



## INTRODUCTION

### **BUDGET**

The wait is nearly over! The House budget will be unveiled this week. Health Chair Donny Lambeth said that the House budget will be presented to caucuses on Tuesday and on Thursday morning, the budget will move on to Appropriations subcommittees for discussion. By that afternoon, the budget proposal will be in the full Appropriations Committee. Floor votes will be held next week before the legislative Spring Break begins. With most of the focus on the budget, the House isn't expected to do too much heavy lifting on policy bills until after the budget has passed over and they return from their week off.

Once the budget leaves the House, the fun will really begin. The Senate will develop their own version of the budget and then typically a Conference Committee will be formed to iron out the differences between the two chambers' spending plans. While both chambers have Republican majorities, priorities somewhat vary between the two. There will likely be lengthy negotiations between the chambers to balance out their top priorities for this biennium's budget. Once it's over to the Senate, the chambers will switch roles and the Senate will now be the one whose focus is mostly off of major policy bills and onto the budget.

### **MEDICAID EXPANSION**

After 13 years of discussing this policy measure, the General Assembly has approved a Medicaid expansion bill with wide bipartisan margins and sent it on to the Governor. On Monday the Governor invited a variety of legislators, groups and lobbyists who worked on the issue to celebrate the signing of the bill, but unfortunately it is not over just yet. There will be one hurdle left for North Carolina to become to the 40th state to approve Medicaid expansion: the state budget. The expansion portion of the bill would not become law until a new state budget is enacted, and would be voided if there isn't a new state budget by June 30, 2024.

With a long history of budget stalemates due to differences between our state's Republican-led General Assembly and Democratic Governor, this could get tricky. Gov. Cooper has been an advocate for Medicaid expansion throughout his time as Governor. He would be hard-pressed to not agree to a budget



## NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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including Medicaid expansion, but the Republican-led General Assembly has previously included policy-related measures in the budget that our Democratic Governor whole-heartedly opposes. With the House budget dropping next week, we'll soon have a better idea of what the budget will look like and if there's any specific measures that will force Gov. Cooper to weigh out just how much he wants to see expansion approved before his final term is over.

### **STATE AUDITOR BETH WOOD**

This week, State Auditor Beth Wood pled guilty to a misdemeanor hit-and-run charge following her crash after a Christmas party downtown this past December. Videos and pictures surfaced in January showing the state auditor fleeing the scene and rushing back into the party after crashing her state-issued car into another. "I take full and complete responsibility for my actions. No excuses," she told the court. "I made a grave mistake leaving the scene of my accident after a Christmas party in downtown Raleigh. I should have stayed at the scene. I should have called law enforcement. I should have let the process play out."

Wood has told reporters that she will "absolutely not" resign despite GOP calls for her resignation following the accident. "That accident does not define me, nor does it take away from the phenomenal work we've done in my administration," Wood said. As of now, Wood has indicated that she plans to run for another term in 2024.

### **LT. GOV. MARK ROBINSON CAMPAIGN ANNOUNCEMENT**

Lt. Gov. Mark Robinson will be holding a rally at the Ace Speedway in Elon on April 22nd, where he's expected to make a special announcement. It's widely expected that this Republican Lieutenant Governor will be announcing his candidacy for Governor in 2024. His location for this announcement is also notable. This racetrack refused to shut down in the beginning of the pandemic and sued the state government for the shutdown order.

His candidacy would likely result in a showdown between him and Democrat Attorney General Josh Stein, who announced his run in January. However, there are sure to be other contenders on both sides, including State Treasurer Dale Folwell (R) who earlier this week announced his candidacy.

