of 2021, would require literacy instruction in pre-k through third grade using the "Science of Reading," which is defined as evidence-based reading instruction practices that address the acquisition of language, phonological and phonemic awareness, phonics and spelling, fluency, vocabulary, oral language, and comprehension that can be differentiated to meet the needs of individual students. The bill includes provisions regarding literacy intervention plans and the development of Individual Reading Plans, and directs the Department of Public Instruction to develop a Digital Children's Reading Initiative to increase the percentage of school children throughout the State who are reading proficiently by the end of third grade. The Initiative would be aligned with the Science of Reading and reflect the standards taught in each grade level from kindergarten to third grade. **Introduced by Senators Berger, Ballard, and Lee and referred to the Senate Education/Higher Education Committee.**

SENATE BILL 391, Medicaid Modernized Hospital Assessments, is identical to House Bill 383, summarized in the April 1, 2021, Legislative Report. **Introduced by Senators Krawiec, Burgin, and Perry and referred to the Senate Rules Committee.**

SENATE BILL 392, Mental Health Protection Act, is identical to House Bill 452, summarized above in this Legislative Report. **Introduced by Senators Marcus, Chaudhuri, and Murdock and referred to the Senate Rules Committee.**

SENATE BILL 393, Analysis Doula Supp. Services/Medicaid Cov., would direct the Department of Health and Human Services (DHHS) to conduct a statewide analysis of doula support services. After the analysis and report, the Division of Public Health would be required to: (1) partner with doula training programs and childbirth education organizations to help set standards for the attestation, training, and certification of doulas in NC; (2) develop doula service coverage and reimbursement options and strategies for commercial insurers offering health benefit plans in the State to consider; (3) develop bill standards for the provision of doula services; and (4) create a statewide directory of doula support service providers, including services offered. The bill would also direct DHHS to submit a State Plan amendment to the Centers for Medicare and Medicaid Services adding coverage under the NC Medicaid State Plan for antepartum, intrapartum, and postpartum services provided to a pregnant recipient by a doula, including services for labor and delivery support and at least four visits during the antenatal period and seven visits during the postpartum period. The bill would appropriate \$500,000 to the Division of Health Benefits for 2021-22 to make necessary changes to the NCTracks Medicaid Management Information System to add the new coverage for doula services and to enroll new providers for that coverage. **Introduced by Senators Murdock, Marcus, and Waddell and referred to the Senate Rules Committee.**

SENATE BILL 396, Equality for All, is identical to House Bill 450, summarized above in this Legislative Report. **Introduced by Senators Murdock, Marcus, and Nickel and referred to the Senate Rules Committee.**

SENATE BILL 399, Essential Health Benefits/Assoc. Health Plans, would resolve one of the challenges with association health plans by requiring a group health plan offered by a sponsoring association to provide coverage of essential health benefits listed in Federal law: 42 USC § 15

18022(b). **Introduced by Senators Batch, Crawford, and deViere and referred to the Senate Rules Committee.**

SENATE BILL 402, Close the Medicaid Coverage Gap, would expand Medicaid to qualified individuals in the Medicaid coverage gap. Individuals would be considered part of the Medicaid coverage gap and eligible for Medicaid benefits if the individual meets all of the following requirements: (1) has a modified adjusted gross income that is at or below one hundred thirty-three percent (133%) of the federal poverty level; (2) is age 19 or older and under age 65; (3) is not entitled to or enrolled in Medicare benefits under Part A or Part B of Title XVIII of the federal Social Security Act; and (4) is not otherwise eligible for Medicaid coverage under the North Carolina State Plan as it existed on January 1, 2020. Beneficiaries eligible for the Medicaid program under this section would receive benefits through an Alternative Benefit Plan that is established by the Department consistent with federal requirements, unless that beneficiary is exempt from mandatory enrollment in an Alternative Benefit Plan under federal law. **Introduced by Senators Robinson and Clark and referred to the Senate Rules Committee.**

