



INTRODUCTION

Last week, the North Carolina House of Representatives made history by passing a bill that would expand Medicaid. While the House has passed a bill to study expansion previously, this bill would actually set it in motion and have North Carolina join the vast majority of states who have expanded. The hold-out chamber from last session did not seem to have adequate support in the Republican caucus to pass this measure along with the Senate previously, according to Speaker Moore. Now, it seems the tide has changed. This bill received bipartisan support and was approved by the chamber by a vote of 92-22.

The bill was amended to include a pilot program that would provide forgivable loans to eligible medical and nursing students who choose to practice full-time in rural areas. It was also amended to include language that would authorize work requirements as a condition of participation in the Medicaid program if there's ever any indication that the federal government would authorize those requirements. "This is a part of history, and we need to advance this bill, move it forward so we can begin some serious discussions with the Senate on how do we make this happen for the state of North Carolina and for people who benefit from this," primary sponsor Rep. Donny Lambeth told his colleagues on the House floor. Now, it's the Senate's turn to respond. The Senate has indicated that they have other priorities they wish to couple with Medicaid expansion, so it is likely that the Medicaid expansion proposal from the House will be amended on the Senate side. This long saga continues.

GUN BILLS

As expected, gun bills made their way through the General Assembly last week. Senate Bill 41, Guarantee 2nd Amend Freedom and Protections, was a combination of three gun bills that were filed last session. The new bill was ultimately approved by the Senate on a party line vote. Several Senate Democrats offered amendments, such as universal background checks and red flag laws, but they were quickly tabled by Republican colleagues. The House moved the same measures as separate bills through committees this week, as well.



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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One of the measures would remove North Carolina’s long-held requirement that an individual must first obtain a pistol purchase permit from the local sheriff in order to purchase a handgun. Opponents of the bill fear that this repeal would create a loophole since only licensed firearm dealers have to run background checks. Private sales between two individuals would no longer be covered by any sort of background check, since they do not require a national background check in order to take place. Opponents further insist that the background check is an effective backstop, citing numerous cases where individuals passed the NICS system yet failed the background check performed by their local sheriff. Supporters argue that the background check is duplicative and archaic given the improvements made to the NICS system. They also argue that it can unnecessarily slow down the process for law-abiding citizens to purchase a handgun, citing cases where constituents have waited months to receive a permit.

Another policy included in the Senate bill and as a standalone bill in the House would allow for people with concealed carry permits to carry a gun to a religious meeting place on Sunday, even if the church has a school on-premise. Guns would not be allowed during school operating hours, or if a sign is posted prohibiting concealed carry. Lastly, the Senate bill would create a statewide firearm safe storage awareness initiative “to educate the public about safe firearm storage, to facilitate the distribution of gun locks, and to provide local communities with a toolkit to launch local firearm safe storage initiatives.”

BILLS OF INTEREST

HOUSE BILL 96, NC REACH Act, would require students to complete at least three credit hours of instruction in American government as a condition of graduation with a baccalaureate or associate degree. The course would include a cumulative final exam on the following principles that comprises at least twenty percent (20%) of a student's total grade and involve reading at least the following in their entirety: (1) the US Constitution; (2) the Declaration of Independence; (2) the Emancipation Proclamation; (4) at least five essays from the Federalist Papers, as determined by the instructor; and (5) Dr. Martin Luther King's letter from Birmingham Jail. These requirements would not apply to a student who has successfully completed at least three credit hours of instruction, or their equivalent, in a postsecondary-level course provided outside the constituent institution, including Advanced Placement courses with a passing score on an Advanced Placement exam, International Baccalaureate courses, and dual enrollment courses. No later than November 15, 2024, and annually thereafter, the UNC Board of Governors/State Board of Community Colleges would report to the Joint Legislative Education Oversight Committee on compliance, including, at a minimum, a copy of the syllabus for each course that is offered. **Introduced by Representatives Kidwell and Hardister and referred to the House Education – Universities Committee.**

HOUSE BILL 98, Medical Freedom Act, would enact a variety of provisions regarding the COVID-19 vaccine to:

- prohibit any State agency, city, county, or political subdivision of the State from: (1) denying or refusing employment to any person or discharge any person from employment on account of the person's having refused to provide proof of a COVID-19 vaccination or the person's refusal to submit to a COVID-19 vaccination or a series of COVID-19 vaccinations; and (2) discriminating or taking any retaliatory action against an employee because the employee in good faith does or threatens to file a claim or complaint; initiate any inquiry, investigation, inspection, proceeding, or other action; or testify or provide information to any person with respect to these provisions;

- prohibit governing bodies of public schools from (1) adopting policies regarding the use of face coverings and (2) quarantining healthy students; and allow a student or parent to bring a civil action against a governing body for violating the statute and require the award of reasonable attorneys' fees and court costs for prevailing claims;
- prohibit the State Board of Education, local boards of education, charter school and regional school boards of directors, and chancellors of lab schools from implementing any health requirement prohibited by the statute;
- amend the statute that establishes immunization requirements for children in the State to prohibit the Commission for Public Health, and public schools, colleges and universities, from requiring a student to submit to a COVID-19 vaccine or series of vaccines, or to provide proof of vaccination against COVID-19; and
- prohibit State and local public health agencies and public health officials from requiring any person, including applicants for employment and employees, to submit to a COVID-19 vaccine or series of vaccines, or to provide proof of vaccination against COVID-19.

