



INTRODUCTION

Crossover 2021 has officially passed. This is the deadline for policy-related bills to cross from one chamber to the next in order to remain at play this session. The deadline always results in a flurry of activity and late nights at the building in the weeks leading up to Crossover, and this year was no exception. In the past two weeks, House Rules heard 195 bills in seven lengthy meetings. The House clerk estimated that the House heard approximately 180 bills, not counting all the bills that were keeping the Senate busy this week. Although it's more of an uphill battle now for policy-related bills to be passed this biennium if they didn't make the deadline, it's not altogether unheard of and as we know strange things can happen at the General Assembly! Sometimes bill language from a "dead" bill can make its way into another piece of legislation that passed before the deadline or is otherwise exempt. That is why this time of year, it is especially important to keep a lookout for amendments and Proposed Committee Substitutes (PCS), because you never know what may end up in a bill!

BUDGET TALKS UNDERWAY

Now that Crossover is behind us, we can expect the legislature to start really focusing in on the state budget. Speaker Moore said on the House floor that he expects a proposed state budget in the "not too distant future." Senate leader Berger also said this week that the House and Senate are getting closer to an agreement on a target spending number for the state budget.

PPP DEDUCTIBILITY

With the tax filing deadline on Monday, the Senate adjourned session last week without taking action on House Bill 334, Temp Align PPP Treatment to Federal Treatment. This bill would have addressed the issue of deductibility of expenses paid for with PPP loan proceeds. This will continue to be discussed and debated as the session continues, but despite a strong push for action by House leadership businesses will head into Tax Day with the issue unresolved.

SENATE BILL 300, CRIMINAL JUSTICE REFORM

The Senate unanimously passed Senate Bill 300 last week, which would make various changes to the state's criminal justice laws. Many of this bill's proposed changes are inspired by recent events, including last summer's Black Lives Matter



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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protests and the recent killing of Andrew Brown Jr. in Elizabeth City by members of the Sheriff's Department. In response to outrage over body cam footage in the killing of Brown by Sheriff's deputies, Senate Bill 300 would provide that a victim's family can see body camera footage within five days of a police killing or serious injury, unless the police receive approval from a judge to exclude parts of the footage or the entire video. This would basically reverse the current law, which makes the victim's family seek approval from a judge in order to see the footage. The bill also would: establish a duty for officers to intervene and report to superiors any excessive use of force they witness; create a database of law enforcement certifications that have been suspended or revoked so police chiefs and sheriffs would have a better sense of whether someone applying for a job has a troublesome record at his or her past department; require police to get training on mental health, use of force, racial bias, ethics, and more; and would enact felony offenses for resisting arrest when an officer is injured. The bill is now in the House Rules Committee.

HOUSE BILL 47, ELECTED OFFICIALS CONCEALED CARRY

This controversial bill passed the House, 69-45. It would allow elected officials with a concealed carry permit to carry their weapon while handling their official duties, so long as they're not drinking. In particular, this bill, if passed, would allow legislators to carry a gun anywhere at the General Assembly. Although the focus of press reports was on the General Assembly, the bill would allow all elected officials to carry a concealed weapon. The bill is now in the Senate Rules Committee.

HOUSE BILL 890, ABC OMNIBUS LEGISLATION

House Bill 890 passed the House last week, 100-10. This bill would make several changes to the laws concerning ABC stores, distilleries, and other alcohol-related statutes. The bill would allow online orders from ABC stores, allow personalized labels on spiritous liquor purchases, allow ABC stores to have free tastings, eliminate the requirement on the town of Cary to issue alcoholic beverage licenses (a local request and bill run by Rep. Adcock that Rep. Moffitt added to the ABC omnibus), expand the size of growlers from two liters to four, and establish the NC Spiritous Liquor Council among other things. The bill is now in the Senate Rules Committee.

HOUSE BILL 805, PREVENT RIOTING AND CIVIL DISORDER

House Bill 805 was approved in the House last week, 88-25, with a floor amendment that was unanimously approved that was brought forward by Democratic Rep. Lofton. The amendment aimed to clarify that a person's "mere presence alone without an overt act is not sufficient to sustain a conviction." This was in light of concerns that this bill would have a chilling effect on freedom of speech by subjecting any peaceful protestor to felony charges for the potential actions of others. The Speaker made it clear that the bill is aimed at those who willfully engage in rioting. The bill is now in the Senate Rules Committee.

