



## INTRODUCTION

### SPEAKER MOORE LAWSUIT

A lawsuit against Speaker Moore alleges that the Speaker had a years-long affair with a married state employee and used his position to keep the relationship going, “destroying” the marriage, and pushing the state employee to degrading acts in exchange for political favors. The Speaker is being sued by Scott Lassiter, a former Apex Town Council member and Republican House of Representatives candidate. The lawsuit is based off North Carolina’s “alienation of affection” statute, which is a law that only a few states have that enables people to sue their spouse’s extramarital partners. The 20-page lawsuit also claims that Mr. Lassiter and Speaker Moore met at a Biscuitville to discuss the affair. The suit claims that Speaker Moore confessed to the affair and suggested "that he could use his power he held as Speaker in some way to benefit" Mr. Lassiter in an effort to keep this quiet. Lassiter also accuses the Speaker of hiring someone to set up a surveillance camera outside of Lassiter’s home.

Speaker Moore has admitted to a relationship with Liles Lassiter, but insists that he understood them to be separated. The Speaker whole-heartedly refutes the rest of the case’s accusations. The Speaker told reporters that they have had “an on-again, off-again, very casual, nothing-consistent type of relationship, and of course all that time, fully understood that she was separated.” Liles Lassiter has also spoken out, calling the lawsuit “outrageous and defamatory.” She says the allegations “are not only false but impossible as we’ve been separated with a signed separation document for years.”

### SESSION UPDATE - BUDGET SCHEDULE

Speaker Moore told reporters this week that the long session will carry over into July, with a break the week of July 4th. Likewise, the Speaker expects budget negotiations will likely go into July. According to Senate leader Berger, the tax package and how to spend our state’s reserves continue to be sticking points between the chambers.

In the meantime, there are a number of bills trying to reach the Governor’s desk before the General Assembly breaks for the summer. While the Republican-led General Assembly has already passed some of their priorities for this session, including abortion and firearm legislation, there are still some remaining



## NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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on the table for the next couple weeks. This includes elections bills and medical marijuana. Last Tuesday, House Republicans held a mandatory caucus meeting to get “a hard vote count” on several key bills and to discuss strategy.

## **MANDY COHEN**

President Biden appointed Dr. Mandy Cohen to lead the US Centers for Disease Control and Prevention. “Dr. Cohen is one of the nation’s top physicians and health leaders with experience leading large and complex organizations, and a proven track-record protecting Americans’ health and safety,” President Biden said in statement.

Cohen stepped down from her position as NC DHHS Secretary in 2021 after nearly five years on the job. She was named 2020’s “Tar Heel of the Year” by the Raleigh News & Observer and received the Leadership in Public Health Practice Award from Harvard University's T.H. Chan School of Public Health for her role in the state's pandemic response. Prior to DHHS, Cohen was appointed by President Obama to be the Chief Operating Officer/Chief of Staff of the Centers for Medicare and Medicaid Services (CMS). The current CDC Director Rochelle Walensky is set to leave her position at the end of this month.

## **ELECTIONS BILLS**

As expected, elections-related policies began to move last week, including elections omnibus bill, Senate Bill 747, and the new Senate Bill 749, No Partisan Advantage in Elections.

Senate Bill 749 was released last week. Among other things, the bill would increase the number of people on the Board of Elections from 5 to 8, and split the appointments between the majority and minority leaders in both chambers. This move was labeled a “power grab” by our Democratic Governor as this bill would remove the current structure of the Elections Board, which requires the party of the Governor to control the majority of the Board. “The legislative Republican record is clear: Rig elections with gerrymandered districts, make it harder for people they disagree with to vote, and make it easier to throw those votes out. Now they want to seize control of the State Board of Elections despite the Supreme Court repeatedly ruling that to be an unconstitutional power grab,” said Gov. Cooper in a statement. But Republican leaders suggest that this move would increase the integrity of our Board of Elections. “We want a Board of Elections that can come to bipartisan compromise, instead of pushing partisan policy goals,” bill sponsor Sen. Paul Newton said. “Elections are critical to our democracy and any changes should be made by consensus.”

