



INTRODUCTION

This week has felt like the calm before the storm or maybe the eye of a hurricane! The House and Senate were both out on “spring break” for the first part of the week and then the House came in on Thursday and started releasing their budget proposal. The House Appropriation subcommittees are meeting this week and the House is expected to debate and amend the budget in the House Appropriations Committee and the full House next week and send over to the Senate. The Senate has been working behind the scenes on their budget proposal so we expect their version to roll out soon.

The other big news and deadline approaching is the May 9th cross-over deadline and committee meetings are already being noticed for next week as work moves into high gear to get legislation approved in one chamber or the other. This is a scary time of year for lobbyists as legislation that is not correct or has not been thoroughly vetted gets moved so that “the bill can get to the other side” with a promise to “fix it later.” We will be on high alert as legislation will move very quickly over the next two weeks.

The Governor vetoed his first piece of legislation for this session, Senate Bill 359, which would provide criminal charges for health care providers who do not provide care for any abortion when there are any signs of movement or life in the fetus. Democrats claimed that this does not happen and that the bill is not needed and Republicans are passionate that this is a moral issue that needs to be addressed. It will be the first test of the strength of the new Democrats to see if the veto can be sustained or if the Republicans can find the votes to over-ride the veto.

This report includes the bills filed the week of April 15 through April 19. We will include a short budget summary and the bills from this week in the next legislative report. Please let us know if you have any questions or concerns.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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BILLS OF INTEREST

HOUSE BILL 744, Provide Minor Alcohol/Felony if Death Results, would establish that selling alcohol to anyone under 21, giving alcohol to anyone under 21 or assisting any person under 21 to sell, give, purchase, possess or consume alcohol is a Class I felony if the commission of the offense is the proximate cause of the death of a person and also set additional requirements regarding the person's knowledge of the under-age person's status for the felony to apply. **Introduced by Representative Setzer and referred to the House Judiciary Committee.**

HOUSE BILL 764, Women's Cancer Research & Prevent. Task Force, would establish the Women's Cancer Research and Prevention Task Force in the Department of Health and Human Services to:

- work with institutions of higher education, State agencies, and others to examine the incidence of and causes of cancer deaths for women, including identification of subpopulations at higher risk for developing cancer, and establish a profile of the cancer burden for women in North Carolina;
- identify evidence-based strategies for controlling risks and preventing cancer development in women;
- adopt and promote a statewide comprehensive Women's Cancer Prevention Plan to the general public, State and local elected officials, various public and private organizations and associations, businesses and industries, agencies, potential funders, and other community resources;
- identify and facilitate commitments to implement the Plan;
- facilitate coordination of and communication among State and local agencies and organizations regarding current or future involvement in achieving the goals of the Women's Cancer Prevention Plan;
- identify, facilitate, and promote cancer research;
- receive and consider reports and testimony from individuals, local health departments, community-based organizations, voluntary health organizations, and other public and private organizations statewide, to learn more about their contributions to women's cancer prevention, and ideas for improving women's cancer prevention in North Carolina;
- identify, examine limitations of, and recommend to the Governor and the General Assembly changes to existing laws, regulations, programs, services, and policies to enhance cancer prevention by and for the women of North Carolina;
- determine and recommend to the Governor and the General Assembly the funding and strategies needed to enact new or to modify existing laws, regulations, programs, services, and policies to enhance cancer prevention by and for the women of North Carolina; and
- report to the Governor and the Joint Legislative Oversight Committee on Health and Human Services by October 1 of each even-numbered year.

Introduced by Representatives Carney, Black, Batch, and Belk and referred to the House Rules Committee.