SENATE BILL 35, MAX 4-YR AGE DIFFERENCE TO MARRY UNDER 18 YEARS

Senate Bill 35 passed the Senate last week unanimously, with a floor amendment that raised the age to get married in our state from 14 years of age to 16. North Carolina currently has the lowest minimum age to marry in the country at just 14 years old. Sen. Vickie Sawyer, an advocate for this provision, said that she found that most child marriages involved abuse and poverty, and end in divorce. The new language raises the minimum age to 16, leaves a less-than-four-year age difference requirement in place, and leaves the requirement for parental consent or court approval to marry under the age of 18. The bill is now in the House Rules Committee.

HOUSE BILL 581, DRIVERS LICENSE DESIGNATION/AUTISM

House Bill 581 passed the House unanimously last week. It would create a new voluntary driver's license designation for people on the autism spectrum. It would further require training for law enforcement on the designation, specifically on how to recognize and appropriately interact with persons with autism spectrum disorder. It has now been referred to the Senate Rules Committee.

HOUSE BILL 740, DEFINE MERGING AREAS/ZIPPER MERGE

House Bill 740 was approved by the House, 110-4, last week. It encourages "zipper merging" on North Carolina highways. The bill says that, when two lanes merge, people should use both lanes as long as they can, then merge. If approved, this merge procedure would be added to driver education manuals. The bill is now in the Senate Rules Committee.

THIS WEEK AT THE LEGISLATURE

The Speaker has announced that the House will not be holding votes on Monday or Tuesday of this week. The Speaker told House members that he believes the gas shortage should be resolved by Wednesday, so he expects to hold a voting session then. If it has not been resolved, he will re-evaluate closer to that time.

BILLS OF INTEREST

HOUSE BILL 846, 25-Year Retirement for First Responders, would allow first responders who are members of the Teachers' and State Employees' Retirement System (TSERS) or the Local Governmental Employees' Retirement System (LGERS) to retire with unreduced benefits after 25 years of creditable service. **Introduced by Representative Saine and referred to the House Committee on Pensions and Retirement.**

HOUSE BILL 850, Economic Security for All, would advance economic security for all in North Carolina by:

- increasing the state minimum wage in phases to \$15 per hour over five years;
- mandating equal pay for equal work;
- requiring paid sick leave and family medical leave;
- increasing the tipped minimum wage;
- ending wage theft;
- requiring the fair assessment of persons with criminal histories by "banning the box";
- repealing public employee collective bargaining restrictions;
- reenacting the earned income tax credit and tax credits for child and dependent care expenses;
- eliminating immunity from liability relating to the coronavirus pandemic;
- creating a rebuttable presumption that first responders, health care workers, and essential service workers infected by the coronavirus contracted the disease in the course of employment;
- requiring that local government employers credit first responders and health care workers for leave taken while quarantined during the coronavirus pandemic;
- mandating hazard pay for essential state employees fighting the pandemic and appropriating funds for that purpose;
- directing the Legislative Research Commission to study the provision of hazard pay to private and local governmental employees; and
- appropriating funds to settle pandemic-related State employee workers' compensation claims.

Introduced by Representatives Harrison, Fisher, Brown, and A. Baker and referred to the House Rules Committee.

HOUSE BILL 876, Vaccination Private Choice Protection Act, would: (1) protect individual decision making and health information with regard to an individual's private choices about receiving a COVID-19 vaccine; (2) prohibit the state or any political subdivision of the state from issuing a COVID-19 vaccine passport; (3) protect against employment-related discrimination based on an employee's refusal of experimental vaccines; (4) protect the individual's right against required vaccinations of any sort during declared disasters and emergencies; and (5) prohibit required disclosure of any vaccine status regarding any adult or child under any circumstance whether related to education, health care, occupational licensing, health insurance, or driving privileges. **Introduced by Representatives Moffitt, Warren, Kidwell, and Setzer and referred to the House Rules Committee.**