The Elections Omnibus bill would also have a substantial impact on our elections moving forward. The bill includes a number of provisions that have been proposed previously, like further restrictions on mail-in ballots, prohibiting private money in elections administration, and removing foreign citizens from voting rolls. The bill would also require voters who take part in same-day registration at an early, in-person voting site to cast a provisional ballot, which would only be accepted if the voter’s address can be verified through the same mailing verification process used for new voters. The proposal would further require signature verification software be used for absentee ballots, a problematic proposal for senior citizen groups who argue that handwriting changes are common amongst senior citizens. Sen. Mohammed actually proposed an amendment to eliminate this signature match requirement, as well as other changes in committee. While bill sponsor Sen. Newton did not allow a vote on this amendment, he did say they would work on this over the coming days and expect to have a similar amendment before the body on the Senate floor. “As we go through the weekend, we’re happy to look at ways to make this a better bill,” Sen. Paul

Newton said. This bill, like Senate Bill 749, has received a great deal of pushback primarily from Democratic members who believe some of these measures could interfere with people's right to vote.

As discussed in committee, both of these bills were amended on the Senate floor. Among other amendments, two amendments proposed by Senate Democrats were adopted to make substantive changes to Senate Bill 747. One proposed by Sen. Mohammed, changed the requirement of signature verification technology to be used statewide into a pilot program for 10 counties for the 2024 primaries. Another approved amendment proposed by Sen. Mayfield would allow voters to handle deficiencies with their returned absentee ballots by mail, phone, or email. While these two amendments were passed unanimously, all Senate Democrats ultimately voted against the bill. Senate Bill 749 was also amended. The amendment was approved on party lines, and clarifies that the State Board of Elections would still be an independent agency although this bill would administratively transfer them within the Department of the Secretary of State. The amendment also clarifies that the General Assembly could fill vacancies on the State Board of Elections by letter when the General Assembly is not in session. Both bills are now headed to the House.

### **VETO OVERRIDES**

The Senate has overridden four vetoes from Gov. Cooper this week (the House must vote to override as well). The Senate has now overridden six of Gov. Cooper's vetoes this session. The bills are all finance-related, and two of the bills originally passed the Senate with unanimous, bipartisan support: Senate Bills 299, Reimburse Late Audit Costs with Sales Tax Rev., and 331, Consumer Finance Act Amendments. State Treasurer Folwell and Democratic State Auditor Beth Wood urged the legislature to override the veto of Senate Bill 299, which would increase penalties on counties and municipalities that fail to timely submit an annual audit report. While the override was successful, all Democrats that voted, aside from Sen. Woodard, voted to sustain Gov. Cooper's veto of these two bills. The other two bills had some Democratic opposition since the initial vote, but still had a number vote in favor originally. All Senate Democrats voted to sustain Gov. Cooper's veto of Senate Bill 364, Nondiscrimination & Dignity in State Work. Sen. Woodard broke from the pack again on Senate Bill 329, Retail Installment Sales Act Amendments, keeping with his original "yes" vote and voting to override the Governor's veto. The bills are expected to be voted on in the House next Wednesday.

### **BILLS OF INTEREST**

SENATE BILL 748, Voter Fraud Prevention Act, would provide that, if an elected or appointed member of the General Assembly changes party affiliation during the member's term of office with more than six months remaining on the member's term, that member's office will be deemed vacated and the vacancy will automatically trigger a special election which would be held within 90 days from the date the member changed party affiliation. The State Board of Elections would develop guidelines and procedures to be used in conducting the special election, including reimbursement to the county board of elections for the actual cost involved in administering the special election. In addition, the bill would require an elected or appointed member of the General Assembly who changes party affiliation (as described above) to return any contributions made to the member's or candidate's campaign committee during the most recent election cycle upon the request of the contributor within 30 days. **Introduced by Senators Garrett, Marcus, and Batch and referred to the Senate Rules Committee.**

SENATE BILL 749, No Partisan Advantage in Elections, would revise the structures of the North Carolina State Board of Elections and county boards of elections, revise the emergency powers of the Executive Director of the State Board of Elections, and make various conforming changes. The bill would remove the Governor's appointment authority to the Board and increase the number of Board members from five to eight, all of whom would be appointed by the General Assembly as follows:

- Two members appointed by the President Pro Tempore of the Senate;
- Two members appointed by the Speaker of the House of Representatives;
- Two members appointed by the minority leader of the Senate; and
- Two members appointed by the minority leader of the House of Representatives.