HOUSE BILL 766, Revise Marijuana Laws, would decriminalize possession of four ounces or less of marijuana and allow for the expunction of possession of marijuana offenses involving possession of four ounces or less of marijuana. **Introduced by Representatives Autry, Dahle, Harrison, and Hawkins and referred to the House Rules Committee.**

HOUSE BILL 770, Freedom to Work, would:

- require administrative agencies, governmental officials, and courts in civil proceedings to consider a Certificate of Relief favorably;

- provide that, if the board is authorized to deny a license to an applicant on the basis of conviction a crime, and the applicant's verified criminal history record reveals one or more convictions of any crime, the board may deny the license if it finds, by clear and convincing evidence, that the applicant's criminal history is directly related to the duties and responsibilities for the licensed occupation;
- allow an individual with a criminal history to petition a board at any time, including before an individual starts or completes any mandatory education or training requirements, for a determination of whether the individual's criminal history will disqualify the individual from obtaining a license. This petition would include details on the individual's criminal history. The Board could determine that the petitioner's criminal history is grounds for denial of a license only after it has applied the requirements above and would inform the individual of its determination within 30 days of receiving the petition from the individual;
- require recognition by licensing boards of certain apprenticeship and training experience;
- require an occupational licensing board to grant a license to any applicant who: (1) Completed an apprenticeship approved by the State or federal Department of Labor, or otherwise permitted under State or federal law, or (2) passed an examination, if one is deemed to be necessary by the licensing authority;
- direct each occupational licensing board to establish a passing score for the board's examinations which could not exceed the passing score that is required under the board's standard licensing processes; and
- allow applicants for licensure to apply training hours earned through career technical education provided by North Carolina public schools and colleges towards the requirements for licensure in the same occupation in accordance with the standards and procedures authorized.

Introduced by Representatives Stevens, Bell, Jones, and Zachary and referred to the House Judiciary Committee.

HOUSE BILL 772, *Access Midwives Act*, would create a license for a Certified Professional Midwife, a person with national certification from the North American Registry of Midwives, and create the North Carolina Council of Midwives to administer the licensure program. **Introduced by Representatives Fisher, Lambeth, Hurley and Carney and referred to the House Health Committee.**

HOUSE BILL 780, *Strengthen Do Not Call Registry*, would strengthen the Do Not Call Registry by:

- amending the definition of *telephone solicitation* to include creating a lead or referral for which the solicitor will receive or hopes to receive compensation;
- amending the definition of *telephone solicitor* to include subagents, contractors, or other third-party vendors as well as any party that receives a sales lead or inbound call from a telephone subscriber and knows or has reason to know that the lead or inbound call from the subscriber was generated by a telephone call;
- prohibiting a person, *whether directly or through a salesperson, agent, subagent, contractor, or third-party vendor*, from using an automatic dialing and recorded message player to make an unsolicited telephone call; and
- providing that any party that knows or has reason to know that the sales leads or inbound telephone calls it is receiving or accepting were generated by calls placed by another party or parties in violation of this provision will be jointly liable with said party for each call or lead that is received or accepted.

Introduced by Representatives Harrison, Hurley, and Martin and referred to the House Commerce Committee.

HOUSE BILL 782, Driver Educ./18 Yrs & Older & Unlicensed, would require all applicants for a drivers license who are 18 years and older, including those who have been licensed in another country, to complete a course in alcohol and drug abuse awareness, unless the applicant is licensed in another state or has satisfactorily completed a Department of Education driver education course. The course would be three hours in length, offered online or in person, and promote traffic safety. Instruction would be provided on the following: (1) the physiological and psychological consequences of the abuse of alcohol and other drugs; (2) the effects of alcohol and drug abuse on the driver of a motor vehicle; (3) the laws of this State relating to the operation of a motor vehicle; and (4) high-risk driving behaviors, such as fatigued driving, aggressive driving, and distracted driving, including the use of electronic devices while driving. **Introduced by Representatives Graham, Torbett, and Boles and referred to the House Transportation Committee.**

HOUSE BILL 799, Revise Laws/Safe Surrender/Infants, would establish processes and responsibilities for the safe surrender of infants less than 7 days old. The bill would mandate that health care providers on duty or at a hospital, local or district health department, or nonprofit community health center; first responders; and social services workers on duty or at a local department of social services take temporary custody of an infant who is voluntarily surrendered by a parent. Additional details regarding custody, information sharing and other processes are also provided. **Introduced by Representatives Horn, Dobson and White and referred to the House Judiciary Committee.**