SENATE BILL 404, A Second Chance for Life, would make changes to the law that requires voluntary, informed consent for an abortion to be performed upon a woman. It would add a requirement for any physician who prescribes, dispenses, or otherwise provides any drug or chemical for abortion inducing purposes to furnish the patient written information made available by the Department of Health and Human Services (DHHS) on the possibility of reversing a drug-induced abortion. DHHS would also be required to share the information on reversing drug-induced abortions on the homepage of the state website for the Woman's Right to Know Act and with physicians, at request, at no cost. The bill would expand the law related to illegal abortion, making it a Class I felony to administer or prescribe, or advise and procure for a pregnant woman to take anything with the intent to procure an abortion, or use any instrument for the same purpose (currently limited to causing a miscarriage) and applies provisions of the Women's Right to Know Act to the law. **Introduced by Senators Krawiec, Barnes, and Galey and referred to the Senate Rules Committee.**

SENATE BILL 405, Born-Alive Abortion Survivors Protection Act, would require any health care provider present at the time a child is born alive resulting from an abortion or attempt to perform an abortion to: (1) exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious health care practitioner would render to any child born alive at the same gestational age and (2) ensure that the child born alive is immediately transported and admitted to a hospital. Born alive would be defined as a state that after the complete expulsion or extraction from his or her mother, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

The bill would require a health care practitioner or any employee of a hospital, a physician's office, or an abortion clinic who has knowledge of noncompliance to immediately report the noncompliance to an appropriate State or federal law enforcement agency, or both. Violations would be a Class 1 misdemeanor, punishable by a fine not to exceed \$250,000, unless the conduct is covered under some other law providing greater punishment. The bill would also make any person who intentionally performs or attempts to perform an overt act that kills a child born alive punishable for murder. **Introduced by Senators Krawiec, Barnes, and Galey and referred to the Senate Rules Committee.**

SENATE BILL 407, Compact to Award Prizes for Curing Diseases, would establish the Solemn Covenant of States Commission upon the enactment of the Solemn Covenant of the States to Award Prizes for Curing Diseases by six states. The bill would set out the powers of the Commission, including to: (1) receive and review treatments and therapeutic protocols for the cure of diseases submitted to the Commission and to award prizes for submission that meet the Commission's standards for a successful cure treatment or therapeutic protocol; (2) make successful cure treatments and therapeutic protocols widely available upon prizes claimed by transferring intellectual property necessary for the manufacture and distribution of the cure and setting a selling price for the cure; and (3) monitor and enforce compliance of compacting states. The bill includes provisions regarding Commission meetings; voting; bylaws; rulemaking; financing; recordkeeping; qualified immunity, defense, and indemnification; and compacting state withdrawal, default, expulsion, and reinstatement. **Introduced by Senators Burgin, Krawiec, and Perry and referred to the Senate Rules Committee.**

SENATE BILL 408, Stop Addiction Fraud Ethics Act of 2021, would:

- require marketing or advertising materials published or provided by any treatment provider, treatment facility, recovery residence, or third-party providing services to convey accurate and complete information, in plain language that is easy to understand;
- make it illegal for a treatment provider, treatment facility, recovery residence, or third party providing services to those entities to: (1) make a materially false or misleading statement, or provide false or misleading information, about the nature, identity, or location of substance use disorder treatment services or a recovery residence, in advertising materials, on a call line, on an internet website, or in any other marketing materials or (2) make a false or misleading statement about the treatment provider's status as an in-network or out-of-network provider; the credentials, qualifications, or experiences of persons providing treatment or services; or the rate of recovery or success in providing services;
- make it a Class G felony for a person or entity (including a treatment provider, treatment facility, recovery residence, or third party providing services to any of those persons or entities) to: (1) offer or pay anything of value or engage in any split-fee arrangement, to induce the referral of a patient or patronage to or from a treatment provider or laboratory; (2) solicit or receive anything of value, or engage in any split-fee arrangement, in return for referring a patient or patronage to or from a treatment provider or laboratory; (3) solicit or receive anything of value, or engage in any split-fee arrangement, in return for the acceptance or acknowledgment of treatment from a health care provider or health care facility; or (4) aid or abet any conduct that violates these provisions.