HOUSE BILL 879, LME/MCO Funds Transfer/Partners Add'l Funding, would appropriate \$10 million to be allocated to the LME/MCO Partners Health Management to be used for staff training and development of its health care provider networks. The bill would also make changes to how fund balance and risk reserve rules work for an area authority and how to handle the dissolution of an area authority or when a county disengages from one area authority and aligns with another. **Introduced by Representatives K. Baker, Arp, and Willis and referred to the House Health Committee.**

HOUSE BILL 886, Auth. License Plate Readers in State ROW, would authorize the Department of Transportation to enter into agreements with the State Bureau of Investigation for the placement and use of automatic license plate reader systems within land or rights-of-way owned by the DOT or otherwise being lawfully occupied by a public utility, if (1) use of the land or right-of-way is temporary in nature, (2) the automatic license plate reader system is completely above ground, moveable, and contains no combustible fuel, and (3) the placement and use does not unreasonably interfere with the operation and maintenance of associated public utility facilities or cause the facilities to fail to comply with all applicable laws, codes, and regulatory requirements. The bill would prohibit use of the data for the enforcement of traffic violations that are infractions of specified motor vehicle laws related to speeding, and would direct the SBI to annually report to the Joint Legislative Oversight Committee on Justice and Public Safety on the number of requests made by law enforcement agencies for captured data obtained by the systems. **Introduced by Representatives Faircloth and Greene and referred to the House Transportation Committee.**

HOUSE BILL 887, Automatic and Online Voter Registration, would include provisions to: (1) provide for automatic voter registration at drivers license offices, public agencies, community colleges, and colleges and universities of the University of North Carolina; (2) require the State Board of Elections to implement an outreach campaign informing citizens about automatic voter registration; and (3) allow individuals who meet the criteria to register to vote or change voter registration online. **Introduced by Representatives Hawkins, Dahle, Hunt, and Meyer and referred to the House Rules Committee.**

HOUSE BILL 888, Fair Access to Financial Services Act, would require a financial institution operating in this State to make each financial product or service that it offers available on proportionally equal terms to all persons engaged in a lawful activity and prohibit the financial institution from denying any person that is engaged in a lawful activity a financial product or service based on a personal, ideological, moral, or political opinion. If the North Carolina Commissioner of Banks finds that a financial institution has committed a violation, the

Commissioner could revoke, suspend, or refuse to renew the financial institution's charter, license, or registration. **Introduced by Representatives Moffitt, Kidwell, Setzer, and Paré and referred to the House Banking Committee.**

HOUSE BILL 892, Reenact Nonpartisan Judicial Elections/Fund, would reenact nonpartisan judicial elections, including provisions to:

- require justices of the Supreme Court, judges of the Court of Appeals, and superior and district court judges to be elected using the nonpartisan primary election method, and that there be a primary to narrow the field of candidates to two candidates for each position to be filled if, when the filing period closes, there are more than two candidates for a single office or the number of candidates for a group of offices exceeds twice the number of positions to be filled; and
- establish the North Carolina Public Campaign Fund as an alternative source of campaign financing for candidates who demonstrate public support and voluntarily accept strict fund-raising and spending limits, including provisions to:
 - make the Fund available to candidates for justice of the Supreme Court and judges of the Court of Appeals in elections held in 2022 and thereafter, and provide that the Fund is to finance the election campaigns of certified candidates for office and pay administrative and enforcement costs of the State Board of Elections;
 - include the following as sources of money in the Fund: (1) designations made by taxpayers to the Fund, (2) Fund revenues distributed for an election that remain unspent or uncommitted at the time the recipient is no longer a certified candidate in the election, (3) money ordered returned to the Fund, (4) voluntary donations made directly to the Fund, and (5) money collected from the \$50 surcharge on attorney membership fees; and
 - allow a civil penalty of up to \$10,000 per violation or three times the amount of any financial transaction involved in the violation, whichever is greater, and for good cause shown, could require candidates to return distributed amounts to the Fund.

Introduced by Representatives John, Morey, and A. Jones and referred to the House Rules Committee.