HOUSE BILL 807, Improve Efficiency of Medical Examiner System, would expand qualification for appointment as a county medical examiner to include: retired physicians previously licensed to practice in the State, physician assistants, nurse practitioners, or nurses licensed to practice in the State; emergency medical technical paramedics credentialed under NC law; medicolegal death investigators certified by the American Board of Medicolegal Death Investigators; and pathologists' assistants. The bill would maintain that preference be given to physicians licensed to practice medicine in the State. **Introduced by Representatives Boles, Dobson, Iler and Richardson and referred to the House Health Committee.**

HOUSE BILL 815, Firearm in Unattended Vehicle/Safely Store, would make it a Class 2 misdemeanor to leave a firearm in an unattended motor vehicle unless the vehicle is locked and the firearm is either (i) secured with a trigger lock or other safety device designed to prevent an unauthorized user from operating the firearm or (ii) in a locked container. **Introduced by Representatives Morey, Clark, Harrison, and Martin and referred to the House Rules Committee.**

HOUSE BILL 817, Gen. Assembly/Safe Workplace Policies, would direct the Legislative Services Commission and the Legislative Ethics Committee, no later than December 31, 2019, to jointly develop, adopt, and implement "zero tolerance" policies regarding sexual harassment, abuse, misconduct, gender bias, and all other forms of improper workplace behaviors. The bill would create a confidential process for reporting and resolving incidents of sexual harassment and other improper workplace behavior in the General Assembly, require training to prevent workplace harassment and other improper workplace behavior in the General Assembly. The bill also would provide \$250,000 to implement these policies. **Introduced by Representatives Dahle, Everitt, and Butler and referred to the House Rules Committee.**

HOUSE BILL 822, Comprehensive Behavioral Health Plan, would:

- require the Department of Health and Human Services (DHHS) to develop and implement a State Comprehensive Plan for Behavioral Health Services, including mental health, developmental disabilities, substance abuse, and traumatic brain injury services;
- establish that the Comprehensive Plan's purpose is to provide a framework to ensure oversight of State-funded behavioral health services managed by LME/MCOs and health care providers;
- identify five required components of the Comprehensive Plan, including a mission statement, a 10-year future vision, three-year goals, 12-month objectives, and activities to be undertaken; and
- require DHHS to use a third-party vendor to assist with development of the Comprehensive Plan.

Introduced by Representatives Insko, Ball and Quick and referred to the House Health Committee.

HOUSE BILL 825, Strengthen Child Fatality Prevention System, would:

- establish a State Office of Child Fatality Prevention within the Department of Health and Human Services, Division of Public Health, to serve as the lead agency responsible for overseeing coordination of State-level support functions for the entire North Carolina Child Fatality Prevention System and appropriate funds for that purpose;
- direct DHHS to develop a transition plan for (i) consolidating teams that review child fatalities and (ii) creating a centralized data and information system for the statewide child fatality prevention system;
- formalize the North Carolina Child Fatality Task Force Committee structure and clarify its functions; and
- make conforming changes to child fatality prevention system-related statutes.

Introduced by Representatives Dobson, White, Potts, and Horn and referred to the House Health Committee.

HOUSE BILL 827, N.C. Citizens Redistricting Commission, would establish the North Carolina Citizens Redistricting Commission to: (1) prepare preliminary, proposed, and alternative legislative and congressional plans; (2) adopt final legislative and congressional plans; and (3) present adopted plans to the General Assembly for enactment. **Introduced by Representatives Harrison, Morey, Holley, and Martin and referred to the House Rules Committee.**

HOUSE BILL 830, Up Minimum Wage/Set Rates/COLA, would increase the State minimum wage by setting wage rates based upon the size of the employer (\$12/hour for large employers and \$9/hour for small employers), and provide for automatic adjustments to reflect increases in the cost of living. A large employer would be an enterprise whose annual gross volume of sales made or business done is not less than \$500,000, exclusive of excise taxes at the retail level that are separately stated, and a small employer would be an enterprise whose annual gross volume of sales made or business done is less than \$500,000, exclusive of excise taxes at the retail level that are separately stated. **Introduced by Representatives Cunningham, Clark, Harris, and Black and referred to the House Rules Committee.**