## **BILLS OF INTEREST**

HOUSE BILL 399, The North Carolina Judicial Privacy Act, would prohibit a government agency or a person, business, or association from publicly posting or displaying publicly available content that includes a judicial official's personal information, provided a written request has been received from the official that it refrain from disclosing their personal information, and would prohibit a person, business, or association from soliciting, selling, or trading on the internet a judicial official's personal information with the intent to pose an imminent and serious threat to the health and safety of the official or their immediate family. It would be a Class C felony for a person to knowingly and publicly post on the internet the personal information of a judicial official or member of their immediate family if (1) the person knows or reasonably should know that publicly posting the personal information poses an imminent and serious threat to the health and safety of the judicial official or member of their immediate family and (2) the violation is a proximate cause of bodily injury or death of the judicial official or a member of their immediate family. **Introduced by Representatives Alexander, Majeed, and Belk and referred to the House Judiciary 1 Committee.**

HOUSE BILL 407, NC Semiquincentennial Legislative Commission, would establish the North Carolina Semiquincentennial Legislative Commission to participate in the planning and make recommendations for the observance of the semiquincentennial of the American Revolution in North Carolina. The Commission would report by December 1 each year, beginning with December 1, 2023, to the cochairs of the Appropriations/Base Budget Committee of the Senate and the cochairs of the Appropriations Committee of the House of Representatives with a final report no later than April 15, 2031. **Introduced by Representatives Blackwell, Wheatley, Bell, and Cotham and referred to the House State Government Committee.**

HOUSE BILL 411, General Assembly Appointments, would appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate and make corrections to previous appointments, including:

- Dr. Perrin W. Jones of Pitt County is appointed to the Board of Directors of the North Carolina Institute of Medicine for a term expiring January 31, 2026. Dr. Lawrence Nycum of Forsyth County, James "Adam" Sholar of Wake County, and Danny F. Scalise, II, of Caldwell County are appointed to the North Carolina Institute of Medicine for terms expiring December 31, 2023.
- David P. Sousa of Wake County is appointed to the North Carolina Medical Board for a term expiring October 31, 2024, to fill the unexpired term of Shawn P. Parker.
- Effective January 1, 2023, Joe M. Cabaleiro of Wake County, Dr. Davie B. Leeser of Pitt County, Michael A. Tramber of Forsyth County, and Dr. Michael Lalor of Forsyth County are appointed to the License to Give Trust Fund Commission for terms expiring December 31, 2024.

**Introduced by Representative D. Hall and referred to the House Rules Committee.**

HOUSE BILL 415, Stop Addiction Fraud Ethics Act of 2023, would require a substance use disorder treatment facility or provider to include in its marketing materials the following:

- Types and methods of services provided;
- Average lengths of stay;
- Facility's name and brand; and
- Summary of financial relationships between a facility and publisher of the marketing materials.

The legislation prohibits a substance use disorder treatment facility or provider from making false or misleading statements in marketing materials regarding its services, including:

- The nature, identity or location of services or recovery residences;
- Provider's status as in-network or out-of-network;
- Provider's credentials, qualifications or experiences; or
- Rate of recovery or success.

The bill contains other requirements regarding accuracy of information. It would be unlawful for a provider or facility to offer or pay anything of value to induce referral, or to solicit or receive anything of value to make a referral or accept treatment. Violations involving providing false or misleading information or inducing referrals would be a Class G felony. **Introduced by Representatives Reeder, Chesser and Kristin Baker and referred to House Health Committee.**

HOUSE BILL 421, Medicaid Coverage for Doula Services, would require the Department of Health and Human Services to submit a request to the Centers for Medicare and Medicaid Services to provide Medicaid coverage for doula services in North Carolina. It also would require DHHS

to conduct a statewide analysis of doula support services and to study various factors in preparation for new coverage of doula services under Medicaid. **Introduced by Representatives Hawkins and von Haefen and referred to the House Rules Committee.**

HOUSE BILL 433, Hand Hygiene Pilot Program, would direct the Department of Health and Human Services to establish a two-year pilot program for hand hygiene compliance to prevent healthcare associated infection, and provides funding for the program. DHHS shall select at least two acute care hospitals licensed for at least 200 beds as pilot program sites. **Introduced by Representatives Lambeth, Reeder, Faircloth and White and referred to the House Health Committee.**