HOUSE BILL 896, Fair & Equitable Reimbursements/Pharmacists, would require health benefit plans to reimburse a pharmacist at the same rate that other health care providers are reimbursed when providing the same or equivalent health care services or procedures. This requirement would apply as long as: (1) the service or procedure was performed within the pharmacist's licensed lawful scope of practice, (2) the health benefit plan would have provided reimbursement if the service or procedure had been performed by another health care provider, and (3) the pharmacist provided the service or procedure in compliance with any requirements of the insurer. **Introduced by Representative Setzer and referred to the House Insurance Committee.**

HOUSE BILL 897, Address False Campaign Claims, would seek to expedite the resolution of certain lawsuits against political candidates and campaigns so that the public will know whether campaign claims are false or defamatory prior to casting votes in an election. The bill would require a claim for relief against a person arising from any act of the person which could reasonably be construed as an act in furtherance of the person's seeking elected public office to be subject to a motion to dismiss or strike unless the court determines that (1) the nonmoving party's claim has a substantial basis in law or a substantial argument for modifying the law and (2) the nonmoving party has established that there is a probability of that party prevailing on the claim. The bill would require the hearing of the motion to be advanced and take precedence over all other cases on the court calendar according to the number of days prior to the election that the motion is filed. An

order granting or denying a motion to dismiss or a motion to strike would be subject to an immediate appeal. The bill also would provide \$100,000 to the Administrative Office of the Courts and \$10,000 to the State Board of Elections to implement these provisions. **Introduced by Representatives Szoka, Meyer, Bell, and Reives and referred to the House Judiciary I Committee.**

HOUSE BILL 899, North Carolina Work and Save, would establish the North Carolina Small Business Retirement Program and set out requirements that the Program must meet, including to: (1) provide a process to facilitate voluntary enrollment for covered employers, covered employees, and self-employed persons; (2) require the IRA to which contributions are made to be a Roth IRA, with the Board allowed to add an option for participants to elect to contribute to a traditional IRA as an alternative to the Roth IRA; (3) require the standard package to be a Roth IRA with a target date fund investment, and a contribution rate that begins at 5% of salary or wages; (4) provide for a uniform annual increase in the participant's contribution rate of up to 1%; (5) allow a covered employer to withhold payroll deductions from a covered employee's paycheck for making a covered employee contribution to the Program funds; (6) include an account status notification process for covered employees to be notified about and track their investments; and (7) ensure that the Program is designed to be financially self-sustaining over time. The bill would require outreach to individuals, employers, other stakeholders, and the public regarding the Program, and would provide \$400,000 this year and \$600,000 next year to the Department of Commerce to: (1) enable or facilitate the start-up and continuing operation, maintenance, administration, and management of the Program until the Program becomes financially self-sustaining, and (2) hire an individual to serve as the initial executive director. **Introduced by Representatives Hardister, Hanig, Warren, and Harris and referred to the House Commerce Committee.**

HOUSE BILL 902, Funds to Record & Store Highway Camera Video, would provide \$10 million to the Department of Transportation to record and store video from the Department's highway cameras and include provisions regarding the disclosure of the recordings. The Department could only disclose a recording to the following: (1) a person whose image or voice is in the recording; (2) a personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure; (3) a personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording; (4) a personal representative of a deceased person whose image or voice is in the recording; or (5) a personal representative of an adult person who is incapacitated and unable to provide consent to disclosure. When disclosing the recording, the Department could disclose only those portions of the recording that are relevant to the person's request. The bill includes provisions regarding factors the Department may consider in determining if a recording is disclosed, appeal of disclosure denial, release of recordings by court order and for law enforcement purposes, retention, fees, and use. **Introduced by Representatives Logan, Garrison, and Roberson and referred to the House Transportation Committee.**