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

SENATE BILL 409, Prohibit Defense Based on Sex or Gender, is identical to House Bill 449, summarized above in this Legislative Report. **Introduced by Senators Nickel, Mayfield, and Murdock and referred to the Senate Rules Committee.**

SENATE BILL 410, Nonprofit Electronic Business/Remote Meetings, would allow companies to conduct their business remotely by revising some of business regulations as follows:

- allow a corporation to conduct a transaction by electronic means, except as limited by its articles of incorporation or bylaws or by action of its board of directors, and require the corporation, prior to conducting an electronic transaction with a person that is a member, delegate, officer, or director of the corporation, to obtain agreement from the person to conduct the transaction by electronic means and inform the person how to revoke the agreement;

- amend the provisions regarding emergency bylaws to deems that an emergency exists if a natural or manmade disaster impedes the ability of the corporation's board of directors or members to comply with one or more provisions of the corporation's bylaws (was only if a quorum of the directors cannot readily be assembled because of some catastrophic event);
- authorize members of any class to participate in any meeting of members remotely to the extent the board of directors authorizes participation for that class, subject to guidelines and procedures adopted by the board of directors, and deem members participating remotely present and authorized to vote if the corporation has implemented reasonable measures to verify the member and provided members a reasonable opportunity to participate in the meetings and vote on matters submitted to the members;
- authorize the board of directors to determine that any meeting of members is to be held solely by remote means, subject to the corporation implementing the reasonable measures previously mentioned and only if meetings held solely by remote communication are not prohibited by the articles of incorporation and the bylaws;
- allow a member's consent to action taken without a meeting to be in electronic form and delivered by electronic means, except as limited by the articles of incorporation or the bylaws;
- amend the notice requirements for member meetings to notice to class members.

Introduced by Senators Galey, Perry, and Lazzara and referred to the Senate Judiciary Committee.

SENATE BILL 411, Prescription Drug Pricing, would seek to promote prescription drug price transparency by:

- requiring a drug manufacturer to notify all interested parties of an upcoming substantial price increase at least 60 days prior to the increase, and to disclose, within 30 days after the notification, the following to all interested parties: (1) a justification for the proposed price increase (could limit the information in the justification to that which is publicly available); (2) the previous year's marketing budget for the drug; (3) the date and price of acquisition if the drug was not developed by the manufacturer; (4) a schedule of price increases for the drug for the previous five years;
- requiring a drug manufacturer to notify all interested parties of the price of any new prescription drug within three days after the manufacturer receives approval by the U.S. Food and Drug Administration, and disclose specified information within 30 days of the notification;
- requiring a manufacturer or an agent of the manufacturer who meets or otherwise communicates with a prescriber for the purpose of marketing a prescription drug to disclose to the prescriber if any ingredient in the prescription drug it is marketing is known to pose a risk of dependency in humans;
- allowing for a civil penalty of up to \$1,000 per day for failure to report the required information;
- providing that nothing in this Article may be construed as a limitation upon the ability of a manufacturer to charge any price for a prescription drug permitted by law;
- directing the Secretary of the NC Department of Health and Human Services to: (1) develop a plan to collect data from manufacturers related to the cost and pricing of prescription drugs in order to provide transparency in and accountability for prescription drug pricing; and (2) implement an online portal to provide the public with electronic access to the notifications, reports, and other disclosures required; and
- requiring the Secretary, beginning December 1, 2022, and annually thereafter, to report to the Joint Legislative Oversight Committee on Health and Human Services the following information about prescription drugs: (1) the 25 most frequently prescribed drugs in the

State; (2) the 25 costliest drugs as determined by the total amount spent on those drugs in the State; (3) the 25 prescription drugs with the highest year-over-year cost increases as determined by the total amount spent on those drugs in the State.