Introduced by Representatives Biggs, Hardister, N. Jackson, and Lambeth and referred to the House Health Committee.

HOUSE BILL 101, The Firearms Liberty Act, would: (1) authorize carrying a handgun in a place of religious worship that is also educational property if certain requirements are met; (2) authorize certain law enforcement facility employees to carry a concealed handgun in a law enforcement or correctional facility if certain requirements are met; (3) repeal pistol purchase permits; (4) provide that a concealed carry permittee who allows the permit to lapse does not have to take another firearms safety and training course upon applying for renewal under certain conditions; and (5) protect the property rights of persons subject to a domestic violence protective order by allowing them to store their firearms with or sell their firearms through a qualified licensed firearms dealer.

Introduced by Representatives Adams, Hastings, Kidwell, and Carson Smith and referred to the House Judiciary 3 Committee.

HOUSE BILL 107, Repeal Certificate of Need Laws, is identical to Senate Bill 48, summarized in the February 7, 2023, Legislative Report. **Introduced by Representatives Kidwell, Cleveland, Fontenot, and Ward and referred to the House Health Committee.**

HOUSE BILL 108, Local Communicable Disease Programs/Funds, would appropriate in the next fiscal year \$25 million in recurring funds to DHHS' Division of Public Health for distribution to local health departments for the following purposes:

- to address ongoing challenges of COVID-19 and other communicable diseases;
- to better prepare the state for emerging and re-emerging public health threats;
- to retain and hire public health nurses and other communicable disease staff.

The funds would be distributed to local health departments based on both the number of counties and the percentage of the state's population each health department serves. **Introduced by Representatives White, Potts, Lambeth, and Sasser and referred to the House Health Committee.**

HOUSE BILL 109, Certain Prohibitions/Working/Voting Process, would prohibit an individual, whether paid or a volunteer, who is found to have not exercised due care and diligence while performing elections-related work during an elections process from further work in any elections process. **Introduced by Representatives Kidwell, Cleveland, Tyson, and Moss and referred to the House Election Law and Campaign Finance Reform Committee.**

HOUSE BILL 123, Early Voting Constitutional Amendment, would amend the State Constitution if approved by a majority of the qualified voters of the State at a statewide general election to be held in November of 2024, to provide that if the General Assembly authorizes voting in person prior to Election Day, the period of time allowing for voting in person prior to Election Day may be no longer than seven consecutive days. **Introduced by Representatives Warren and Pike and referred to the House Election Law and Campaign Finance Reform Committee.**

HOUSE BILL 125, Safe Surrender Infants, is substantially similar to Senate Bill 20 (summarized in the February 1, 2023, Legislative Report), but does not include the appropriation for a Safe Sleep program. The new law would apply to infants surrendered by a parent who does not intend to return for the child to a health care provider at a hospital, a local health department, or a community health center; to a first responder; or to a social worker at a department of social services. The infant must be under seven days old and show no signs of abuse or neglect. **Introduced by Representatives White, Bradford and Riddell and referred to the House Judiciary 2 Committee.**

HOUSE BILL 128, Electric Vehicle Highway Use Equalization Tax, would impose an electric vehicle highway use equalization tax on any electric vehicle registered in the State to provide revenue for the development and maintenance of the statewide transportation system. **Introduced by Representatives Kidwell, Pless, Ward, and Tyson and referred to the House Transportation Committee.**

HOUSE BILL 134, SHP Claims Administrator Changes, would require a claims processor for the State Health Plan to provide the plan with claim payment data that reflects rates agreed upon by a non-contracted third party. Currently claims payment data is protected information. The bill also exempts claims data from the state's public records law. **Introduced by Representative Goodwin and referred to the House Committee on State Personnel.**

HOUSE BILL 143, North Carolina CROWN Act, would prohibit a person, firm, corporation, unincorporated association, State agency, local government, or any public or private entity from denying or refusing employment to any person or discharging any person from employment because of traits historically associated with race or on account of the person's hair texture or protective hairstyles. Protective hairstyles would include, but not be limited to, such hairstyles as bantu knots, braids, locks, and twists. Race would include traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles. **Introduced by Representative A. Baker and referred to the House Rules Committee.**