HOUSE BILL 908, Access to Affordable Health Coverage for All, would direct the Department of Health and Human Services and the Department of Revenue to design a refundable premium tax credit to help eligible individuals in the coverage gap to afford health insurance purchased through the federal Health Insurance Marketplace or the Health Benefits Exchange. Under the bill, those eligible for the tax credit would: (1) have a modified adjusted gross income that is below 100% of the federal poverty level; (2) be at least 19 and under 65 years of age; (3) not entitled to or enrolled in Medicaid benefits under Parts A or B of Title XVIII of the Social Security Act; (4) not eligible for Medicaid coverage or NC Health Choice coverage under the State Plan providing minimum essential coverage; (5) not eligible for coverage under TRICARE; and (6) not able to

obtain affordable coverage through an eligible employer-sponsored plan that provides minimum value and minimum essential coverage. The bill would appropriate \$100,000 in nonrecurring funds for the 2021-22 fiscal to design the program. **Introduced by Representatives Brockman and Insko and referred to the Senate Rules Committee.**

HOUSE BILL 910, Law Enforcement Conduct Act, would include provisions to: (1) establish a duty to intervene and add to mandatory in-service and entry-level training for law enforcement officers on specified issues; (2) increase funding for the Criminal Justice Fellows Program; (3) direct the Department of Justice to develop model law enforcement agency protest response and engagement policies; (4) require the State Bureau of Investigation to investigate officer-involved deadly force incidents; (5) increase powers of the Joint Legislative Oversight Committee on Justice and Public Safety; and (6) establish a statewide database for use by law enforcement agencies that tracks all law enforcement officer separations from employment, whether voluntary or involuntary, related to the use of force of a law enforcement officer. **Introduced by Representatives Logan, Morey, and K. Smith and referred to the House Appropriations Committee.**

HOUSE BILL 928, Opioid Overdose Prev. Pilot Program/Funds, would establish an Opioid Abatement Fund for all funds received by the State as a beneficiary of the final consent judgment resolving the case, *State of North Carolina, ex rel. Joshua H. Stein, Plaintiff v. McKinsey and Company, Inc.* Moneys in the Fund would be used to cover the costs incurred by the State in investigating and pursuing the claims in this case and remediate the harms caused to North Carolina and its citizens by the opioid epidemic. The bill also would provide \$4 million from the Fund to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, to support the establishment and operation of a one-year opioid overdose prevention pilot program that serves the purpose of educating the public about opioid use disorder and overdose through public service announcements and the dissemination of other educational materials to the public. In developing this pilot program, the Department could explore the possibility of public-private partnerships to accomplish the purpose of the pilot program. By March 1, 2023, the Department would study and report to the Joint Legislative Oversight Committee on Health and Human Services on the effectiveness of the pilot program and any public-private partnerships approved by the Department as part of the pilot program. **Introduced by Representatives Moffitt, K. Baker, and Sasser and referred to the House Appropriations Committee.**

HOUSE BILL 929, North Carolina Medical Cannabis Act, would legalize the medical use of cannabis, establish a licensing process for the cultivation of medical cannabis and the manufacturing of medical cannabis products, direct the NC Alcoholic Beverage Control Commission to adopt rules for the establishment, licensing, and operation of medical cannabis dispensaries, and include provisions to expunge misdemeanor and felony marijuana offenses, specify unlawful conduct involving the medical use of cannabis; tax medical marijuana; and establish a University Cannabis Equity Investment Fund. **Introduced by Representatives Alexander, Harrison, Cunningham, and Carney and referred to the House Rules Committee.**

HOUSE BILL 932, Body-Worn Camera Recordings, would require most law enforcement officers to wear and activate body-worn cameras during certain interactions with the public, establish a use policy for body-worn cameras and dashboard cameras, provide \$5 million in each of the next two years to the Governor's Crime Commission to provide grants to law enforcement agencies to purchase and maintain body-worn cameras. The bill also would amend provisions regarding law enforcement agency recordings to:

- prohibit the release of recordings in the custody of a law enforcement agency as a public record for 15 days following the date of the recorded occurrence, and upon the expiration of that period, would require the automatic release as a public record unless a custodial law enforcement agency or a person authorized to receive disclosure has filed an action requesting the court to order that the recording not be released as public record;
- limit the court's order to 30 days from the date of the recorded occurrence, and require the automatic release as public record after the earlier of the order's expiration or 30 days from the date of the recorded occurrence;
- include provisions regarding the form of the petition, hearing priority, and considerations of the court;
- add to the persons required to receive notice of proceedings regarding appeal of denied disclosure by a law enforcement agency, and required to be given the opportunity to be heard at such proceedings: any person whose image or voice is in the recording or is a criminal defendant or is the subject of a criminal investigation related to the recording; and the immediate family members of any person whose image or voice is in the recording and is a criminal defendant or is the subject of a criminal investigation related to the recording.