Introduced by Senators Crawford, Mohammed, and Lowe and referred to the Senate Rules Committee.

SENATE BILL 414, Compact for Balanced Budget, would enact provisions regarding a Compact for a Balanced Budget with other states and set out a Balanced Budget Amendment, which would include prohibiting the US government total outlays from exceeding total receipts at any point in time unless the excess of outlays over receipts is financed exclusively by debt issued according to the Compact's provisions, prohibiting outstanding debt from exceeding authorized debt, which is initially set at an amount equal to 105% of the outstanding debt on the effective date of this article, and prohibiting increasing the authorized debt unless an increase is approved by the legislatures of the several states. **Introduced by Senators Edwards, Sanderson, and Burgin and referred to the Senate Rules Committee.**

SENATE BILL 433, Prohibit Online Impersonations, would make it unlawful for a person to:

- use the name or persona of another person, without obtaining the other person's consent and with the intent to harm, defraud, intimidate, or threaten any person, to do either of the following:
 - create a web page on a commercial social networking site or other internet website;
 - post or send one or more messages on or through a commercial social networking site or other internet website (does not include messages posted on or sent through electronic mail or a message board);
- send an electronic mail, instant message, text message, or similar communication that (i) references a name, domain address, phone number, or other item of identifying information belonging to a person and (ii) meets all of the following requirements:
 - the communication was sent without obtaining the person's consent;
 - the communication was sent with the intent to cause a recipient of the communication to reasonably believe that the person authorized or transmitted the communication;
 - the communication was sent with the intent to harm or defraud the person.

Any person who violates these provisions with the intent to solicit a response by law enforcement or other emergency personnel is guilty of a Class D felony, which could include a fine not to exceed \$10,000. Any other violation would be a Class A1 misdemeanor, which could include a fine not to exceed \$4,000. The bill would also provide that a person who uses information resulting from the commission of the other stated offenses to commit a separate crime against the victim would also be guilty of aiding and abetting the commission of the separate crime, punishable in accordance with the applicable statute governing the separate crime. The bill would allow as a defense that the person is one of the following or that the person's conduct was solely take as an employee of: commercial networking sites, internet service providers, interactive computer services, telecommunications service providers, video service providers, and cable services providers. **Introduced by Senator Perry and referred to the Senate Rules Committee.**

SENATE BILL 438, Full Repeal of HB2, is identical to House Bill 451, summarized above in this Legislative Report. **Introduced by Senators Mayfield, Murdock, and Nickel and referred to the Senate Rules Committee.**

SENATE BILL 443, 2021 Safe Drinking Water Act, would direct the Commission for Public Health by no later than October 15, 2021, to: (1) establish maximum contaminant levels (MCLs)

for probable or known carcinogens and other toxic chemicals that are likely to pose a substantial hazard to public health; and (2) annually review the latest peer-reviewed science and independent or government agency studies and undertake additional rulemaking, as necessary to establish or revise MCLs for contaminants that are likely to pose a substantial threat to public health. The bill would provide \$6 million to the Department of Health and Human Services to carry out these requirements, including establishing up to 37 new positions. **Introduced by Senators Batch, Salvador, and deViere and referred to the Senate Rules Committee.**

SENATE BILL 445, Domestic Violence Victims' Separation Waiver, would allow a person who is the victim of domestic violence to seek a divorce without having to meet the one-year period of separation, if the person in the marriage is a victim of domestic violence and the person's spouse by marriage is responsible for committing that act of domestic violence. The application for divorce would have to include: (1) a statement by the applicant that the applicant is a victim of domestic violence; and (2) evidence that the applicant is a victim of domestic violence, including at least two of the following: law enforcement, court, or other federal or State agency records or files; documentation from a domestic violence program, if the applicant is alleged to be the victim of domestic violence; or documentation from a medical or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence. The bill would provide \$30,000 to the Governor's Crime Commission to implement an awareness campaign about the domestic violence victims' separation waivers. **Introduced by Senators deViere, Marcus, and Sawyer and referred to the Senate Rules Committee.**

