



## INTRODUCTION

### HB 2 “Reset”

After a bizarre week of negotiations between Governor Cooper and legislative leaders, the General Assembly has passed legislation to repeal HB2, though many on both sides of the debate are unhappy with the compromise. The repeal bill, [H142](#), does the following:

- Repeals HB2;
- Bans local governments, local boards of education, community colleges, the UNC system, and other public bodies from regulating use of multiple occupancy bathrooms or changing rooms;
- Bans local governments from passing any ordinance regulating private employment practices or regulating public accommodations until 12/1/2020.

Many HB2 opponents remain opposed to this compromise on the grounds that local governments should be able to pass non-discrimination ordinances immediately and enact policies allowing transgender people to use the bathroom of the gender with which they identify.

### NC DHHS Secretary Cohen Confirmation

NC DHHS Secretary Mandy Cohen took a step closer to be confirmed this week after the Senate Health and Human Services Committee voted unanimously to recommend her confirmation. Senators questioned her about her role in administering Obamacare at the federal level and how she would deal with major health issues facing the state, including the opioid epidemic, rural health care, and technology challenges. Previously, Secretary Cohen was the Chief Operating Officer at the Centers for Medicare and Medicaid Services and a practicing physician. For a detailed summary of her confirmation, [follow this link](#).

### Bills on the Move

Most of the health-related action in the legislature is taking place in the House Health Committee, which has moved numerous bills over the past two weeks.



## NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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LME/MCO Claims Reporting/Mental Health Amendments (H403) received a favorable report in the Health Care Reform Committee and will next be considered by the Appropriations Committee.

Strengthen Opioid Misuse Prevention (STOP) Act. (H243) passed the House Health Committee this week and now moves to the House Appropriations Committee.

Improve Utilization of MH Professionals. (H425) passed the House Health Committee this week and now heads to the House floor.

Board Cert. Behavior Analyst/Autism Coverage. (H307) received a favorable report in House Health and will next be heard in the House Insurance Committee.

Student Safety in Athletics. (H116) passed the House Health Committee and has been referred to the House Education Committee.

Check-Off Donation: Cancer Screening. (H164) passed the House and has been referred to the Senate Rules Committee.

Expand Rx Drug Abuse Advisory Committee. (H277) passed the House and has been referred to the Senate Rules Committee.

Suicide Prevention/Awareness School Personnel. (H285) passed the Health Committee and has been referred to the House Education Committee.

Occup. Therapy / Choice of Provider. (H208) passed the House and has been referred to the Senate Rules Committee.

## **BILLS OF INTEREST**

HOUSE BILL 425, *Improve Utilization of Mental Health Professionals*, would allow Licensed Clinical Addiction Specialists to form a professional corporation with a physician, and authorize the Secretary of DHHS to allow Licensed Professional Counselors and Licensed Marriage and Family Therapists to conduct initial (first level) examinations for the involuntary commitment of individuals with a mental illness or substance use disorder. **Introduced by Representatives Dobson, Dollar, Murphy, and Earle and referred to the House Health Committee. The bill was approved by the House Health Committee and will next be considered by the full House.**

HOUSE BILL 425, *Amending Body-Worn Camera Procedures*, would allow the head of the custodial law enforcement agency to also disclose a recording from a body-worn camera to a governing body with the consent of the city manager, upon a finding that disclosure is necessary to maintain public confidence in law enforcement agencies. This provision would apply to the City of Greensboro only. **Introduced by Representatives Quick, Harrison, and Brockman and referred to the House Judiciary I Committee.**

HOUSE BILL 492, *Increase Penalties for Certain Assaults*, would increase the criminal penalties for assault on any of the following persons while the person is discharging or attempting to discharge official duties: firefighters, law enforcement officers, emergency medical technicians, medical responders, hospital personnel, licensed health care providers, state and local

government officers and employees, executive officers, legislative officers, judicial officers, and elected executive, legislative and judicial officers. **Introduced by Representatives Clampitt, Saine and Dollar and referred to the House State and Local Government I Committee.**

