



INTRODUCTION

A disagreement over Payroll Protection Program (PPP) loans resulted in the longest-serving member of the North Carolina House being stripped of her chairmanship on the House Finance Committee last week. Speaker Tim Moore removed Representative Julia Howard from her position, saying in a statement that Representative Howard was removed because she failed to move the measure “expeditiously” through the Finance committee as desired by the House Republican Caucus. “While we respect different viewpoints, committee chairs must be willing to put personal agendas aside and move forward with the will of the caucus,” Moore, Speaker Pro Tempore Sarah Stevens and Majority Leader John Bell said in the statement.

The public feud revolved around House Bill 334, Temporarily Align PPP Treatment to Federal Treatment. Representative Howard has publicly opposed the bill, criticizing the Speaker and other members for supporting the legislation, which would give additional state tax breaks to businesses that took PPP loans to sustain their businesses and keep their workers employed during the COVID-19 pandemic. Along with Representative Howard’s dissatisfaction with the proposed changes to state tax law, she also believed the bill represented an ethical conflict for some members whose businesses would stand to gain from the passage of this bill. “I told the boys in the (Republican) caucus meeting, ‘I am concerned that you should not be filing bills if you took the money,’” said Representative Howard in a conversation with The News & Observer of Raleigh.

Many members on both sides of the aisle own businesses that received a PPP loan over the past year. Speaker Moore defended their actions, explaining that the General Assembly’s ethics rules allow for them to engage in legislative action on the issue because the bill would equally apply to all PPP loan recipients. “The caucus saw this as tax relief for small businesses,” he said, adding that voting for it “is no different than voting on ... child tax credits if you have children.” The bill passed the House, 112-1, with Representative Howard being the only “no” vote.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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2022 ELECTIONS SCHEDULE

Earlier this year, the State Board of Elections Executive Director Karen Brinson Bell raised the possibility of a delay that would affect the 2021 municipal elections and the primary (which will feature U.S. House, Senate, General Assembly, and other races) set for March 8, 2022. The potential election delay would be due to the delayed release of new population data from the U.S. Census Bureau until August or September of this year. The census data is necessary to conduct the upcoming redistricting of election districts. Once the census data information is received, the State Board of Elections explained that town and city governments generally need six to eight weeks to redraw election districts. The state elections board then needs roughly two months to process the new maps and voter data to ensure voters get the right ballot. Considering the delay and the needed processing time for local governments and the board, Bell encouraged lawmakers to consider moving all local elections to 2022, and possibly move next year's congressional primaries from March to May.

Republican House Speaker Tim Moore and Senate leader Phil Berger indicated this week that they believe the General Assembly, which is responsible for redrawing congressional and legislative districts, should still have adequate time to approve their redrawn districts by this fall so 2022 candidate filing can carry on in December. Senate Pro Team Berger did acknowledge that if there were to be longer delays with the Census Bureau or if litigation hung up any of the process moving forward, there could still be a need to adjust the 2022 schedule.

There is more uncertainty regarding the upcoming municipal elections. Only about 60 cities and towns out of the more than 500 statewide municipalities use census data to redraw wards or districts, so most won't be affected by census data delays and the impact of that delay varies by the area. Republican leadership has explained that these municipalities can carry out their elections using their current districts or can reach out to the legislature to pass a local bill to address their specific elections.

LT. GOVERNOR MARK ROBINSON ON THE HILL

Lt. Governor Mark Robinson made his way to D.C. this week to give an impassioned testimony during a hearing on voter discrimination in the House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties. Robinson focused his remarks on one area of Georgia's controversial law that opponents call restrictive and racist: identification requirements for in-person and absentee voting in the state. "Am I to believe that Black Americans, who have overcome the atrocities of slavery, who were victorious in the civil rights movement, and now sit in the highest levels of this government, cannot figure out how to get a free ID to secure their votes? That they need to be coddled by politicians because they don't think we can figure out how to make our voices heard? Are you kidding me? The notion that Black people must be protected from a free ID to secure the vote is not just insane, it is insulting," Robinson said. Robinson carried on to question Democrats' motives behind their objection to these voting measures, saying "this doesn't have anything to do with justice. This has everything to do with power." Lt. Gov. Robinson, the state's first African American Lieutenant Governor, also expressed his dissatisfaction with Democrats' election reform bill H.R. 1, calling the legislation "despicable" and accused them of using election policy "to keep one party in power and ensure they stay there indefinitely."

Earlier this week, voting rights were discussed in the U.S. Senate Judiciary Committee, but from a different angle. Georgia voting rights activist Stacey Abrams asserted that voter identification requirements for absentee ballots were overly restrictive and would have a disproportionate,

negative impact to Black voters in the state. She went on to argue that this proposal was “a direct result” of “increased participation of communities of color in the 2020 and 2021 elections.”