HOUSE BILL 831, NC Fair Wage Act, would prohibit an employer from (1) paying any person in the employer's employ at wage rates less than the rates paid to employees of another gender in the same establishment for the same quantity and quality of the same classification of work and (2) retaliating against any employee who seeks redress or who participates in the investigation of a complaint. An affected employee could file a complaint with the Department of Labor that the

wages paid to the employee are less than the wages to which the employee is entitled, and the Department would investigate and notify the employer and employee of the results of the investigation. An employee receiving less than the wage to which the employee is entitled could recover in a civil action the balance of such wages, together with the costs and attorneys' fees, notwithstanding any agreement to work for a lesser wage. A civil action would be instituted within two years after the date that the alleged violation is discovered by the affected employee. **Introduced by Representative Cunningham and referred to the House Rules Committee.**

HOUSE BILL 832, Constitutional Amendment/Up Minimum Wage, would amend the State Constitution, if approved by a majority of qualified voters at a statewide general election held on November 3, 2020, to require employers to pay employees wages no less than the minimum wage for all hours worked in North Carolina, and provide that, six months after enactment, the minimum wage will be \$12/hour and increased on January 1 of successive years by the increase in the cost of living. **Introduced by Representatives Cunningham, Black, and Meyer and referred to the House Rules Committee.**

HOUSE BILL 838, Paid Holiday/Primary and General Elections, would authorize local boards of education and the State Human Resources Commission to establish both primary and general elections in even-numbered years as paid holidays for teachers and State employees. **Introduced by Representatives Brockman, Dahle, and Beasley and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 842, Register Assault Weapon & Amp Report Lost Firearm, would:

- require a person in this state who owns and possesses an assault weapon to register the weapon with the sheriff of the county in which the person resides no later than five days after the person obtains the weapon and annually thereafter;
- set out that failure to register, as specified, or intentionally providing false registration information is a Class 3 misdemeanor;
- define *assault weapon* as including any selective fire firearm capable of semiautomatic or burst fire at the option of the user including the specified semiautomatic firearms; the specified semiautomatic centerfire rifles, or copies or duplicates with the capability of the rifles; specified semiautomatic centerfire pistols, or copies or duplicates with the capability of the pistols; all IZHMAISH Saiga 12 Shotguns, or copies or duplicates with the capability of those shotguns; all semiautomatic firearms that meet any of the eight listed criteria, including a semiautomatic, centerfire rifles with a fixed magazine with the ability to accept more than 10 rounds, a semiautomatic shotgun with the ability to accept a detachable magazine, and a shotgun with a revolving cylinder;
- require the registrant to provide the name and address of the person registering the weapon, the weapons' manufacturer and importer, the model, and the name and address of the individual or entity from which the person obtained the weapon;
- require the sheriff to fingerprint and photograph the registrant and determine the registrant's criminal and background history;
- provide that information provided by the registrant is confidential and is only available to a State or local law enforcement agency upon request for the lawful performance of the agency's duties, or by court order;
- set a \$5 registration fee;
- require the State Bureau of Investigation, in consultation with the North Carolina Sheriffs' Association, to establish forms to be used by persons registering assault weapons;
- require a person who owns and possesses an assault weapon to register the weapon no later than 90 days from the effective date of this section;

- require any firearm owner to report the loss or theft of the firearm with 48 hours to either the local law enforcement agency with jurisdiction over the location where the loss or theft occurred, or to the State Bureau of Investigation. Violations would be a Class 3 misdemeanor, with second or subsequent violations a Class I felony; and
- if approved, these provisions would go into effect December 1, 2019, and apply to assault weapons obtained on or after that date, as well as to offenses committed on or after that date.

Introduced by Representatives Martin, Morey, Clark, and Harrison and referred to the Committee on House Rules Committee.