**Introduced by Senators Daniel, P. Newton, and Hise and referred to the Senate Redistricting and Elections Committee. The Senate approved the bill after revisions in the Senate Redistricting and Elections Committee and on the Senate floor, and the bill will next be considered by the House.**

## BILL UPDATES

HOUSE BILL 125, NC Health and Human Services Workforce Act, was amended in the Senate Judiciary committee. One of the amendments, changes the type of license the Board of Medicine may issue from an "internationally-trained hospital physician employee license" to an "internationally-trained physician employee license." It clarifies the population size of a county in which a physician issued such a license may work to "less than 500 people per square mile" and that the physician must hold a license "in good standing" in a foreign country. It strengthens the qualification requirements of physicians receiving the internationally-trained license, including:

- the applicant's medical education must have occurred at a school listed in the World Directory of Medical Schools;
- the applicant must have completed at least two years of postgraduate training or practiced medicine in the country of licensure at least 10 years;
- the applicant must have passed certain North Carolina medical exams, passed certain foreign medical exams, received specialty board certification in one of several areas, or demonstrated clinical competence in a Board-approved program;
- the applicant must not have had any disciplinary action taken against the applicant's license in any jurisdiction and is not under investigation;
- the applicant must have no relevant convictions in any court.

The amended version of the bill adds two sections regarding physician-pharmacist collaborative practice and ambulance transport during states of emergency. It expands the services pharmacists and clinical pharmacist practitioners are allowed to provide under a collaborative practice agreement from only drug therapy management to medical tasks "for the purpose of providing drug therapy, disease, or population health management for patients." Institutional and group practices may implement site-specific, multi-provider agreements with clinical pharmacist practitioners. The bill spells out requirements for clinical pharmacist practitioners and physicians in the agreements, including periodic review and evaluation and what must be included in the agreements such as insurance coverage requirements for health services provided by pharmacists.

The bill also allows the relaxed credentials for ambulance drivers to continue for 12 months after the expiration of the COVID-19 federal public health emergency. **The bill as amended was approved by the Senate Judiciary and Finance committees and will next be considered by the Senate Rules Committee.**

HOUSE BILL 190, Dept. of Health and Human Services Revisions, was amended on the Senate floor to add technical and conforming changes to the recently-passed Session Law 2023-14 regarding abortion restrictions. The amendments:

- changed the title of the bill to reference the technical and conforming changes to SL 2023-14;
- removed language about the lawfulness of advising a miscarriage or abortion, leaving only language about the lawfulness of procuring or causing a miscarriage or abortion, in the new abortion statutes regarding when abortion is unlawful or lawful;
- added requirements to the consent form for a medical or surgical abortion, including information on the physician’s hospital admitting privileges and whether the treatment is covered by the pregnant woman’s insurance;
- changed the requirement for a physician to verify that the gestational age of the unborn child is less than 70 days to a general verification of the gestational age;
- changed the requirement to document the intrauterine location of the pregnancy to a requirement to document the existence of an intrauterine pregnancy;
- changed the timeframe of a report requirement when a minor undergoes an abortion from 3 to 30 days after the procedure.

**The bill as amended was approved by the full Senate and will next be considered by the House. It appears that both chambers are trying to get these changes into law before the law takes effect on July 1, 2023.**

HOUSE BILL 415, Stop Addiction Fraud Ethics Act of 2023, was amended by the Senate Judiciary committee to require that to commit fraud a treatment provider may not knowingly make, with intent to defraud, false or misleading statements regarding the treatment provider’s services in marketing materials, or about the services of another treatment provider. The new version also specifies it is unlawful for any person to knowingly offer or solicit anything of value to direct or induce referrals of patients to or from certain treatment facilities. Earlier versions listed violations without specifying they must occur knowingly and with intent to defraud. **The bill was approved by the Senate Judiciary committee and will next be considered by the Senate Rules Committee.**

HOUSE BILL 563, Regulate Hemp-Derived Consumables & Kratom, was amended by the House Judiciary 2 committee. The new version changes all references from “hemp-derived cannabinoid products” to “hemp-derived consumable products” and modifies the regulatory structure. It adds a prohibition to the use of hemp-derived products on school grounds and changes the minimum age restriction from 21 to 18. The amendments greatly expand the regulation of kratom from the original bill, largely mirroring the hemp regulatory structure. It adds the Department of Revenue to and removes the Board of Agriculture and ABC Commission from the regulatory authority to enforce the act. **The bill was approved by the House Judiciary 2 committee and will next be considered by the House Appropriations Committee.**