Lt. Gov. Robinson has been making headlines in recent weeks, between his possible US Senate run and now for his passionate House Judiciary Committee testimony. The Lieutenant Governor has officially announced that he will not be running for the open US Senate seat in 2022. This surprised many, as he was a front-runner in early polls. Some believe this to be a sign that the Lieutenant Governor has another race in mind: the 2024 gubernatorial race.

HOUSE BILL 605: VOTERS RIGHT TO KNOW ACT

A bill to aid in educating voters was filed, and quickly passed its first committee stop in the Committee on Election Law and Campaign Finance Reform this week. The bipartisan bill aims to place more educational information at voting sites based on common questions asked by voters. The bill would require signs to be placed at voting sites answering frequently asked questions, and a QR code that can be scanned for additional information. To further help in educating voters and answering their questions, the bill allocates \$20,000 to expand staffing on a State Board of Elections hotline that voters can call. The bill is now on its way to House Rules.

HOUSE BILL 398: PISTOL PURCHASE PERMIT REPEAL

Under this bill, the state’s pistol purchase permit system would be completely repealed. The measure, backed by the Sheriffs’ Association, would remove the requirement for local sheriffs to sign off on handgun purchases for anyone who does not already have a concealed carry permit. In years’ past, gun-rights advocates have pressed the issue, but the Sheriffs’ Association has stood firmly against the idea. With updates to the national background check system, the Sheriffs’ Association has changed its tune. In 2019, the North Carolina courts system completed its uploading of involuntary commitment records to the national database system. With those records uploaded, the Sheriffs’ Association Executive Vice President and General Counsel Eddie Caldwell said the pistol permit is no longer needed as its information is duplicative of the information found from the National Instant Criminal Background check.

Opponents of the bill fear that this repeal would create a loophole, since only licensed firearm dealers have to run background checks. Some members of the Sheriffs’ Association have actually spoken out against the measure too. In a statement, Wake County Sheriff Gerald Baker said, "here’s another issue where the North Carolina Sheriffs’ Association’s support, in some matters, does not include the support of all the sheriffs who are members of the association." Gun-control groups have come out against the bill, too. North Carolinians Against Gun Violence Executive Director Becky Ceartas cautioned the committee members of House Judiciary 4 of the negative impact seen in other states who took such measures. "When Connecticut passed a licensing law, its firearm homicide rate decreased by 40%, and its firearm suicide rate decreased by 15%," Ceartas said. "Conversely, when Missouri repealed its licensing law, its firearm homicide rate increased by 25%, and its firearm suicide rate increased by 16%." The bill passed the House Judiciary 4 committee with a split, party-line vote. The bill’s next stop is House Rules.

SENATE BILL 514: YOUTH HEALTH PROTECTION ACT

One of this session’s most controversial bills has officially been hung up, and will not advance for the duration of this session. Last week, Pat Ryan, a spokesman for Senate leader Phil Berger, said “we do not see a pathway to Senate Bill 514 becoming law,” adding that “the bill will not be voted on the Senate floor.” Senate Bill 514 was led by three Republican Senators, and would have banned gender confirming hormone treatment for transgender people under 21 and required teachers and other state employees to notify parents if their child displayed "gender nonconformity." With a

near certainty that this bill would have been vetoed by Democratic Gov. Roy Cooper, it was somewhat of a long-shot from the start. But without the Senate leader's blessing, the bill is most certainly not becoming law any time soon.

BILLS OF INTEREST

HOUSE BILL 532, Criminal Justice Equity Act of 2021, would make a variety of criminal justice, policing, and juvenile justice reforms and provide funding for the same, including provisions to:

- provide funds to expand criminal justice fellows program to all counties in the state;
 - exempt in-service training for law enforcement officers from rule making;
 - modify various law enforcement standards, practices, and reporting requirements regarding provisions regarding:
 - the use of force, providing that a law-enforcement officer that witnesses another law-enforcement officer using excessive force not justified or otherwise abusing a suspect or arrestee has a duty to intervene and to report the use of excessive force or the abuse in writing to the law-enforcement officer's supervisor, department head, or other appropriate authority;
 - the rendering of medical assistance to persons in custody;
 - the use of force early intervention system
 - regular use of force data reporting to the State Bureau of Investigation;
 - use of body-worn and dashboard cameras;
 - require the State Bureau of Investigation to investigate officer-involved use of force incidents and require a special prosecutor be appointed for those cases;
 - require data collection, data reporting, and use of body-worn and dashboard cameras;
 - require specific probable cause finding for no-knock warrants;
 - require disclosure of video from body-worn or dashboard cameras to citizens' review boards and require eventual release of all video involving critical incidents;
 - provide funding for the North Carolina Law Enforcement Accreditation Program funding;
 - provide \$500,000 to the Department of Justice for public safety and violence prevention community grant programs;
 - study reclassifying certain Class 3 misdemeanor offenses as infractions;
 - provide \$4.2 million to the Administrative Office of the Courts to be used to support the work of the North Carolina Drug Treatment Court Program in creating and sustaining local drug treatment court programs;
 - provide \$4.2 million to the Administrative Office of the Courts to be used 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;
 - define the term "school resource officer," require training for school resource officers, and require a school administrator or school social worker to sign a school-based complaint initiated by a school resource officer prior to being filed in juvenile court;
 - revise fees imposed for having a driver's license suspended or revoked;
 - appropriate funds to the Administrative Office of the Courts to strengthen and maintain its court date reminder system and allow criminal defendants to strike a failure to appear under certain circumstances;
 - provide a right to counsel for criminal defendants facing a felony or misdemeanor charge, and appropriate funds to indigent defense services for the purpose of implementing that change; and
 - make juries more representative of the population.
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Introduced by Representatives Morey, Gailliard, and Quick and referred to the House Rules Committee.