Introduced by Representatives Brockman, Hawkins, K. Smith, and Hunter and referred to the House Rules Committee.

HOUSE BILL 937, Automatic Police Body Cam Analysis, would require the automatic analysis of police body-worn camera recordings to flag certain behavior and improve officer training. The bill also would provide \$3 million to the Department of Public Safety to provide grants to law enforcement agencies to purchase natural language processing technologies and develop natural language processing technology review protocols, and \$100,000 to the Governor's Crime Commission to develop guidelines and procedures for the administration and distribution of grants.

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

HOUSE BILL 940, IRC Update, would:

- effective for tax years beginning on or after January 1, 2020, repeal the statutes that require an individual or corporate taxpayer to add the amount of any expense deducted under the Code to the extent that payment of the expense results in forgiveness of a covered loan (includes PPP loans) pursuant to section 1106(b) of the federal CARES Act, and the income associated with the forgiveness excluded from gross income pursuant to section 1106(i) of the CARES Act;
- modify the allowable itemized deduction an individual may elect to deduct from their gross income for mortgage expense and property tax, and prohibit the amount allowed as a deduction for interest paid or accrued during the taxable year under the Code with respect to any qualified residence from including the amount for mortgage insurance premiums treated as qualified residence interest for taxable years 2014 through 2021 (currently limited to taxable years 2014 through 2020); and
- modify the required adjustments to an individual's gross income, which are decoupled from federal requirements, to:
 - require the taxpayer to add the amounts excluded from the taxpayer's gross income for the discharge of qualified principal residence indebtedness and qualified tuition and related expenses under the Code for taxable years 2014 through 2025 (currently limited to taxable years 2014 through 2020);
 - require the taxpayer to add the amounts excluded from the taxpayer's gross income for payment by an employer of principal or interest on any qualified education loan incurred by the taxpayer for education of the taxpayer for taxable years 2020 through 2025 (currently limited to taxable year 2020), expanding the purpose of the

- provision to include decoupling from the federal exclusion of payments under the Consolidated Appropriations Act, 2021;
- add a new decoupling provision for taxable years 2021 and 2022 to require a taxpayer to add an amount equal to the amount which the taxpayer's deduction under of the specified section of the Code, regarding business-related expenses for food and beverages provided by a restaurant, exceeds the deduction that would have been allowed under the Code enacted as of May 1, 2020, stating the purpose of the provision is to decouple from the increased federal deduction under the Consolidated Appropriations Act, 2021;
 - add a new decoupling provision for taxable years 2021 through 2025 to require a taxpayer to add the amount excluded from the taxpayer's gross income for the discharge of a student loan under the specified section of the Code, stating the purpose of the provision is to decouple from the exclusion from income for the discharge of a student loan under the American Rescue Plan Act of 2021.

Introduced by Representatives Setzer, Szoka, Bradford, and Winslow and referred to the House Finance Committee.

HOUSE BILL 950, Expand Broadband-Unserved/Underserved Areas, would allow counties to identify eligible areas within the county to coordinate with a qualified private provider to expand broadband service to unserved households and to initiate a bid process with a qualified private provider to provide broadband service to an eligible area. In addition, the bill would provide \$25 million to the County Broadband Deployment Fund to be allocated to counties. **Introduced by Representatives Gillespie, Saine, Farkas, and Wray and referred to the House Energy and Public Utilities Committee.**