HOUSE BILL 849, Health Care Practitioner Transparency Act. This legislation requested by the NC Medical Society would:

- require an advertisement for health care services that names a health care practitioner to identify the type of license held by the practitioner;
- require health care practitioners to wear a badge or other identification displaying a recent photograph of the practitioner, the practitioner's name, the license, certification, or registration held by the practitioner, and the expiration date of the license, whenever providing care to a patient;
- require the health care practitioner to display a written document in the office that identifies the license, certification, or registration held by the practitioner, and the name and type of license of the health care practitioner; and
- establish that violations of these regulations are grounds for disciplinary action.

Introduced by Representatives Potts, K. Hall, Yarborough and Murphy and referred to the House Health Committee.

HOUSE BILL 854, Protect STATE Health Care Act, would:

- prohibit an insurer offering a health benefit plan, including individual, large group, or small group health coverage, in this State from imposing any preexisting condition exclusions with respect to coverage under the health benefit plan;
- require each insurer that offers a health benefit plan in this State to accept every employer and every individual in the State who is eligible and applies for the coverage;
- require insurers to develop premium rates for all health benefit plans offered in this State based on only the following case characteristics: (1) whether the health benefit plan covers an individual or family; (2) the geographic rating area, established in accordance with federal law; (3) the age of the insured individuals, except that the rate may not vary by more than three to one for adults; and (4) the tobacco use of the insured individuals, except that the rate must not vary by more than one and one-fifteenth to one;
- prohibit an insurer from adjusting the premium charged for any health benefit plan offered in this State on the individual or small group market more frequently than annually unless the change is made as specified; and
- allow the Department of Insurance to adopt rules to implement and administer this act and to ensure that rating practices used by insurers are consistent with these provisions.

Introduced by Representatives Insko, Meyer, Cunningham, and Black and referred to the House Rules Committee.

HOUSE BILL 857, CON Exemption/Ambulatory Surgical Facilities, would amend the definition in the Certificate of Need statute to remove ambulatory surgical facilities from CON regulations; and exempt from CON a new institutional health service if it receives prior written notice from the entity proposing the service for the development, acquisition, construction, expansion in number, or replacement of an operating room or gastrointestinal endoscopy room for which a certificate of

need was issued to an ambulatory surgical facility before October 1, 2019. **Introduced by Representatives Goodwin, Rogers and Richardson and referred to the House Health Committee.**

HOUSE BILL 863, Qualifications for Sheriff/Expunctions, would require a candidate or appointee for the office of sheriff to disclose all felony convictions, including any expunged convictions. **Introduced by Representatives McNeill and C. Smith and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 883, Dental Services/Medicaid Transformation, is identical to Senate Bill 570, summarized in the April 16, 2019, Legislative Report. **Introduced by Representatives Dobson, Lambeth, White, and Richardson and referred to the House Health Committee.**

HOUSE BILL 884, FQHC Medicaid Reimb./Telemed./CCPs, would require the Department of Health and Human Services to ensure Medicaid and NC Health Choice coverage of telemedicine and telepsychiatry services provided through a Federally Qualified Health Center (FQHC), and requires that these services be considered core services. The bill would require DHHS to provide Medicaid and NC Health Choice reimbursement for telemedicine and telepsychiatry services provided through an FQHC through the prospective payment system (PPS) at 100 percent of the PPS rate. **Introduced by Representatives Dobson, Lambeth and Inkso and referred to the House Health Committee.**

HOUSE BILL 893, Allow Early Voting/Last Saturday/Flexibility, would restore voting hours for one-stop early voting sites on the last Saturday before the election and provide flexibility to county board of elections regarding hours of operation for one-stop early voting sites. **Introduced by Representatives Hawkins, Russell, and Meyer and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 894, Universal Charitable Donation Credit, would allow a taxpayer who makes a cash contribution to a qualified charitable organization a tax credit equal to the amount of the cash donation. A qualified charitable organization would be an organization incorporated in this State that (1) is exempt from federal income tax under section 501(c)(3) of the Code or (2) is a volunteer fire department or a volunteer rescue or emergency medical services squad that is exempt from federal income tax under section 501(c)(4) of the Code. The credit could not exceed the lesser of the specified amount (\$200 for married filing jointly, \$150 for head of household, and \$100 for single or married filing separately) or the amount of the tax imposed for the taxable year reduced by the sum of all allowed credits. A taxpayer who claims the credit based on a donation to a qualified charitable organization could not deduct the donation as a charitable contribution. **Introduced by Representatives Kidwell, Speciale, Pittman, and Brody and referred to the House Finance Committee.**