HOUSE BILL 536, Law Enforcement Duty to Intervene, would require a law enforcement officer, while in the line of duty, who observes another law enforcement officer use force against another person that the observing officer reasonably believes exceeds the amount of force authorized and who possesses a reasonable opportunity to intervene, to attempt to intervene to prevent the use of excessive force if it is safe to do so. Additionally, the observing officer would be required to report, within a reasonable period of time not to exceed 72 hours after, what the officer reasonably believes to be an unauthorized use of force to a superior law enforcement officer within the agency of the observing officer, even if the observing officer did not have a reasonable opportunity to intervene. If the head of the law enforcement agency of the observing officer was involved or present during what the observing officer reasonably believes to be unauthorized use of force, then observing officer would make the report to the highest-ranking law enforcement officer of that officer's agency who was not involved in or present during the use of force. **Introduced by Representatives Szoka, K. Baker, and Hunter and referred to the House Judiciary 2 Committee.**

HOUSE BILL 538, Transparency in Evidence Standards, is identical to Senate Bill 475, summarized in the April 12, 2021, Legislative Report. **Introduced by Representative Stevens and referred to the House Judiciary 2 Committee.**

HOUSE BILL 539, Protecting Properly Insured Individuals, is identical to Senate Bill 476, summarized in the April 12, 2021, Legislative Report. **Introduced by Representative Stevens and referred to the House Health Committee.**

HOUSE BILL 542, Fix Our Democracy, is a lengthy bill that would:

- establish minimum criteria for legislative and congressional redistricting following the return of the 2020 decennial census;
- amend the North Carolina constitution to provide for an independent redistricting process;
- establish the North Carolina Citizens Redistricting Commission;
- reenact legislation that established a nonpartisan method of electing Supreme Court justices and Court of Appeals judges beginning in 2022;
- extend the waiting period for former legislators who become lobbyists;
- provide for online voter registration and automatic voter registration;
- increase transparency in the legislative process by requiring forty-eight hours' notice of meetings of all legislative committees and direct the Legislative Services Officer to develop a plan to provide live video and audio streaming of all meetings of legislative committees and commissions meeting in the legislative complex;
- ensure voting places on certain college campuses;
- prohibit voter roll purging;
- make various changes to the campaign finance laws regarding transparency in sources of spending, digital advertisement campaigns, protections against foreign interference in elections, and limit super PAC influence; and
- reestablish public financing for judicial campaigns.

Introduced by Representatives Clemmons, Willingham, Farkas, and Ball and referred to the House Rules Committee.

HOUSE BILL 556, A Tax Plan for a Just Recovery, would revise the individual income tax rate, which currently is set at a flat rate of 5.25% to set individual income tax rates based on taxpayer status and income, with tax rates set at 5.25%, 6.5% and 7% within each taxpayer status, with the rate determined by the taxpayer's income. The bill would also increase the corporate income tax rate for C Corporations from 2.5% to 5%. **Introduced by Representatives Morey, Autry, Butler, and Harrison and referred to the House Rules Committee.**

HOUSE BILL 558, Prohibit Mandatory CV19 Vaccinations, would enact a variety of provisions to prohibit the mandating of COVID-19 vaccinations by Executive Order, State agency rule, or public health authority order and to prohibit discriminating against or inquiring as to an individual's vaccination status by employers, schools, insurance companies, and health care providers. **Introduced by Representatives Pittman and Kidwell and referred to the House Health Committee.**

HOUSE BILL 559, Repeal Pistol Purchase Permit Requirement, would allow the purchase of a handgun without a pistol purchase permit. **Introduced by Representatives Kidwell, Hanig, Goodwin, and Moss and referred to the House Judiciary 2 Committee.**

HOUSE BILL 564, Executive Order/Limitations, would amend the State Constitution, if approved by a majority of the qualified voters of the State at a statewide election to be held on the same date as the general election in November of 2022, to provide that executive orders issued by the Governor will expire after 30 days, unless approved by a majority of the Council of State, in which the executive order may be extended for an additional 30 days, and the Governor may convene the General Assembly in extra session if necessary to extend the executive order past 60 days from date of issuance. **Introduced by Representatives Kidwell, Hanig, Brody, and McNeely and referred to the House Judiciary 1 Committee.**