HOUSE BILL 439, RBG Act, would enact the Remove Barriers to Gain Access to Abortion Act which includes provisions to:

- remove the 20-week time limit to obtain abortion to now allow abortion before a pregnancy is viable;
- allow abortions to be performed by qualified health care providers instead of limiting the procedures to physicians meeting certain licensure and certification requirements;
- remove the requirement that the Department of Health conduct annual inspections of facilities where abortions are performed;
- allow abortions performed by a healthcare provider beyond viability if there is a medical emergency (defined as a condition which, in reasonable medical judgment, so complicates the medical condition of the pregnant person as to necessitate the immediate termination of the pregnancy to avert her death or for which a delay will create serious risk of substantial and/or irreversible physical impairment, including any psychological or emotional conditions);
- remove provisions authorizing health care providers to decline to perform abortions who have an objection to the procedure and immunizing them from liability if so;
- enact "Codify Roe and Casey Protections" which would prohibit the State from imposing an undue burden on the ability of a woman to choose whether to terminate a pregnancy before fetal viability, and specify that the State may restrict the ability of a woman to choose whether to terminate a pregnancy after fetal viability, unless termination is necessary to preserve the woman's life or health;
- define *undue burden* to mean any burden that places a substantial obstacle in the path of a woman seeking to terminate a pregnancy before fetal viability;
- allow persons qualified to practice medicine, a physician assistant, a nurse practitioner, or certified nurse midwife to fulfill the requirements for a physician to determine whether there is a medical emergency that requires an immediate abortion;
- amend the definition of *abortion* to mean use or prescription of any instrument, medicine, drug, or other substance or device intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth;
- amend provisions regarding the state health plan for teachers and state employees to remove bar on coverage for abortions for which state funds cannot be used; and
- repeal the statute that bars health care insurance plans offered through the exchange from covering abortions subject to certain exceptions;
- remove ban on abortion coverage provided by counties or cities being greater than the State Health Plan.

**Introduced by Representatives von Haefen, Butler, Prather, and Cervania and referred to the House Rules Committee.**

HOUSE BILL 450, Pharmacist Provided Health Care Services, would require health benefits plans to reimburse pharmacists at the same rate as other health care providers if the pharmacist is providing the same or equivalent health care services or procedures if:

- The service or procedure is within the pharmacist's licensed scope of practice;
- The health benefit plan would have provided reimbursement if the service or procedure was performed by another health care provider; and
- The pharmacist provided the service or procedure in compliance with any requirements of the insurer.

The bill also requires insurers that delegate credentialing agreements to contracted health care facilities to accept credentialing for pharmacists employed with those facilities. Insurers must reimburse a contracted pharmacist directly whether or not the pharmacist is a participating provider in the insurer's provider network. **Introduced by Representatives Sasser, Ross, Howard and Blackwell and referred to the House Health Committee.**

HOUSE BILL 456, Repeal Vehicle Emissions Inspection Rqmt's, would require motor vehicle emissions inspections to be performed only in Mecklenburg County. (Currently, Alamance, Buncombe, Cabarrus, Cumberland, Davidson, Durham, Forsyth, Franklin, Gaston, Guilford, Iredell, Johnston, Lincoln, Mecklenburg, New Hanover, Randolph, Rowan, Union, and Wake Counties.) The bill also would require the Department of Environmental Quality, by December 31, 2023, to prepare and submit to the United States Environmental Protection Agency for approval a proposed North Carolina State Implementation Plan amendment based on the change to the motor vehicle emissions testing program as provided. **Introduced by Representatives Winslow, Arp, B. Jones, and K. Hall and referred to the House Transportation Committee.**

SENATE BILL 321, Medical Debt De-Weaponization Act, is identical to House Bill 367, summarized in the March 22, 2023, Legislative Report. **Introduced by Senators Krawiec, Ford, and Burgin and referred to the Senate Rules Committee.**

SENATE BILL 324, Interstate Medical Licensure Compact, would create and establish North Carolina's participation in the Interstate Medical Licensure Compact and the interstate commission administering and governing the compact. A state's membership in the compact would provide licensure for physicians licensed in a member state to practice medicine in another member state. The compact becomes effective upon legislative enactment of the compact into law in at least seven states.