HOUSE BILL 953, Funds for Sch. Mental Health Support Persons, would provide funding to local school administrative units to increase positions for school counselors, school social workers, and school psychologists to meet specified statewide ratios for each during each fiscal year, with ratios set at 1:250 students for counselors, 1:400 students for social workers, and 1:700 students for psychologists by 2025-26. The bill would provide for school counselors who are licensed clinical mental health counselors to receive a salary supplement each month for the 2021-22 fiscal year of 10% of their monthly salary on the "A" Teachers Salary Schedule. The bill would appropriate \$18.8 million in recurring funds to the Department of Public Instruction for 2021-22 to provide compensation increases for school counselors pursuant to the act. **Introduced by Representatives Brown, Cunningham, Carney, and A. Baker and referred to the House Appropriations Committee.**

HOUSE BILL 957, Authorize Broadband Cooperatives, would create a nine-member North Carolina Rural Broadband Authority, consisting of four legislative appointments and five gubernatorial appointments for four-year terms. The purpose of the Authority would be to secure broadband service for areas where service is not being rendered or is inadequate. The Authority would not be a rate-making body and would not have the power to fix rates or service charges, or to order the extension of broadband by telecommunication providers. The bill would also establish a quarterly regulatory fee for broadband membership corporations, set at the greater of (1) the legislatively established rate for that fiscal year based on the number of customer connections for broadband service for each broadband membership corporation, or (2) 25 cents for each customer connection for broadband service for each broadband membership corporation. The bill would allow one or more persons in an unserved area desiring to form a broadband membership corporation to apply with the Authority for permission to form the corporation. The powers, governance and procedures for such a corporation would be established through the bill.

Introduced by Representatives Szoka, Gillespie, and Goodwin and referred to the House Committee on Energy and Public Utilities.

HOUSE BILL 958, Hire NC Workers, is identical to Senate Bill 512, summarized in the April 23, 2021, Legislative Report. **Introduced by Representatives Hurtado, Gailliard, Farkas, and Cooper-Suggs and referred to the House Rules Committee.**

HOUSE BILL 961, Oversight of LME/MCOs/New FTEs within DHHS, would appropriate \$181,000 in recurring funds to the Department of Health and Human Services for 2021-22 and again for 22-23 to create two positions at the associate director level or higher to oversee local management entities/managed care organizations (LME/MCO). The bill would direct the positions to work to ensure LME/MCO's operate efficiently to serve the maximum number of individuals and to compile and present information on how DHHS funds LME/MCOs. **Introduced by Representatives K. Smith and Gailliard and referred to the House Rules Committee.**

HOUSE BILL 963, DOJ Budget Request & SAECKs, would appropriate \$9 million in non-recurring funds to the Department of Justice for the 2021-2022 fiscal year to be used for costs associated with testing sexual assault evidence kits. The bill would also appropriate \$1.2 million in recurring funds for the 2021-2022 fiscal year to be used for costs associated with the increased number of sexual assault evidence kits submitted to the State Crime Lab. **Introduced by Representatives Faircloth and Boles and referred to the House Appropriations Committee.**

BILL UPDATES

HOUSE BILL 96, Allow Pharmacists to Admin. Injectable Drugs, was amended in the House Health Committee to authorize immunizing pharmacists to administer FDA-approved drugs and biologicals via intramuscular or subcutaneous injection to human patients 18 years or older, only when the injections are ordered through a prescription initiated by a prescriber following an exam. The bill would direct the NC Board of Pharmacy and the NC Medical Board to establish a list of drugs and biologicals that pharmacists may safely administer by injection; and develop record-keeping requirements. **The bill was approved in the House Health Committee and the Full House and will next be considered by the Senate Rules Committee. Although these changes move the bill in a positive direction, there is still work to be done to improve the bill.**

HOUSE BILL 169, State Health Plan Data Transparency, was amended to change the definition of the term Claim Payment Data by removing the provision specifying that the term includes any document, material, or other work, whether tangible or electronic, that is derived from, is based on, or reflects any specific data fields or information contained therein. The new version provides that the State Health Plan for Teachers and State Employees (Plan) must not make any use or disclosure of the Claim Payment Data that would compromise the proprietary nature of the data, its status as a trade secret, or otherwise misappropriate the data. The Plan is also prohibited from using a provider's Claim Payment Data to negotiate rates, fee schedules, or other master changes with that provider or any other provider. The bill would allow the Plan to disclose Claim Payment Data to a third party auditor to verify the legitimacy of claims paid on behalf of the Plan. Under the latest version of the bill, anyone who discloses Claim Payment Data in violation of the statute is subject to a civil penalty no greater than \$250 per violation. **The bill was approved as amended in the Full House and will next be considered by the Senate Rules Committee.**