HOUSE BILL 565, Equal Pay for Equal Work, is identical to Senate Bill 573, summarized in the April 23, 2021, Legislative Report. **Introduced by Representatives Cunningham, Fisher, K. Smith, and von Haefen and referred to the House Rules Committee.**

HOUSE BILL 567, 2021 Youth END Act, would create the Tobacco Use Prevention Fund in the Division of Public Health, Chronic Disease and Injury Section within DHHS, to prevent the use of new and emerging tobacco products, especially among youth and people of childbearing age. Included among the fund's purposes is funding local health departments to provide regional community-based education and training of community leaders regarding CDC evidence-based tobacco use prevention and cessation interventions, and tracking youth tobacco use and exposure. The bill would appropriate \$17 million from the Settlement Reserve Fund to the Tobacco Use Prevention Fund. **Introduced by Representatives Adcock, Lambeth, Carney, and Ball and referred to the House Rules Committee.**

HOUSE BILL 572, Prohibit PPE That Exceeds Law, would prohibit franchisers from requiring franchisees or franchise employees to use personal protective equipment (PPE) in excess of what is required by law during a state of emergency declared by the governor or the General Assembly. **Introduced by Representatives Kidwell, Hanig, and Moss and referred to the House Health Committee.**

HOUSE BILL 573, NC Medicaid & SNAP Program Integrity Reform, would specify strategies for addressing eligibility following periods where the federal government extended eligibility or paused benefit reviews, as has been the case during COVID-19. The bill would:

- require the Department of Health and Human Services (DHHS) to conduct a monthly, rather than quarterly, review of information concerning changes in circumstances that might affect medical assistance beneficiaries' eligibility;
- require DHHS to direct county departments of social services to continue to conduct redeterminations of eligibility for medical assistance in the same manner and to act on redeterminations to the fullest extent permissible under the law in the event the State receives federal funding for medical assistance that is contingent upon temporary requirements limits the ability of the State to remove individuals from the State's medical assistance program or limit eligibility; and
- direct DHHS to conduct a full audit within 60 days of the expiration of the restrictions or limitations, including ensuring that counties complete and act upon eligibility redeterminations for all cases that have not had a redetermination within the last 12 months and requesting approval from the Centers for Medicare and Medicaid Services (CMS) for the authority to conduct and act upon eligibility determinations.

The bill would also establish required actions qualified hospitals must take when making a presumptive eligibility determination for Medicaid benefits, including notifying DHHS within five business days of the determination and assisting individuals with completing and submitting a full application. DHHS would establish standards to ensure accurate presumptive eligibility determinations are made by each qualified hospital and establish that failure to meet the established standards more than twice results in disqualification under specified federal law and disqualification from eligibility to make presumptive eligibility determinations of any kind for a third finding. The bill would specify that DHHS and DSS cannot be designated as a qualified entity for the purpose of making presumptive eligibility determinations for Medicaid coverage unless required by federal law. **Introduced by Representatives Stevens, Carter, Warren, and Goodwin and referred to the House Health Committee.**

HOUSE BILL 576, Marijuana Justice and Reinvestment Act, would legalize and regulate the sale, possession, and use of cannabis in North Carolina. **Introduced by Representatives Meyer, R. Smith, Ager, and Brown and referred to the House Rules Committee.**

HOUSE BILL 578, Concealed Carry/Lawful Purpose, would allow the concealed carry of a pistol or gun except where the pistol or gun is being carried for an illegal purpose. **Introduced by Representatives Pittman and Kidwell and referred to the House Judiciary 3 Committee. And yes, that is what the bill says!**

HOUSE BILL 579, School Self-Defense Act, would add an exception to the prohibition against weapons on campus or other educational property for a volunteer school faculty guardian, defined as a person who (1) is a member of the faculty or staff of a school, (2) is a full-time or part-time employee, and (3) possesses a valid concealed handgun permit. The volunteer school faculty guardian exception would apply only while the person is on the grounds of the school the person is employed by or assigned to, and the person: (1) successfully completes 16 hours of active shooter training in the School Faculty Guardian program developed and administered by the NC Criminal Justice Education and Training Standards Commission; (2) annually submits to the school chief administrator written notice that the person continues to possess a valid concealed handgun permit; (3) annually provides evidence satisfactory to the school chief administrator that the person has demonstrated proficiency with the type of handgun and handgun retention system used; (4) only possesses the handgun during the conduct of his or her duties when on school

grounds; (5) keeps the handgun concealed at all times while on school grounds except when responding to violence or an imminent threat of violence (defined as physical injury that a reasonable person would conclude could lead to permanent injury or death); and (6) submits to annual drug testing. The governing body or entity of a school could opt out and instead prohibit a person from possessing a handgun on the grounds of the school under its control. **Introduced by Representatives Pittman, Brody, and Kidwell and referred to the House Education K-12 Committee.**