The Interstate Medical Licensure Compact Commission will consist of two voting representatives from the licensure boards of each member state and shall meet at least once a year. Meetings shall be public, the commission shall keep minutes, and all records shall be public. The commission shall promulgate rules to achieve the purpose of the compact. The legislation establishes procedures for member default or withdrawal and dispute resolution.

A physician is eligible to practice medicine in another state under the compact if the physician possesses a full and unrestricted license to practice medicine from a member board and meets other requirements. The physician must designate a state of principal license for purposes of licensure through the compact. The state of principal license must be either the principal residence for the physician, where at least 25 percent of the physician's practice occurs, or the state of the physician's employer. A physician shall apply for licensure in the compact through the member board in the physician's state of principal license.

The commission shall maintain a database of all physicians who are licensed or have applied for licensure through the compact. Member states shall report to the commission any public action, complaint or disciplinary information against a physician licensed through the compact; this information shall be confidential. **Introduced by Senators Perry, Sawrey and Lee and referred to the Senate Rules Committee.**

SENATE BILL 330, Protect Judges' Personal Information, would require each State agency, department, and institution and each clerk of court, register of deeds, and other local government official responsible for public records, upon written request of a judge or the immediate family member of a judge, to redact or omit the judge's personal information from a public record, and from any online public database, under the entity's or official's control. **Introduced by Senators Robinson, Britt, and Mohammed and referred to the Senate Rules Committee.**

SENATE BILL 333, Establish Surgical Technology Standards, would require a surgical technologist employed by or contracting with a hospital or ambulatory surgical center to either maintain a nationally accredited surgical technologist certification credential, complete a surgical technology training program in the US military, or provide documentation of employment to practice surgical technology in a licensed hospital or surgical facility. The legislation provides for a 12-month probationary practice period for an individual who has completed a nationally accredited educational program but has not yet obtained the credential from that program. It also allows for exceptions if a hospital or surgical facility is unable to employ enough qualified surgical technologists who satisfy the requirements after a diligent effort that the facility documents. **Introduced by Senators Burgin, Corbin and Krawiec and referred to the Senate Rules Committee.**

SENATE BILL 336, Informed Consent Certain Procedures, would prohibit a health care provider from performing a pelvic or rectal exam on an unconscious patient without prior verbal and written consent from the patient, patient's guardian or patient's designated health care agent, unless the patient is incapable of providing consent or an emergency exists at the time and the exam is necessary for diagnostic or treatment purposes. **Introduced by Senators Krawiec, Galey and Adcock and referred to the Senate Rules Committee.**

SENATE BILL 338, Equal Pay Act, would enact the North Carolina Equal Pay Act to:

- prohibit discrimination on the basis of gender in the payment of salary or wages, including benefits, or payment of salary or wage rates less than the rates paid to employees of a different gender for comparable work;
- allow variations in salary and wages are not prohibited if the variations are based on six listed things, including seniority, merit, and geographic location;
- prohibit an employer in violation from reducing the pay of any employee to comply;
- prohibit employers from: (1) requiring employees to refrain from inquiring about, discussing, or disclosing wages; (2) screening job applicants based on their wage histories; (3) seeking the salary history of prospective employees from current or former employers; or (4) discharging employees for opposing acts made unlawful by this statute, complaining or causing a proceeding under this statute, testifying or otherwise participating in an investigation or proceeding under this statute, or disclosing wage information;
- make employers violating these provisions liable to affected employees in the amount of the employees' unpaid salary or wages, including benefits and reasonable attorneys' fees at the court's discretion;

- provide for a three-year statute of limitations for actions arising from a violation, with each separate wage payment in violation as a violation for purposes of the statute of limitations; and
- require employers to post notice in their workplaces of employees' rights.