HOUSE BILL 496, Fair and Nonpartisan Ballot Placement, would require the order in which candidates appear on official ballots in any election ballot item to be by either alphabetical order or reverse alphabetical order by the last name of the candidate. The order would be determined each election by drawing at the State Board of Elections after the closing of the filing period for all offices on the ballot. **Introduced by Representative Bert Jones and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 499, Funds for Down Syndrome Programs, would appropriate \$1 million to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for Down Syndrome programs for 2017-18 and 2018-19. Any program receiving funds from the agency must have at least one of the following services to adult individuals with Down Syndrome:

- assistance with dignified integration into the community;
- housing assistance; and
- job training, job placement, or both.

**Introduced by Representative Bradford and referred to the House Appropriations Committee.**

HOUSE BILL 506, Chemical Endangerment of a Child, would create the felony offenses of chemical endangerment of a child and death of a child by chemical endangerment. The bill would make it:

- a Class D felony, if a person intentionally causes or permits a child less than 16 years of age to ingest, inhale, or have contact with any controlled substance;
- a Class G felony, if a person, in reckless disregard of the consequences of the action, causes or permits a child less than 16 years of age to ingest, inhale, or have contact with any controlled substance; or
- a Class B1 felony, if a person commits a violation for negligent chemical endangerment of a child and unintentionally causes the death of a child less than 16 years of age and the violation is the proximate cause of the death of the child.

It would be an affirmative defense to a violation that the controlled substance was provided by lawful prescription for the child and that it was administered to the child in accordance with the prescription instructions provided with the controlled substance. **Introduced by Representative Dobson and referred to the House Health Committee.**

HOUSE BILL 512, Monitor Implementation of TBI Waiver, would require DHHS to report quarterly to various legislative committees on the status and implementation of the 1915(c) waiver for individuals with traumatic brain injury (TBI) that has been submitted to the Centers for Medicare and Medicaid, and would further require DHHS to:

- adopt rules or medical coverage policies relating to service programs for individuals with TBI;
- develop a best practice model system that includes a comprehensive continuum of care and an array of short-term and long-term treatments, rehabilitation options, and home and community support services as part of the TBI waiver; and
- strive to maintain adequate reimbursement rates for residential and community-based care programs that serve individuals with traumatic brain injury.

**Introduced by Representative Torbett and referred to the House Health Committee.**

HOUSE BILL 516, Results First Framework, would:

- allow the Office of State Budget and Management to consult and work with staff from the Pew-MacArthur Results First Initiative to implement a cost-benefit analysis model for use in crafting policy and budget decisions. The goal of the project would be to obtain a model that will help the State invest in policies and programs that can be shown to work;
- direct the OSBM to design and establish a framework for providing the citizens of North Carolina uniform, program-level accountability information in State government;
- require the framework to provide a way for each State agency and each non-State entity to provide the following information in a uniform manner on a website:
  - the mission, responsibilities, and activities of the State agency or non-State entity;
  - an inventory of programs administered by the State agency or non-State entity, consisting of a title and a summary description of each program;
  - a clear description of the problem the program is seeking to remedy or the public service the program is seeking to provide;
  - a statement identifying the program as evidence-based, research-based, based on promising practices, or, if none of these apply, a statement describing the basis for the program and the reasons why the program is expected or perceived to be successful;
  - revenues by source and expenditures by purchasing category aligned with each program individually;
  - organization charts, including separate charts for each organizational division and in turn for each subordinate division or work unit in sufficient detail that a citizen may determine the organizational location of every employee position;
  - at least one telephone number that members of the public may use to contact the State agency or non-State entity for service or information;
  - a list of the reports required by law to be prepared and submitted by the State agency or non-State entity, organized by recipient and by due date; and
  - any additional information deemed necessary or appropriate by OSBM; and
- require each State agency and each non-State entity, as a condition of receiving State funds, to establish, implement, and maintain within that non-State entity a system that provides the information required within the framework established by OSBM.