HOUSE BILL 906, Study of Cash Bail System, would establish an 18-member Joint Legislative Study Committee to study the current use of secured and unsecured appearance bonds in North Carolina's criminal pretrial release system, including, at a minimum, the following issues: (1) whether there are alternative conditions of release or pretrial release systems that are not contingent upon the payment of any monetary sum to secure a defendant's release; and (2) whether there are opportunities to utilize global positioning system (GPS) monitoring or house arrest in place of secured or unsecured appearance bonds, especially for those persons held on nonviolent charges. The Committee could report its findings and recommendations to the General Assembly in an interim report by August 1, 2019, and would make a final report by December 31, 2019.

Introduced by Representatives Montgomery, Morey, and Beasley and referred to the House Rules Committee.

HOUSE BILL 908, Study of State Prison Health Care System, would create an 18-member Commission to consider multiple issues relating to the State prison health care system, including medical tracking systems in use, whether the system would benefit from a centralized governing body and whether uniform standards would result in increased outcomes and reduced costs. **Introduced by Representative Montgomery and referred to the House Rules Committee.**

HOUSE BILL 909, Revocation of License/Penalty/Costs, would require the Division of Motor Vehicles to revoke a person's drivers license for failure to pay a fine, penalty, or court costs ordered by the court only when there is a court order at sentencing supported by findings of fact that the person is able to pay and there is good cause to suspend the person's license if the person fails to pay. **Introduced by Representatives Montgomery and Logan and referred to the House Transportation Committee.**

HOUSE BILL 912, School Safety Changes for Nonpublic Schools, would:

- encourage nonpublic schools, in coordination with local law enforcement and emergency management agencies, to adopt a school risk management plan related to incidents of school violence;
- encourage nonpublic schools to participate in school safety activities including planning, lockdown drills and other strategies; and
- allow a private school employee or volunteer to carry a weapon on educational property if certain conditions are met.

Introduced by Representative Bell and referred to the House Education - K-12 Committee.

HOUSE BILL 925, Med Mal/Jury Instruction/Judicial Assignments, would require the court to provide jury instructions in writing and provide those instructions to the jury during deliberations in medical malpractice cases and encourage and authorize the Senior Resident Superior Court Judge to designate a specific resident judge or specific judge assigned to the District to preside over all medical malpractice cases. **Introduced by Representative D. Hall and referred to the House Judiciary Committee.**

HOUSE BILL 942, Funds for Healing Transitions International, would appropriate \$5 million in nonrecurring funds for 2019-20 from the General Fund to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, to provide a grant-in-aid to Healing Transitions International Inc to assist the organization in providing substance abuse disorder recovery services to individuals who are homeless, uninsured, or underinsured. **Introduced by Representatives Dobson and Sasser and referred to the House Committee on Appropriations, Health and Human Services.**

BILL UPDATES

HOUSE BILL 554, Funeral Practice Licensure Technical Corrections, was heard in the House Committee on Regulatory Reform and the House Rules Committee, and both committees approved committee substitutes. The current version includes a provision that would grant civil immunity for a physician, physician assistant, or nurse practitioner completing or signing a medical certification for a cause of death so long as the cause of death is determined in good faith using the individual's best clinical judgement. **The bill as amended was approved by the House Regulatory Reform and Rules Committees and will next be considered by the full House.**

SENATE BILL 359, Born-Alive Abortion Survivors Protection Act, was approved by the Senate and House and sent to the Governor for his signature on April 16th. The Governor vetoed the bill on April 18, 2019, providing that, “Laws already protect newborn babies and this bill is an unnecessary interference between doctors and their patients. This needless legislation would criminalize doctors and other healthcare providers for a practice that simply does not exist.” The bill has been sent back to the Senate Rules Committee.

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