HOUSE BILL 144, GSC Uniform Public Expression Protection Act, would allow for a special motion for expedited relief to dismiss a cause of action that falls within the Article's scope, which would be limited to a civil cause of action against a person based on the person's: (1) communication in a legislative, executive, judicial, administrative, or other governmental proceeding; (2) communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or (3) exercise of the right of freedom of speech or of the press, the right to assembly or petition, or the right of association, guaranteed by the federal or State constitutions, on a matter of public concern. Excluded from the Article's scope would be a cause of action: (1) against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity; (2) by a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or (3) against a person primarily engaged in the business of selling or leasing goods or services if the cause of action

arises out of communication related to the person's sale or lease of the goods or services. Goods or services would exclude the creation, dissemination, exhibition, or advertisement or similar promotion of a dramatic, literary, musical, political, journalistic, or artistic work. **Introduced by Representative Davis and referred to the House Judiciary 1 Committee.**

SENATE BILL 109, Repeal Death Penalty, would repeal the death penalty and provide that all current prisoners sentenced to death will be resentenced to life imprisonment without the possibility of parole. **Introduced by Senators Mayfield and Murdock and referred to the Senate Rules Committee.**

SENATE BILL 115, Repurpose RJ Blackley Ctr as Psych Hospital, would direct the conversion of the RJ Blackley Alcohol and Drug Treatment Center at Butner to a children's and adolescent's inpatient psychiatric treatment center, and exempts the center from certificate of need review for this purpose. The new center would be operated by the UNC Health Care System. **Introduced by Senators Krawiec, Burgin and Corbin and referred to the Senate Rules Committee.**

SENATE BILL 116, 2023 Youth END Act, would establish the Tobacco Use Prevention Fund in DHHS' Division of Public Health to prevent the use of new and emerging tobacco products, especially among youth and people of childbearing age. The bill specifies how DHHS may use the funds, including for community-based education through local health departments, media campaigns, prevention and cessation programs for members of the NC National Guard and military reservists in the state, and grants to community colleges to support tobacco-free campuses. An annual appropriation of \$17 million would be directed from the Tobacco Master Settlement Agreement funds to the new prevention fund. **Introduced by Senators Corbin, Adcock and Burgin and referred to the Senate Rules Committee.**

SENATE BILL 121, Medical Freedom Act, is identical to House Bill 98, summarized above in this Legislative Report. **Introduced by Senators Moffitt, Lazzara, and Hanig and referred to the Senate Rules Committee.**

BILL UPDATES

HOUSE BILL 75, PA Team-Based Practice, was approved by the House Health Committee in a revised form on February 14. The amended bill would require a physician assistant who is compounding or dispensing drugs to register with the Board of Pharmacy. **The bill as amended was approved by the House Health Committee and will next be considered by the House Rules Committee.**

HOUSE BILL 76, Access to Healthcare Options, the House bill expanding Medicaid, passed the House on February 16 after the House passed several amendments the day before.

- DHHS shall enter into negotiations with the Centers for Medicare and Medicaid Services as soon as it receives any indication that CMS will authorize work requirements as a condition of participation in the Medicaid program.
- The General Assembly will appropriate in the next fiscal year \$50 million in one-time funds to DHHS for local health departments to use for the administrative costs of determining eligibility and for inmate medical costs. Each county will receive at least \$100,000, and the remainder will be on a per capita basis.
- The legislature would create a Doctors and Nurses in Rural Areas Forgivable Loan Pilot Program to be administered by the State Education Assistance Authority to provide forgivable loans to students who agree to practice medicine or nursing full time in

designated rural counties after graduation. Students must be residents of North Carolina and enrolled in a community college, a UNC System school, or a private post-secondary institution located in the state. Applicants from rural areas will receive priority. Loans may be for up to four academic years, and SEAA shall forgive loans in the amount received annually for each year that a recipient works full time in a rural area. SEAA may establish criteria to accommodate part-time work schedules. The legislature would appropriate \$14,400,000 in one-time funds to provide loans to an estimated 200 eligible students.

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

SENATE BILL 41, Guarantee 2nd Amend Freedom and Protections, was amended in the Senate Judiciary Committee to repeal various statutes regarding pistol permits and to require the Department of Public Safety to collaborate with the Department of Health and Human Services and the Wildlife Resources Commission to launch a two-year statewide firearm safe storage awareness initiative to educate the public about the importance of the safe storage of firearms and to facilitate the distribution of gun locks, including the development of a website, toolkit, and outreach process. **The bill as amended was approved by the Senate Judiciary Committee and the full Senate (with several tabled amendments) and will next go to the House for consideration.**

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