HOUSE BILL 580, My Body, My Choice Medical Privacy Act, would make it unlawful for private and public employers to discriminate against candidates or employees who refuse medical procedures, such as vaccines, or who do not provide proof of vaccination against or immunity from a particular disease. It would also make it unlawful discrimination to deny entry into public accommodations or facilities and venues generally open to the public based on a person's refusal of a medical procedure, such as a vaccine, or refusal to provide proof of vaccination or immunity against a particular disease. **Introduced by Representatives Kidwell, Hanig, and Goodwin and referred to the House Judiciary 2 Committee.**

HOUSE BILL 585, Fail to Report Crime/Privilege Exemption, would change the law that makes it a duty for adults to report if a child has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse with failure to do so constituting a Class 1 misdemeanor. The bill would qualify that the law does not require a person with privilege as a marital and family therapist to report if that privilege would prevent that person from doing so. This level of privilege is restricted to the primary client, a person who consults or is interviewed by a licensed marriage and family therapist for the purpose of diagnosis or treatment and does not apply to other family members. **Introduced by Representatives K. Baker, Stevens, Wheatley, and Carter and referred to the House Judiciary 2 Committee.**

HOUSE BILL 587, The Compassion, Healing, Access & Respect Act, would require hospitals to allow immediate family members (as defined) of a deceased person to privately view the body of their deceased relative as soon as is reasonably safe and practical. **Introduced by Representative Quick and referred to the House Rules Committee.**

HOUSE BILL 589, Prohibit LEO Use of Chemical Agents on Minors, would explicitly prohibit law enforcement officers from using chemical agents, defined by a non-exhaustive list that includes oleoresin, capsicum, pepper spray, and tear gas on a person that the officer knows or should know is under 18. The bill would direct all State agencies, local departments, offices, campus police agencies and company police agencies employing sworn law enforcement officers with the power to arrest to develop a mandatory policy that incorporates this restriction. **Introduced by Representatives K. Smith and Hawkins and referred to the House Rules Committee.**

HOUSE BILL 596, Healthy Families & Workplaces/Paid Sick Days, is identical to Senate Bill 457, summarized in the April 12, 2021, Legislative Report. **Introduced by Representatives Fisher, K. Smith, Harrison, and Brown and referred to the House Rules Committee.**

HOUSE BILL 597, NC Paid Family Leave Insurance Act, is identical to Senate Bill 564, summarized in the April 23, 2021, Legislative Report. **Introduced by Representatives Meyer, Clemmons, Reives, and Quick and referred to the House Rules Committee.**

HOUSE BILL 605, Voters Right to Know Act, as filed and subsequently amended in the House Election Law and Campaign Finance Reform Committee, would enact provisions to provide voters with resources and information about the voting process prior to entering the voting place, and would direct the State Board of Elections to:

- develop a placard to be prominently displayed at the entrance to each voting place during all hours the site is open for voting during one-stop absentee voting and on Election Day that includes specified information, including the right to vote; who is eligible to vote in that election; a statement indicating that voters may bring voting guides, notes, and informational materials inside the voting booth; and the State Board's toll-free telephone number, website, and QR barcode;
- establish and maintain a webpage on the State Board's website containing a list of frequently asked questions and answers with information on the right to vote, registering to vote, absentee voting, and voting in person, including any applicable deadline and time frame;
- establish a toll-free telephone number for citizens to call with questions regarding voting to be staffed by a State Board employee and operated at least from the time that voting places must be open through thirty minutes after the polls are closed each day during the period from the first day ballots are available for voting through election day; and
- establish a quick response (QR) barcode that can be scanned by a mobile phone and links to a webpage on the State Board's website.

The bill also would provide \$20,000 to the State Board of Elections to staff the toll-free telephone number for citizens to call with questions regarding voting. **Introduced by Representatives Winslow, Dahle, Hawkins, and Mills and referred to the House Election Law and Campaign Finance Reform Committee. The bill as amended was approved by the Committee and will next be considered by the House Rules Committee.**

HOUSE BILL 608, Dignity for Women Who are Incarcerated, would prohibit the Department of Public Safety (DPS) and correctional facility employees from using leg restraints, wrist restraints, restraints connected to other incarcerated persons, or waist shackles on pregnant female incarcerated persons during the second and third trimester of pregnancy, during labor and delivery, and during the six-week postpartum recovery period. The bill includes other protections for women who are incarcerated and pregnant, including restrictions on body cavity searches, requirements for sufficient nutrition, and considerations for housing. **Introduced by Representatives K. Baker, Clemmons, White, K. Hall and referred to the House Health Committee.**

HOUSE BILL 610, Respiratory Care Modernization Act, is identical to Senate Bill 520, summarized in the April 23, 2021, Legislative Report. **Introduced by Representatives Adcock, Sasser, Cunningham, and Boles and referred to the House Health Committee.**