SENATE BILL 446, Wage Theft Act, would amend the State's labor laws to:

- require every employer to notify its employees in writing at the time of hire and upon any material change of: (1) the promised wages and the basis upon which wages will be calculated; (2) the method, day, and place for payment; (3) the specified contact information and tax identification numbers for the employer; and (4) the employee's employment status;
- require employers to furnish each employee for each pay period information regarding the employee's rate of pay, total hours worked each workweek, total straight-time earned each workweek, total overtime earnings each workweek, total additions or deductions from wages, total gross wages paid each pay period, and the date of payment;
- amend the damages and civil penalties provisions regarding violations of minimum wage, overtime, and wage payment statutes; and
- enact provisions to allow an employee, for purposes of wage claims and collections, entitlement to a lien upon (1) all property of the employer located in the State and (2) all property upon which the employee has performed work, as specified, for the full amount of the wages and any statutory penalties owed.

Introduced by Senators Mohammed, Foushee, and Robinson and referred to the Senate Rules Committee.

SENATE BILL 447, Living Wage for NC Workers, would increase the State's minimum wage to \$15 per hour over five years, then annually adjusting the minimum wage automatically by increases in the cost of living; end the subminimum wage for individuals with disabilities; amend the subminimum wage for tipped workers; and end the exemption for domestic workers. **Introduced by Senators Mohammed, Murdock, and Mayfield and referred to the Senate Rules Committee.**

SENATE BILL 450, Carbon Monoxide Detectors/School Buildings, would add to the duties of the State Board of Education to require the adoption of rules applicable to all public school units

that require existing school buildings to have adequate carbon monoxide alarms and new school buildings placed into service on or after July 1, 2025, to be have adequate carbon monoxide detectors. The bill would require temporary and permanent rules to ensure the requirements for existing buildings to have adequate carbon monoxide alarms are effective by July 1, 2023. **Introduced by Senators Lee, Ballard, and Barnes and referred to the Senate Rules Committee.**

SENATE BILL 451, Ban Single-Use and Non-Recyclable Products, would prohibit the sale and provision of food or beverages, for consumption on or off premises, in or with disposable food service ware, unless such food service ware is reusable, compostable, or recyclable. **Introduced by Senators Mayfield and Murdock and referred to the Senate Rules Committee.**

SENATE BILL 455, Decriminalize Non-Statutory Offenses, would:

- make it an infraction punishable by a fine of up to \$50 to violate a local ordinance or ordinance of a metropolitan sewerage district (currently, a Class 3 misdemeanor punishable by up to \$500, or \$50 if the ordinance does not specify a greater fine, except violations of ordinances regulating the operation or parking of vehicles are an infraction punishable by fine of up to \$50);
- provide that the statute does not restrict local authority or the authority of a metropolitan sewerage district from imposing stricter civil penalties for violation of any ordinance pursuant to their respective authority; and
- bar criminal convictions unless the offense is a common-law offense or appears in the statutes pertaining to criminal law, motor vehicles, or the Controlled Substances Act, and exclude persons who have actual knowledge that the behavior constitutes a crime.

Introduced by Senators Britt, Mohammed, and Lee and referred to the Senate Rules Committee.