**Introduced by Senators Marcus, Salvador, and Garrett and referred to the Senate Rules Committee.**

SENATE BILL 343, *Protect the Children in Private Schools*, would:

- amend the statute that prohibits weapons on campus or other educational property to add an exemption for persons who are employees or volunteers of a private school and meet all the following:
  - the person has written authorization from the school board of trustees or the school administrative director to possess and carry a firearm or stun gun on the educational property that is owned, used, or operated by the private school;
  - the weapon is a firearm or stun gun;
  - the person has a valid concealed handgun permit;
  - the person has successfully completed the annual training requirement, under the direct supervision of a certified National Rifle Association instructor or the equivalent, a minimum of eight hours of courses on, or relating to, gun safety and the appropriate use of firearms that is in addition to the firearms training and safety course required for a concealed handgun permit that is one of the criteria for issuance of a permit;
  - the private school adopts and maintains written standard operating procedures regarding the possession and carrying of the weapons listed in this subdivision on the educational property and distributes to the parents of students attending the private school copies of the written standard operating procedures on an annual basis; and
  - the person is on the premises of the educational property that is owned, used, or operated by the private school at which the person is an employee or volunteer; and
- allow a person to carry a concealed handgun on educational property that is the location of both a school and a place of religious worship when attending worship services and other sacerdotal functions at the place of religious worship.

**Introduced by Senators Jarvis, Britt, and B. Newton and referred to the Senate Rules Committee.**

SENATE BILL 346, *Marijuana Justice and Reinvestment Act*, would legalize and regulate the sale, possession, and use of cannabis by persons age 21 and older in North Carolina. **Introduced by Senators Meyer, Chaudhuri, and Murdock and referred to the Senate Rules Committee.**

SENATE BILL 349, *Whiz Kids/Slow Pokes Voter Registration*, would:

- allow an individual who is qualified to register to vote to register in person and then vote in the person's county of residence on election day or during the period for one-stop voting;
- allow a person who will become qualified by age to register and vote in the general election for which a partisan or nonpartisan primary is held, even though not so qualified by the date of the primary, to register for the primary and general election prior to the primary and then vote in the primary and general election after being registered;
- allow a person who is at least 16 years of age but will not be 18 years of age by the date of the next election and who is otherwise qualified to register to preregister to vote and be automatically registered upon reaching the age of eligibility following verification of the person's qualifications and address; and

- encourage the State Board of Elections and the Department of Public Instruction to improve outreach to high school students on voter registration and preregistration programs.

**Introduced by Senators Meyer and Smith and referred to the Senate Rules Committee.**

SENATE BILL 351, Statewide Year-Round School Study, would direct the Department of Public Instruction to study and make recommendations on the feasibility and potential outcomes of a statewide year-round school year, including analysis of the following:

- educational outcomes;
- summer learning loss;
- testing administration;
- dual enrollment in community college courses for high school students;
- travel and tourism participation and revenues;
- seasonal employment;
- extracurricular learning opportunities and camps;
- scheduling for families and communities;
- implementation considerations;
- building utilization; and
- any other area the Department deems relevant to the feasibility and potential outcomes of a statewide year-round school calendar.

The Department of Public Instruction would report on the results of its study, including any proposed legislation, to the Joint Legislative Education Oversight Committee no later than 180 days after the date this act becomes law. **Introduced by Senator Burgin and referred to the Senate Rules Committee.**

SENATE BILL 353, RBG Act, is identical to House Bill 439, summarized above in this Legislative Report. **Introduced by Senators Marcus, Murdock, and Chaudhuri and referred to the Senate Rules Committee.**

SENATE BILL 359, Medal of Valor Award for Emer. Responders, is identical to House Bill 387, summarized by the March 22, 2023, Legislative Report. **Introduced by Senators Sanderson and B. Newton and referred to the Senate Rules Committee.**