HOUSE BILL 612, Up Minimum Wages/No Subminimum or Exemptions, is identical to Senate Bill 673, summarized in the April 23, 2021, Legislative Report. **Introduced by Representatives Fisher, Cunningham, Gailliard, and Harrison and referred to the House Rules Committee.**

HOUSE BILL 617, Cannabis Legalization & Regulation, would legalize and regulate the sale, possession, and use of cannabis in North Carolina. **Introduced Representatives Autry, Dahle, Harrison, and Hawkins and referred to the House Rules Committee.**

HOUSE BILL 623, Purchase Permit Req'd/Long Gun, would make it unlawful to sell, give, transfer, or receive a long gun (defined as a shotgun or rifle that is not considered an antique firearm), in addition to a pistol, without a permit. **Introduced by Representatives von Haefen, Richardson, Logan, and Majeed and referred to the House Rules Committee.**

HOUSE BILL 626, Forensic Medical Examination Costs/Revisions, would change the law related to assistance for victims of rape and sex offenses to explicitly state that a medical facility or medical professional that performs a medical examination related to rape and sex offenses should not bill the victim, the victim's personal insurance, Medicaid, Medicare, or any other collateral source for the examination and other eligible expenses. The bill would require the Secretary of Public Safety to assess a \$25,000 fine on a medical facility or medical professional who bills for such services (The State pays for these services through the victim compensation fund). **Introduced by Representatives Richardson and Goodwin and referred to the House Judiciary 2 Committee.**

HOUSE BILL 629, Physician Asst/Nurse Practit./STOP Act Clar, would change the circumstances under which physician assistants or nurse practitioners must consult with the supervising physician before prescribing a targeted controlled substance to include when the patient is being treated by a facility that primarily engages in the treatment of pain by prescribing narcotic medications. **Introduced by Representatives Moffitt, Potts, Sasser, and Adcock and referred to the House Health Committee.**

HOUSE BILL 631, Sports Wagering, is identical to Senate Bill 688, summarized in the April 23, 2021, Legislative Report. **Introduced by Representatives Saine, Hardister, and Hawkins and referred to the House Commerce Committee.**

HOUSE BILL 639, Funds for Opioid Abuse Treatment Centers, would appropriate \$400,000 in recurring funds and \$9,180,066 in nonrecurring funds for 2021-22 to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS) to be allocated to six named nonprofit corporations that provide opioid use disorder treatment as follows:

- \$400,000 in recurring funds to Bridge to Recovery, Inc.
- \$50,000 in nonrecurring funds to Safer Communities Ministry, Inc.
- \$1,000,000 in nonrecurring funds to Gateway of Hope.
- \$5,000,000 in nonrecurring funds to Healing Transitions International, Inc.
- \$1,130,066 in nonrecurring funds to Will's Place, Inc.
- \$2,000,000 in nonrecurring funds to Addiction Recovery Care Association, Inc.

Introduced by Representative Sasser and referred to the House Appropriations Committee.

HOUSE BILL 642, Down Syndrome Organ Trans. Nondiscrim. Act, would make it unlawful for a licensed provider of health care services or an entity responsible for matching anatomical gift donors to potential recipients to make decisions regarding organ donation based solely on an individual's disability, including considering an individual ineligible for donation, denying medical services, placing an individual at a lower priority on waiting lists, or refusing insurance coverage. Under the bill, medical professionals and organ donation organizations would be allowed to take an individual's disability into account when making treatment or coverage recommendations or decisions, solely to the extent that the disability has been found to be medically significant to the organ donation. The bill would also direct medical facilities and others to adapt procedures to ensure that adequate support is provided to those with disabilities undergoing organ transplant. The bill would also require insurance companies to provide the same

coverage related to organ donation and transplant to those with disabilities as those without. **Introduced by Representative Bradford and referred to the House Health Committee.**

HOUSE BILL 643, Reference Pricing for Rx Drugs, would seek to “protect the safety, health, and economic well-being of North Carolinians by safeguarding them from the negative and harmful impact of excessive prices for prescription drugs” by enacting provisions to:

- establish an annual process for determining the *referenced rate* (the maximum rate established by the Commissioner of Insurance for referenced drugs) which are 250 of the costliest prescription drugs for members of the State Health Plan for Teachers and State Employees for a particular calendar year;
- require the Commissioner each year to determine the referenced rate for the 250 costliest prescription drugs and create and publish a list on the Department's website of each drug's referenced rate for the next calendar year;
- prohibit health benefit plans from purchasing referenced drugs to be dispensed or delivered to an insured in the State for a cost higher than the referenced rate;
- require the savings derived to be used to reduce costs to insureds;
- make violations punishable by a fine of up to \$1,000, with individual transactions considered separate violations; and
- allow for an affirmative defense to an enforcement action where a manufacturer or distributor refuses to negotiate in good faith a price for a referred drug within the referenced rate.

Introduced by Representative Insko and referred to the House Rules Committee.