SENATE BILL 457, Healthy Families & Workplaces/Paid Sick Days, would enact the Healthy Families and Healthy Workplaces Act to provide that any employee who works in this State and who must be absent from work for the following reasons is entitled to paid sick time: (1) to care for the employee's immediate family member who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, preventive medical care, or a routine medical appointment, unless the care is covered under federal law; (2) to care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, preventive medical care, or a routine medical appointment, unless the care is covered under federal law; or (3) absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of stalking or domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member (i) medical attention needed to recover from physical or psychological injury or disability caused by stalking or domestic or sexual violence, (ii) services from a designated domestic violence agency or other victim services organization, (iii) psychological or other counseling, (iv) relocation, or (v) legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the stalking or domestic or sexual violence. The bill includes a variety of provisions regarding exemptions, paid leave accrual and use, documentation, notice, posting, records, and enforcement. **Introduced by Senator Robinson and referred to the Senate Rules Committee.**

SENATE BILL 461, Fund Health Center Programs/Health Disparities, would appropriate \$2 million for 2021-22 to the Department of Health and Human Services, Division of Central Management and Support, to be allocated equally among four health centers, for programs or

initiatives targeting racial and ethnic health disparities in diabetes, high blood pressure, and health conditions attributed to food insecurity. The identified health centers would be: (1) The C.W. Williams Community Health Center, Inc., in Mecklenburg County; (2) Lincoln Community Health Center, Inc., in Durham County; (3) Triad Adult and Pediatric Medicine, Inc., in Guilford County; (4) Greene County Healthcare, Inc., in Greene, Pitt, and Pamlico Counties. **Introduced by Senators Robinson, Murdock, and Mohammed and referred to the Senate Appropriations/Base Budget Committee.**

SENATE BILL 462, CON/Threshold Amds. & Certificate Expirations, would revise the state's Certificate of Need laws to raise the threshold criteria:

- diagnostic center, medical diagnostic equipment currently set at \$500,000 increased to \$1.5 million;
- major Medical equipment from \$750,000 to \$2 million;
- new institutional health services from \$2 million to \$4 million.

The bill would require the cost threshold amounts for diagnostic center, major medical equipment and new institutional health services to be adjusted annually, beginning September 30, 2022. The bill would also provide for the expiration of a certificate of need issued for the construction of a health service facility upon the certificate holder failing to initiate authorized construction within four years after the approval becomes final for projects costing over \$50 million or two years after the approval becomes final for projects costing less than \$50 million. **Introduced by Senators Krawiec, Perry, and Burgin and referred to the Senate Rules Committee.**

SENATE BILL 464, Smart Start Funds, is identical to House Bill 262, summarized in the March 16, 2021, Legislative Report. **Introduced by Senators Krawiec, Burgin, and Perry and referred to the Senate Appropriations/Base Budget Committee.**

SENATE BILL 466, Req Source Disclosure/Online Grassroots Lobby, would require source disclosure for online grassroots lobbying. Specifically, the bill would:

- require a lobbyist or lobbyist principal that directly or indirectly through a third party engages in the solicitation of others to comply with all of the following if the solicitation of others is designed to generate an email from a member of the public to a legislator:
 - the first line of the body of the generated email must disclose the name of the lobbyist principal; and
 - the second line of the body of the generated email must disclose the name of the third party, if any, that has been employed by the lobbyist or the lobbyist principal to engage in the solicitation of others;
- require the solicitation, prominently and prior to any generated email being sent, to notify the member of the public who is being solicited that a generated email will be sent on that person's behalf to a legislator and that as a result, personal information may be disclosed to the legislator; and
- define the phrase "designed to generate an email from a member of the public" to mean an electronic document such as an online petition that invites, encourages, or offers the opportunity for members of the public to sign or otherwise indicate support for the contents of the document and that then creates and sends a generated email to a legislator that is attributed to the member of the public.

Introduced by Senators Johnson and Daniel and referred to the Senate Rules Committee.