HOUSE BILL 808, Gender Transition/Minors, was amended by the Senate Health and Judiciary committees to replace the original version with expanded language. It adds definitions for “cross-sex hormones” and “puberty-blocking drugs,” clarifies that a medical provider may perform certain procedures only with parental consent, allows medical professionals to continue or complete a course of treatment underway as of August 1, 2023, and clarifies that mental health treatment for gender-related conditions is allowed. The new version also provides for civil penalties for violations of the act. **The bill was approved by the Senate Health and Judiciary committees and will next be considered by the Senate Rules Committee.**

SENATE BILL 49, Parents' Bill of Rights, was amended in the House Education K-12 Committee to:

- amend the definition of *parent*, as it applies to the statute regarding Parental Consent for Treatment, as a minor's parent, guardian, or person standing in loco parentis. A person standing in loco parentis is a person who has assumed parental responsibilities including support and maintenance of the minor; and
- amend what type of parental consent is required before a health care practitioner can provide, solicit, or arrange treatment for a minor child to require written or documented consent (was, written consent only).

**The bill as amended was approved by the House Education K-12 Committee and will next be considered by the House Rules Committee.**

SENATE BILL 411, Various Education Changes, was amended by the House Education K-12 committee to add several components. It adds a requirement for each public school unit to implement a medical condition action plan for each student at risk for a medical emergency. The plan must contain detailed instructions for school staff to address the emergency. The new version also allows parents to choose the nurse to provide services required by a child's IEP. **The bill was approved by the House and the Senate will next consider whether to approve the House changes.**

SENATE BILL 631, Minor Gender Trans. Proc./Public Providers, was amended in the House Health Committee to prohibit:

- a public healthcare facility, or a health care provider employed by or under contract with a public healthcare facility, from performing a surgical gender transition procedure on a minor or providing or dispensing puberty-blocking drugs or cross-sex hormones to a minor; and
- State funds from being used, directly or indirectly, for the performance of or in furtherance of surgical gender transition procedures, or providing puberty-blocking drugs or cross-sex hormones to a minor, or to support the administration of any governmental health plan or government-offered insurance policy offering surgical gender transition procedures, puberty-blocking drugs, or cross-sex hormones to a minor (would not apply to the State Health Plan for Teachers and State Employees).

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

SENATE BILL 747, Elections Law Changes, was amended in the Senate Redistricting and Election Committee, including to more specifically require that the State board and county boards of elections ensure that voted ballots, election results tapes, and executed ballot applications (was, elections records) be retained and preserved for the greater of 22 months after the election or as otherwise specified in federal law, and require a person who registers and votes at a one-stop voting site vote by provisional ballot unless (1) the address on the individual's photo id matches the address on a copy of a HAVA(help America Vote Act) document or (2) the individuals' photo ID lacks an address and the individual provides a document from the institution that issued the photo ID showing the individual's name and address and a copy of the HAVA document showing the same name and address. Several amendments to the bill were also made on the Senate floor, including an amendment to direct the Board to select ten counties in the State to run a pilot program during the primary held in 2024 for signature verification on executed mail-in absentee ballots. **The bill as amended was approved by the Senate and has been sent to the House for consideration.**

## LEGISLATION ENACTED

HOUSE BILL 347, Sports Wagering/Horse Racing Wagering. This legislation authorizes and regulates wagering on professional, college, and amateur sports, and authorizes live horse racing in North Carolina. The bill would impose a tax at the rate of eighteen percent (18%) on each interactive sports wagering operator for the privilege of being licensed, and require the net proceeds of the tax collected to be credited in the following priority, including \$2 million per year to the Department of Health and Human Services for gambling addiction education and treatment programs, \$1 million per year to North Carolina Amateur Sports to expand opportunities for persons up to age 18 to engage in youth sports (distributed through a grant program), and \$300,000 each to support collegiate athletic departments. **Effective: January 8, 2024.**

## GOVERNOR'S VETOES

Governor Cooper vetoed the following bills on June 19<sup>th</sup>.

- SENATE BILL 329, Retail Installment Sales Act Amendments
- SENATE BILL 331, Consumer Finance Act Amendments
- SENATE BILL 364, Nondiscrimination & Dignity in State Work

These vetoes have all been overridden by the Senate and are on the House calendar for June 27<sup>th</sup>. Both Chambers must vote to override the veto by a 3/5ths majority.

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