HOUSE BILL 646, Dental Care Act, would require health benefit plans offered by insurers in the state to provide coverage for medically necessary dental procedures resulting from cancer treatments. The change would be effective October 1, 2021 and apply to insurance contracts entered into, renewed, or amended on or after that date. **Introduced by Representatives White and Lambeth and referred to the House Health Committee.**

HOUSE BILL 648, Emer. Care/Animals/Vet. Practice, would add an exemption to the requirements for a veterinary license to allow emergency medical services personnel to provide emergency medical transport or services to an injured K-9 police unit animal at the scene of an emergency. The bill would also grant immunity from prosecution to emergency medical services personnel providing emergency medical services to a K-9 police unit animal at the scene of an emergency, except in cases of gross negligence or intentional wrongdoing. **Introduced by Representative Sasser and referred to the House Health Committee.**

HOUSE BILL 652, NC Consumer Fireworks Safety Act, is identical to Senate Bill 40, summarized in the February 8, 2021, Legislative Report. **Introduced by Representative Szoka and referred to the House Insurance Committee.**

HOUSE BILL 653, Mental Health & SUD Parity Report, would require insurers providing health plans in North Carolina to report by March 1 of each year to the Commissioner of Insurance and the Joint Legislative Oversight Committee on Health and Human Services on compliance with state and federal mental health and substance use disorder parity laws. The bill would protect private health information and other privileged information with respect to these annual reports and require the Commissioner of Insurance to publish these reports by July 1st of each year to the Insurance Commission's website. **Introduced by Representatives Cunningham, Lambeth, K. Baker, and Adcock and referred to the House Health Committee.**

HOUSE BILL 656, Prohibition on No-Knock Warrant Service, would allow an officer to break and enter any premises or vehicle when necessary to execute a warrant only when effecting the rescue of a hostage that there is probable cause to believe is located on the premises or in the vehicle. **Introduced by Representative Alexander and referred to the House Rules Committee.**

HOUSE BILL 660, Repeal CON/Certain Facilities & Procedures, would exempt licensed ophthalmologists who provide ocular surgical procedures in one or more ocular surgical procedure rooms from obtaining certificates of need to license that setting as an ambulatory surgical facility with the existing number of ocular surgical procedure rooms if certain conditions are met. The bill would exempt psychiatric facilities, kidney disease treatment centers and chemical dependency treatment facilities from the term health care service facility, and, therefore, certificate of need requirements. The bill would also exempt from certificate of need review a new institutional health service for which an entity proposes to develop, acquire, construct, expand, or replace a health service facility or service that obtained a certificate of need approval prior to October 1, 2021, for (1) a chemical dependency treatment center, as defined, which can be a unit of a general hospital, unit of a psychiatric hospital, or a freestanding specialty facility, as described; (2) a kidney disease treatment center, as defined; and (3) a psychiatric facility. **Introduced by Representatives Kidwell, Goodwin, Hanig, and Sasser and referred to the House Rules Committee.**

SENATE BILL 547, FIBER NC Act, would authorize cities and counties to build and lease facilities and equipment of broadband services to increase adequate broadband services in rural areas of the state where the need for broadband is great due to many factors, including the COVID-19 pandemic. **Introduced by Senators Lazzara, Corbin, and deViere and referred to the Senate Rules Committee.**

SENATE BILL 656, Equity in Justice Act of 2021, is substantially similar to House Bill 532, summarized above in this Legislative Report. Along with the provisions in House Bill 532, the bill would:

- decriminalize misdemeanor possession of marijuana or hashish;
- modify definitions of delinquent juvenile and undisciplined juvenile to include only juveniles at least 12 years of age;
- allow prosecutorial discretion for juveniles charged with offenses that would be Class A through G felonies if committed by an adult;
- eliminate life without parole for juveniles and modify parole eligibility for juveniles sentenced to more than fifteen years imprisonment;
- restrict use of cash bonds for conditions of pretrial release for Class 1, 2, and 3 misdemeanors;
- require first appearances within forty-eight hours, repeal automatic bond doubling, and require a preventative detention hearing within five days of being held in custody; and
- prohibit the Department of Public Safety and correctional facility employees from applying specified restraints on a pregnant incarcerated woman during the second and third trimesters of pregnancy, during labor and delivery, and during the six-week postpartum recovery period.

Introduced by Senators Mohammed, Chaudhuri, and Murdock and referred to the Senate Rules Committee.