SENATE BILL 469, Sales Tax Penalty Waiver, would direct the Secretary of Revenue to waive all penalties for unpaid sales taxes as if the Secretary extended the time for filing a return for good cause and had granted additional time within which to file the return and pay the tax due. The

waiver would be restricted to a *qualified business* which is defined as a business that (1) failed to timely pay sales taxes due between February 1, 2020, and April 1, 2021, (2) certifies that the taxes were not timely paid as a direct result of economic hardship resulting from a governmental response to the COVID-19 pandemic, and (3) paid the overdue tax debt in full by May 1, 2021. The Department of Revenue would make an application, including any required documentation, available for qualifying businesses to seek the described relief. Qualifying businesses would have to apply for relief under the act by July 1, 2021. **Introduced by Senator Lee and referred to the Senate Rules Committee.**

SENATE BILL 471, Increase Veterans Access to Health Care, would express the General Assembly's intent to expand Medicaid eligibility to: (1) veterans with a modified adjusted gross income below 100% of the federal poverty level; (2) veterans who are 19 or older, and under 65; (3) veterans who are not entitled to or enrolled in Medicare benefits under Part A or Part B of Title XVIII of the federal Social Security Act; and (4) veterans who are not otherwise eligible for Medicaid coverage under the North Carolina Medicaid State Plan as it existed on January 1, 2020. The bill would also express the General Assembly's intent that the costs associated with Medicaid expansion to the veteran population described above be paid entirely from the following and without federal assistance: (1) the General Fund; (2) an increase in assessments on hospitals similar to the Hospital Provider Assessment Act; and (3) a tax on prepaid health plan premiums and an assessment on managed care organizations. **Introduced by Senators deViere, Crawford, and Davis and referred to the Senate Rules Committee.**

SENATE BILL 475, Transparency in Evidence Standards, would change the NC Rules of Evidence regarding the inadmissibility of evidence that a person was or was not insured against liability on the issue of whether the person acted negligently or otherwise wrongfully. The bill would specify that the rule does not require the exclusion of evidence of insurance coverage limits when offered for another purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness. The bill would add that the term insurance bars parties from introducing evidence of any payments made by insurance under the collateral source rule. It would also exclude barring evidence of health insurance, disability insurance, or other forms of benefits that can be characterized as insurance. **Introduced by Senators Britt, Perry, and Galey and referred to the Senate Rules Committee.**

SENATE BILL 476, Protecting Properly Insured Individuals, would make changes to the rules regarding testimony by an injured party in a civil proceeding to allow information regarding liens that have been filed against any recovery for medical bills. The bill would also make it an unfair and deceptive trade practice to present different amounts other than those allowed by the statute to be presented in court. **Introduced by Senators Britt, Perry, and Galey and referred to the Senate Rules Committee.**

SENATE BILL 481, Emergency Management Reform Act, would make various changes to the Emergency Management Act, including: (1) amending the definition of *emergency* to provide that regardless of how imminent and regardless of how severe it may be, an ongoing occurrence or threat that persists for more than six months does not constitute an emergency and should be addressed by the General Assembly through appropriate legislation; and (2) defining *Statewide emergency area* as any emergency area applicable to two-thirds or more of the counties in this State. The bill includes provisions regarding expiration of states of emergency, concurrence by the Council of State, claims challenging the validity or application of executive orders, and protection of constitutional rights. It would require all orders, including emergency orders, decrees, regulations, or other mandates, that bind, curtail, or infringe the constitutional rights of private

parties to be narrowly tailored to serve a compelling public health or safety purpose. **Introduced by Senator Sanderson and referred to the Senate Rules Committee.**

SENATE BILL 483, Marijuana/Diversion Court/Class 3 Misd. Study, would: (1) reclassify misdemeanor possession of marijuana or hashish offenses as infractions; (2) allow the expunction of Class 3 misdemeanor possession of marijuana or hashish offenses; (3) direct the University of North Carolina at Chapel Hill School of Government, in consultation with the North Carolina Sentencing and Policy Advisory Commission, to study (i) which Class 3 misdemeanor offenses have a low impact on public safety, (ii) whether the offenses should be reclassified as infractions, and (iii) whether low-level traffic offenses should be moved to the North Carolina Administrative Code and enforced as a civil violation by the Division of Motor Vehicles or the Department of Public Safety; (4) provide \$4.2 million to the Administrative Office of the Courts to support the work of the North Carolina Drug Treatment Court Program in creating and sustaining local drug treatment court programs; and (5) provide \$4.2 million to the Administrative Office of the Courts to facilitate the creation and funding of new and existing mental health court programs to serve individuals that have a mental health diagnosis or treatment history and are defendants in the criminal justice system. **Introduced by Senators Mohammed, Murdock, and Woodard and referred to the Senate Rules Committee.**