**Introduced by Representatives Riddell, Blackwell, S. Martin, and White and referred to the House Appropriations Committee.**

HOUSE BILL 517, Mandate Wheelchairs at Outpatient Facilities, would require ambulatory surgical centers and other outpatient facilities, oncology clinics, and kidney disease treatment centers to maintain at least one wheelchair on the premises for patient use. **Introduced by Representatives Farmer-Butterfield, Setzer, Earle, and Howard and referred to the House Health Committee.**

HOUSE BILL 526, DOT/Roadside Memorials, would direct the Department of Transportation to develop and implement a program whereby an individual may apply to the Department for the erection of a memorial on the roadside of a highway honoring an immediate family member of the individual who died as the result of injuries suffered from an automobile accident on the highway near that roadside. The memorial would be a metal sign inscribed with the victim's name, date of birth, and date of death, which would be affixed to a pole. The Department would charge a fee of \$500 for each memorial to cover costs associated with processing the application, acquiring materials, and installing the memorial. Any fees remaining after covering these costs would be transferred on a quarterly basis to the Humane Society of the United States for costs

associated with rescuing animals in North Carolina. **Introduced by Representatives Bradford, Potts, Henson, and White and referred to the House Transportation Committee.**

HOUSE BILL 536, Increase Funding for Behavioral Health Svcs, is identical to Senate Bill 424, summarized below in this Legislative Report. **Introduced by Representatives Dobson, Malone, Potts, and Carney and referred to the House Appropriations Committee.**

HOUSE BILL 540, Teachers & State Employees Pay Raise, would provide a \$2,400 pay increase to teachers and State employees earning less than \$100,000, and provide funds for this purpose. **Introduced by Representatives Malone, Jordan, J. Bell, and Hardister and has not yet been assigned to a House committee.**

HOUSE BILL 543, Caregiver Relief Act, is identical to Senate Bill 463, summarized below in this Legislative Report. **Introduced by Representatives Fisher, Farmer-Butterfield, Cunningham, and Insko and has not yet been assigned to a House committee.**

SENATE BILL 394, Legislative Cybersecurity Committee, would establish a 12-member Legislative Cybersecurity Committee to examine, on a continuing basis, the cybersecurity practices of State agencies in order to make ongoing recommendations to the General Assembly on ways to improve the effectiveness, efficiency, and quality of the State's cybersecurity and data loss prevention practices and measures. **Introduced by Senators Tarte, Brock, and Hise and referred to the Senate Rules Committee.**

SENATE BILL 422, Eligibility Reform/Medicaid/SNAP, would:

- require applicants for food and nutrition benefits to cooperate with the child support enforcement program as a condition of eligibility for benefits; and
- limit the means by which a person may be granted categorical eligibility for purposes of receiving food and nutrition benefits under the supplemental nutrition and assistance program.

**Introduced by Senators Krawiec, Pate and Hise and referred to the Senate Rules Committee.**

SENATE BILL 424, Increase Funding for Behavioral Health Services, would:

- appropriate funds for 2017-2018 from the General Fund to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services
- appropriate \$2 million to award competitive grants for the establishment of new facility based crisis centers for children and adolescents;
- appropriate \$6.5 million for statewide expansion of the community paramedicine pilot program;
- appropriate \$225,000 to continue 13 community paramedic mobile crisis management program sites; and
- direct HHS to report to the Joint Legislative Oversight Committee on HHS by April 2018.

**Introduced by Senators Krawiec, Pate, and Hise and referred to the Senate Rules Committee.**

SENATE BILL 425, Unborn Child Protection from Dismemberment Act, would:

- make it unlawful to purposely perform a dismemberment abortion unless necessary to prevent serious health risk to the mother;

- classify violation as a Class A1 misdemeanor;
- specify that only physicians are subject to civil or criminal liability for actions related to dismemberment abortions;
- direct the court to rule on the need to protect the anonymity of the woman in every proceeding and provide instruction for the Court in determining whether her anonymity should be preserved; and
- clarify that the Article does not prevent an otherwise lawful abortion by any other method.