HOUSE BILL 178, Access to Prescription Drug Cost Information, was amended in committee to add prescribers to the electronic health record entities involved in the process of prescribing, dispensing, paying for, and exchanging information relating to prescription drugs which must partner with intermediaries to ensure the delivery of accurate patient-specific prescription price transparency information. The bill now requires prescribers, not just providers, to communicate to a patient the most therapeutically appropriate treatment for the patient's diagnosis and the drug cost information, therapeutically equivalent alternatives, and delivery options. The bill also now adds that a pharmacist filling a prescription for a specific biological product can substitute an interchangeable biological product only if (1) the prescriber has not indicated that the pharmacist cannot substitute an interchangeable biosimilar biological product for the prescribed biological product and (2) the FDA has determined the biological product to be substituted is interchangeable with the prescribed biological product. **The bill as amended was approved by the Full House and will next be considered by the Senate Rules Committee.**

HOUSE BILL 324, Ensuring Dignity & Nondiscrimination/Schools. The provisions of this bill were removed in the House Education K-12 Committee and replaced with new provisions that would:

- prohibit public school units from promoting the following concepts:
 - one race or sex is inherently superior to another race or sex;
 - an individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
 - an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex;
 - an individual's moral character is necessarily determined by his or her race or sex;
 - an individual, solely by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
 - any individual, solely by virtue of his or her race or sex, should feel discomfort, guilt, anguish, or any other form of psychological distress;
 - the belief that the United States is a meritocracy is racist or sexist or was created by members of a particular race or sex to oppress members of another race or sex;
- define “promote” as any of the following: (1) compelling students, teachers, administrators, or other school employees to affirm or profess belief in these concepts; (2) including these concepts in curricula, reading lists, seminars, workshops, trainings, or other educational or professional settings in a manner that could reasonably give rise to the appearance of official sponsorship, approval, or endorsement; and (3) contracting with, hiring, or otherwise engaging speakers, consultants, diversity trainers, and other persons for the purpose of advocating these concepts;
- specify that the statute does not prohibit constitutionally protected speech; individually accessing materials that advocate the described belief concepts for research or independent study; or stating the described belief concepts or assigning materials that incorporate such concepts for educational purposes in contexts that make clear the public school unit does not sponsor, approve, or endorse such concepts or work; and
- require charter schools, regional, laboratory, and renewal school systems to comply with these requirements.

The bill was further amended on the House floor to instead prohibit public school units from promoting the belief that the United States is a meritocracy is inherently racist or sexist in belief, or that the United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex. **The bill as amended was approved by the House and will next be considered by the Senate Rules Committee. There is a great deal of controversy surrounding this bill and the debate was heated.**

SENATE BILL 35, Max 4-Yr Age Diff to Marry Under 18 Yrs. After much controversy over this bill and its failure to raise the legal age to marry, the bill was amended on the Senate floor to:

- raise the legal age to marry from 14 to 16;
- require persons under 18 to file with the register of deeds a certified copy of an order issued by a district court authorizing the marriage prior to being issued a marriage license; and
- eliminate provisions regarding marriage by persons under 16, and specify that a district court judge can issue an order authorizing a marriage between a person 16 years of age and under 18 years of age, to a person no more than four years older upon making required findings.

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

SENATE BILL 300, Criminal Justice Reform, was amended in the Senate Judiciary Committee to amend provisions regarding law enforcement agency recordings to require any portion of a recording in the custody of a law enforcement agency that depicts a death or serious bodily injury to be disclosed, if requested, unredacted to a personal representative of the deceased, the injured individual, or a person representative on behalf of the injured individual, within five business days of (1) submission of the request or (2) the law enforcement agency petitioning the court to redact any portion of the recording. **The bill as amended was approved by the Senate Judiciary Committee. After an amendment on the Senate floor, the bill was approved by the full Senate and will next be considered by the House Rules Committee.**

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