SENATE BILL 680, Remote Notarization Act, would authorize a notary who is commissioned by the Secretary of State to register as an online notary, and take the required training course to perform remote online notarizations using communication technology. Communication technology would be defined as an electronic device, process, or system that allows a remote online notary and a remotely located individual to communicate with each other simultaneously by sight and sound using audiovisual technology and that makes reasonable accommodation for individuals with vision, hearing, or speech impairments. The bill includes provisions regarding recordkeeping, registration, and requirements and procedures for remote online notarial acts. **Introduced by Senators Britt, Daniel, and McInnis and referred to the Senate Rules Committee.**

SENATE BILL 716, Fix Our Democracy, is identical to House Bill 542, summarized above in this Legislative Report. **Introduced by Senators J. Jackson, Mohammed, and Salvador and referred to the Senate Rules Committee.**

SENATE BILL 717, Taxpayer Bill of Rights, would amend the State Constitution, if approved by a majority of the qualified voters of the State at the general election in 2022, to add the Taxpayer Protection Act to the North Carolina Constitution. The Act would limit the growth of State spending to inflation plus population growth, require yearly deposits in a Savings Reserve or Unfunded Liability Reserve, return excess revenue to taxpayers, and submit tax increases to a vote of the people. **Introduced by Senators Newton, Daniel, and Rabon and referred to the Senate Rules Committee.**

BILL UPDATES

HOUSE BILL 279, COVID-19 Related Tax Chngs/UI Tech Correct, was amended in the House Finance Committee to extend the State tax filing for individuals for the 2020 tax year from April 15 to May 17, 2021, and authorize the Secretary of Revenue to waive the penalty for failure to file an individual income tax return, including a partnership and estate and trust tax return, or pay individual income tax return if the return is filed and the tax due is paid by May 17, 2021. **The bill as amended was approved by the House Finance and Rules Committees and the full House. The bill was also approved by the Senate Finance and Rules Committee and will next be considered by the full Senate.**

HOUSE BILL 334, Temp Align PPP Treatment to Federal Treatment, was amended on the House floor to:

- effective for taxable years beginning on or after January 1, 2022 (was, January 1, 2021), reenact the statutes that require corporate and individual taxpayers to add to the taxpayer's adjusted gross income the amount of any expense deducted under the Internal Revenue Code to the extent that payment of the expense results in forgiveness of a covered loan pursuant to the federal CARES Act (governing the Payment Protection Program/PPP) and the income associated with the forgiveness is excluded from gross income pursuant to section 1106(i) of the CARES Act, as they existed immediately before their repeal, as enacted and effective for taxable years beginning on or after January 1, 2020; and
- add a new deduction to allow a taxpayer to deduct the amount excluded from the taxpayer's gross income for unemployment compensation received by the taxpayer under the American Rescue Plan Act of 2021, effective for taxable years beginning on or after January 1, 2020.

The bill as amended was approved by the full House and will next be sent to the Senate for consideration.

HOUSE BILL 398, Pistol Permit Purchase Repeal, was amended in the House Judiciary 4 Committee to repeal North Carolina's statutes concerning pistol permits. Currently, the law requires buyers of handguns to obtain a permit from a local sheriff and undergo a background check. The North Carolina Sheriffs' Association has previously opposed the repeal but now is supporting this bill, saying the pistol permit statutes have become obsolete as the national registry has improved. **Introduced by Representatives Adams, Cleveland, Goodwin, and Hanig and referred to the House Rules Committee.**

HOUSE BILL 436, Support Law Enforcement Mental Health, was amended in the House Judiciary 4 Committee to amend the provisions requiring the administration of a psychological screening exam prior to certification or employment to determine an officer's mental and emotional suitability to properly fulfill the responsibilities of a criminal justice or justice officer to specifically require the psychological screening exam to include an in-person interview conducted by a licensed clinical psychologist and to be given prior to the initial certification and before the criminal justice officer or justice officer is employed by an agency. **The bill as amended was approved by the House Health Committee and will next be considered by the House Rules Committee.**

HOUSE BILL 468, Establish Surgical Technology Standards, was amended in the House Health Committee to bar facilities from employing or contracting for services of a surgical technologist unless the individual (1) provides evidence of successfully completing an accredited educational training program for surgical technology and holds and maintains an accredited surgical technologist certification credential, (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, 2021 or documentation of employment to practice surgical technology during the three years immediately preceding December 31, 2021. **The bill as amended was approved by the House Health and Rules Committees and the full House and will next be considered by the Senate Rules Committee.**

SENATE BILL 505, Medical Billing Transparency, was amended in the Senate Committee on Health Care to eliminate the proposed procedure under which an insurer may recover overpayments made to the health care provider or facility under the proposed law. The amendment also removed the provision on penalties that could be ordered by the Insurance Commissioner. **The bill as amended was approved by the Senate Health Care Committee and will next be considered by the Senate Committee on Commerce and Insurance.**

LEGISLATION ENACTED

SENATE BILL 387, Excellent Public Schools Act of 2021. This legislation establishes the Early Literacy Program within the Department of Public Instruction (DPI), and directs DPI, in consultation with the Department of Health and Human Services, to use the Program to build strong foundational early literacy skills utilizing the Science of Reading for children in the North Carolina Prekindergarten (NC Pre-K) program. The "Science of Reading" 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, the development of Individual Reading Plans, reading camps, 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 must be aligned with the Science of Reading and reflect the standards taught in each grade level from kindergarten to third grade.
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