SENATE BILL 361, Stop Addiction Fraud Ethics Act of 2023, is identical to House Bill 415, summarized above in this Legislative Report. **Introduced by Senators Burgin, Mayfield, and Corbin and referred to the Senate Rules Committee.**

SENATE BILL 367, Intercept Communications/All Parties Consent, would expand the statute that makes it a Class H felony to intercept and use or disclose any wire, oral, or electronic communication without the consent of at least one party to the communication. The bill would provide for the described action to constitute the felony offense unless the person obtained prior consent of all parties to the communication and add to the activities that are deemed not unlawful:

- for an investigative or law enforcement officer or a person acting under their direction to intercept a wire, oral, or electronic communication when the officer or person is a party to the communication, or one of the parties has given prior consent, and the purpose of the interception is to obtain criminal evidence;
- for a law enforcement officer to intercept a communication as part of making a recording from a body-worn camera or a dashboard camera during the course of the officer's official duties;
- for a telephone company employee to intercept a wire communication for the sole purpose of tracing its origin when requested by the recipient of the communication who alleges the



communication to be obscene, harassing, or threatening; requires the employee to notify authorities within 48 hours of the interception; and

- for a public utility employee or law enforcement agency, fire department, ambulance company, or other emergency medical services provider to intercept or disclose a communication when receiving or responding to an emergency call while engaged in any activity which is incident to their services or the protection of life or property.

**Introduced by Senator Moffitt and referred to the Senate Rules Committee.**

SENATE BILL 369, 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. After notice and opportunity for a hearing, if the Commissioner finds that a financial institution chartered or licensed by or registered with the Commissioner has violated this provision, the Commissioner could revoke, suspend, or refuse to renew the financial institution's charter, license, or registration. **Introduced by Senators Moffitt, B. Newton, and Hanig and referred to the Senate Rules Committee.**

## BILL UPDATES

HOUSE BILL 98, Medical Freedom Act, was amended in the House Health Committee to:

- amend the proposed new statutes that would prohibit State and local governments from denying or refusing employment, or discharging from employment, any person for refusing to submit to a COVID-19 vaccine or series of vaccines, or provide proof of a COVID-19 vaccine 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 to add exemptions for:
  - an employee, vendor, volunteer, trainee, or student that is required by a facility certified by the Centers for Medicare and Medicaid Services to show proof of a COVID-19 vaccination, or to submit to a COVID-19 vaccination or COVID-19 series of vaccinations;
  - an employee employed by any entity that receives federal funding if complying with the statute would result in the loss of that funding; or (3) an employee employed by the Department of Health and Human Services in the Division of State Operated Healthcare Facilities if the Department requires the COVID-19 vaccination or series of vaccinations for that employee;
- remove the proposed new statute that would prohibit governing bodies of public schools from (1) adopting policies regarding the use of face coverings and (2) quarantining healthy students; and
- amend the statute that establishes immunization requirements for children in the State, by prohibiting the Commission for Public Health and public schools, community colleges and UNC constituent institutions (was, public 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
- add an exception for when vaccination or proof of vaccination is required for participation in a program of study, or fulfilling educational requirements for a program, that requires working, volunteering, or training in a facility certified by the Centers for Medicare and Medicaid Services.

**The bill as amended was approved by the House Health Committee and will next be considered by the House Judiciary 1 Committee.**

HOUSE BILL 250, Death by Distribution/Good Samaritan/Autopsy, was amended by the House Rules committee to add possession of less than one gram of all controlled substances to the limited immunity provided by the good Samaritan law; current law only applies to possession of heroin or cocaine. The changes also include a requirement that a medical examiner perform a complete autopsy if probable cause exists that death by distribution of controlled substances has occurred. **The bill as amended was approved by the full House and will next be considered by the Senate Rules Committee.**

HOUSE BILL 287, Educate Patients About Opioid Antagonists, was amended by the House Health committee to exempt practitioners providing hospice services from the requirements of the bill, which are to provide educational information on opioids to patients. **The bill as amended was approved by the House Health Committee and will next be considered by the House Rules Committee.**

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