**Introduced by Senators Krawiec, Randleman and Ballard and referred to the Senate Rules Committee.**

SENATE BILL 428, Chiropractor Parity and Preceptorships, would:

- prohibit insurers from imposing as a limitation on treatment or level of coverage a copayment amount charged to the insured for chiropractic services that is higher than the copayment amount charged to the insured for the services of a duly licensed primary care physician for a comparable medically necessary treatment or condition;
- authorize students in accredited chiropractic colleges to, under supervision, observe licensed chiropractors and perform the duties of a certified chiropractic clinical assistant; and
- require each student who participates in interscholastic athletic competitions to receive a medical examination at least once each calendar year, conducted by a licensed physician, chiropractor, nurse practitioner, or physician's assistant.

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

SENATE BILL 437, Clarify Hospital Patient Discharge Rights, would:

- direct licensed hospitals to provide to each patient or their next of kin or other legally responsible representative, at admission, a detailed statement of patient rights with respect to transfer and discharge;
- include the following rights: (1) the right to information and explanation concerning the need for and alternative to a transfer to another facility, prior to the transfer, (2) 5 days' written notice of a transfer or discharge, with specified exemptions, (3) the right to dispute a transfer or discharge decision with the Division of Health Service Regulation Complaint Intake Unit, and (4) specified listed rights for Medicare beneficiaries;
- prohibit licensed hospitals from violating these rights; and
- amend GS 131E-90 (concerning trespass by discharged patients refusing to leave a hospital) to exempt patients exercising any of the applicable grievance or appeal rights described in new GS 131E-90.1 during the pendency of the grievance or appeal. If the final grievance or appeal decision is to discharge the patient and the patient refuses or fails to leave, the patient's refusal to leave constitutes a trespass, and the patient is guilty of a Class 3 misdemeanor.

**Introduced by Senators Wade and Tucker and referred to the Senate Rules Committee.**

SENATE BILL 440, National Popular Vote Interstate Compact, would establish North Carolina as a member of the Agreement Among the States to Elect the President by National Popular Vote. Each member state would conduct a statewide popular election for President and Vice President of the United States, and the chief election official of each member state would designate the presidential slate with the largest national popular vote total as the "national popular vote winner." The bill would provide that this agreement will terminate if the electoral college is abolished. **Introduced by Senators Chaudhuri and Waddell and referred to the Senate Rules Committee.**

SENATE BILL 441, No Budget, No Pay Act, would provide that, if, by midnight of June 30, 2017, the presiding officers of the North Carolina Senate and House have not ratified a budget for the 2017-18 fiscal year, all compensation and allowances earned by or accruing to each member of the General Assembly on or after July 1, 2017, will be deposited in an escrow account. The funds held in escrow would be released upon the earlier of the following: (1) a budget is ratified for the 2017-18 fiscal year; or (2) the 2017 North Carolina General Assembly adjourns sine die. **Introduced by Senators Chaudhuri and Lee and referred to the Senate Rules Committee.**

SENATE BILL 446, LEO Next of Kin Notification, would direct the Division of Motor Vehicles to develop a process to allow an initial or renewal applicant of an identification card, learner's permit, drivers license, or commercial drivers license to list contact information, including the name, address, telephone number, and relationship of at least one person whom the applicant wants to be contacted if the applicant is involved in a motor vehicle accident or other emergency situation involving injury or death. Any information provided would be included in the applicant's motor vehicle record. The DMV could disclose this information to a law enforcement officer in the performance of the officer's official duties if the individual is involved in a motor vehicle accident or other emergency situation involving injury or death. **Introduced by Senators J. Davis, Foushee, and Pate and referred to the Senate Rules Committee.**

SENATE BILL 452, Expand Allowable Medical Use of CBD Oil, would amend the exemption for use or possession of cannabidiol and expand the permissible use of cannabidiol as an alternative treatment to chronic conditions. **Introduced by Senators McKissick and Tucker and referred to the Senate Rules Committee.**

SENATE BILL 453, Driver Instruction/Law Enforcement Stops, is identical to House Bill 21, summarized in the January 27, 2017, Legislative Report. **Introduced by Senators McKissick, Daniel, and Britt and referred to the Senate Rules Committee.**