SENATE BILL 488, Consumer Protection- Invoice Advertisements, would amend the statute that prohibits a person engaged in commerce from issuing any writing that simulates or resembles a negotiable instrument or an invoice to provide that the inclusion of a disclaimer on the writing is not a defense to a violation of the statute. **Introduced by Senators Rabon, Ford, and Alexander and referred to the Senate Rules Committee.**

BILL UPDATES

HOUSE BILL 61, Local Communicable Disease/Program Funds, was amended in the House Committee on Health, to require that the \$36 million appropriated for the bill in both years of the biennium would be distributed to local health departments, rather than allocated, no later than September 1st of each fiscal year. The new version would require the \$18 million to be divided equally among the local health departments based on the number of counties served by each local health department and then the other \$18 million distributed based upon the percentage of population served. The bill would now also require local health departments to provide plans on the use of funds and that the Division of Public Health report to the General Assembly. **The bill as amended was approved by the House Health Committee and will next be considered by the House Appropriations Committee.**

HOUSE BILL 264, Emergency Powers Accountability Act, was amended in the House Rules Committee to:

- require the Governor to obtain the concurrence of the Council of State in accordance with requirements for state of emergency declarations for a statewide emergency area when the Governor declares more than one state of emergency based on the same emergency that would extend the application of the emergency area, when combined, to more than two-thirds of the counties of the state;
- limit the authority of the Secretary of Health and Human Services to determine that a class or category of property uses presents a statewide imminent hazard and to order persons in control of that type of class or category of property uses to abate the statewide imminent hazard upon notification to the Governor and the Governor's concurrence of the Council of State to a period of no more than seven calendar days, with up to 30-day extensions

permitted if the Secretary has notified the Governor and the Governor has received the concurrence of the Council of State;

- require the Secretary to notify the Governor, and the Governor to seek the concurrence of the Council of State, prior to the extension of any orders that would extend the application of the class or categories of properties in areas, when combined, to statewide application;
- authorize the State Health Director to determine and order that a class or category of persons or animals needs to be quarantined or isolated to protect the public health and limit the authority to a period of seven days;
- provide that, for statewide orders, or orders that, when combined, would extend application of the class or categories in areas to statewide application, the State Health Director may move the court for extensions after notification of the Governor and the Governor's receipt of concurrence of the Council of State; for orders that apply less than statewide, the State Health Director may move the court for extensions without notifying the Governor or the Governor receiving Council of State concurrence.

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

HOUSE BILL 351, Clifford's Law, was amended to clarify that the visitation protocols established under the bill for nursing homes, combination homes, adult care homes and hospice care facilities would be subject to the Centers for Medicare and Medicaid Services directives. **The bill as amended was approved by the House and will next be considered by the Senate Rules Committee.**

- Colleen Kochanek
NCCEP Legislative Counsel
Kochanek Law Group
919.809.5601
colleen@kochaneklawgroup.com
www.kochaneklawgroup.comⁱ

Ashley Matlock Perkinson
Perkinson Law Firm
919.210.8209
ashley@perkinsonlawfirm.com

Rachel E. Beaulieu
Rachel E. Beaulieu Law Office, PLLC
919.896.6296
Rachel@BeaulieuEdLaw.com

ⁱ THIS LEGISLATIVE REPORT IS A PUBLICATION OF KOCHANЕК LAW GROUP AND IS A MEMBER BENEFIT OF NCCEP. ANY USE OR REPRODUCTION OF THIS REPORT IS LIMITED TO NCCEP AND ITS MEMBERS.