SENATE BILL 456, Increase De-Escalation Training for LEOs, would require all law enforcement officers to receive crisis intervention and de-escalation training. Crisis intervention training would be designed to help officers interact with people suffering with mental illness and successfully de-escalate crisis situations. De-escalation training would be specialized training in various techniques to diffuse a potentially dangerous or threatening situation in efforts to prevent harm to a citizen or an officer and achieve a successful outcome. **Introduced by Senators McKissick, Daniel, Britt and referred to the Senate Rules Committee.**

SENATE RESOLUTION 459, Senate Resolution Pertaining to Senate Rules, would amend Senate Rule 40.1 to exempt bills that amend the State Constitution and bills that contain statutory amendments necessary to implement proposed constitutional amendments from the Senate public bill filing deadline. Those bills would have to be submitted to the Bill Drafting Division by 4:00 pm on Friday March 17, 2017. **Introduced by Senator Rabon and approved by the Senate Rules Committee and adopted by the Senate.**

SENATE BILL 463, Caregiver Relief Act, would enact the Caregiver Relief Act to provide for supports in the workplace under State law for caregivers who provide direct care to certain family members in need of care in instances where such leave would not be available under federal law. The bill would require all employers in this State who are required to comply with the Family and Medical Leave Act (FMLA) to provide the same leave to an eligible employee to care for a sibling, grandparent, grandchild, stepparent, or parent-in-law that the eligible employee

is entitled to under the FMLA. (FMLA covers a spouse, son, daughter, or parent of the eligible employee). An eligible employee who takes the leave provided under this section would have the same protections and rights that an eligible employee is entitled to under the FMLA. Any right or obligation created by this Article would be enforceable by a civil action in addition to any other remedies at law or in equity. **Introduced by Senators Bryant, Robinson, Foushee and referred to the Senate Rules Committee.**

SENATE BILL 464, Increase Oversight of OLBs, as recommended by the Joint Legislative Administrative Procedure Oversight Committee, would increase oversight of occupational licensing boards. The bill would direct the Joint Legislative Administrative Procedure Oversight Committee to continue to monitor and study the effects of the opinion in *North Carolina State Board of Dental Examiners v. Federal Trade Commission* and other issues related to the scope of practice jurisdiction of occupational licensing boards, and would include provisions to:

- require each occupational licensing board to provide the Joint Legislative Administrative Procedure Oversight Committee with the name and contact information of the individual responsible for filing required reports and to keep this information current and notify the Committee within 30 days of any changes in this information;
- require each occupational licensing board to adopt rules for the receipt and resolution of complaints, for taking disciplinary or enforcement actions against its licensees, and for taking enforcement actions against persons not licensed by the board.
- provide that any interpretation, clarification, or other delineation of the scope of practice of an occupational licensing board must be adopted as a rule;
- give authority to an occupational licensing board to investigate unlicensed activity and notify unlicensed persons and entities of the possible violation of the law and administrative rules and any civil action or criminal penalty that may be imposed by a court. The notification could not indicate that the occupational licensing board has made any finding of a violation but could indicate the board's belief or opinion that a particular act may violate the board's enabling statutes, include factual information regarding legislation and court proceedings concerning the potential violation, and provide notice of the board's intention to pursue administrative remedies or court proceedings with regard to the potential violation;
- require an occupational licensing board providing notification to unlicensed persons and entities of a possible violation of the law and administrative rules and any civil action or criminal penalty that may be imposed by a court to include the following statement in the notification:

"You are hereby notified that the opinion expressed herein is not a legal determination. An occupational licensing board does not have the authority to order you to discontinue your current practices. Only a court may determine that you have violated or are violating any law and, if appropriate, impose a remedy or penalty for the violation. Further, pursuant to G.S. 150B-4, you may have the right, prior to initiation of any court action by the occupational licensing board, to request a declaratory ruling regarding whether your particular conduct is lawful. You are further notified that any right to a declaratory ruling supplements any other legal rights that you may already have to establish the legality of your conduct with respect to the goods or services you offer or provide";
- provide that the venue for occupational licensing boards seeking a court order for injunctive relief or to show cause for failure to comply with a subpoena lawfully issued by the occupational licensing board is in the superior court of the county where the

defendant resides or in the county where the occupational licensing board has its principal place of business;

- allow an occupational licensing board to appear in its own name in superior court in actions for injunctive relief to restrain the violation of the provisions of a statute administered by the board or a rule or order of the board, and provide that the superior court has the jurisdiction to grant these injunctions, restraining orders, or take other appropriate action even if criminal prosecution has been or may be instituted as a result of the violations, or whether the person is a licensee of the board. No board could issue such orders independently of the superior court unless specifically authorized to do so by law;
- provide that it is the policy of the State that jurisdictional disputes among occupational licensing boards be resolved through informal procedures, and that, if a jurisdictional dispute among occupational licensing boards cannot be resolved through informal procedures, any affected board may commence an administrative proceeding to resolve the jurisdictional dispute by filing a petition with the Office of Administrative Hearings and serve the petition on all affected boards. Once the petition is filed and the required fee is paid, the dispute would become a contested case and conducted by the Office of Administrative Hearings; and
- require each occupational licensing board to develop and implement a complaint process that provides for all of the following:
  - a description of the complaint process on the board's website, including the types of violations that are under the jurisdictional authority of the board;
  - electronic complaint submission via the board's website, including a prominently displayed link to a complaint form; and
  - the ability to provide complainants with a written description of the final disposition of each complaint.

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

SENATE BILL 465, Courthouse Concealed Carry/Elected Officials, would allow a mayor, member of a board of county commissioners, or member of a city council to carry or possess a concealed handgun in any portion of a building housing a court, other than a courtroom itself, if the person is in the building to discharge the person's official duties and has a valid concealed handgun permit. **Introduced by Senator J. Davis and referred to the Senate Rules Committee.**

SENATE BILL 478, Strengthen Youth Tobacco Use Prevention/Funds, would establish the Tobacco Use Prevention Fund in the Department of Health and Human Services, Division of Public Health, Chronic Disease and Injury Section, and provide \$17 million in each of the next two years to the Fund. The Fund would be used to prevent the use of new and emerging tobacco products, including electronic cigarettes, especially among youth and people of childbearing age. DHHS could use monies in the Fund only for the following:

- to create regional tobacco use prevention programs covering all 100 counties in North Carolina to engage young people in tobacco use prevention teams in counties and school districts across the region, provide education and training of youth leaders at the local level, and reach young people with effective tobacco use prevention, with an emphasis on preventing the use of new and emerging tobacco products, including electronic cigarettes;
- to provide technical assistance and oversight of the regional tobacco use prevention programs;

- for evidence-based education campaigns on the health risks of tobacco use, new and emerging tobacco products, including electronic cigarettes, and effective tobacco use prevention and control strategies and policies through channels known to effectively reach youth, parents, and communities across the State;
- for education and enforcement of tobacco laws, including with respect to new and emerging tobacco products; and
- to conduct an independent, university-based evaluation of the reach and effectiveness of the State's tobacco use prevention programs.

The funds would be disbursed to any local health department or other organization with an interest in preventing tobacco use that does not receive funding from the tobacco industry after showing to DHHS an authorized purpose and a commitment to compliance with guidelines developed by the Department on evidence-based tobacco use prevention and control strategies.

**Introduced by Senators Woodard and Dunn and referred to the Senate Rules Committee.**

SENATE BILL 480, Protection From Government Overreach Act, would:

- prohibit an agency from adopting a permanent rule or set of rules with a projected aggregate financial cost to all persons affected equal to or greater than \$100 million during any 5-year period;
- provide that an agency's determination of the projected aggregate financial cost of a permanent rule or set of rules may not include any financial benefits of the permanent rule or set of rules;
- provide that, if an agency determines that a proposed permanent rule or set of rules will have a projected aggregate financial cost to all persons affected equal to or greater than ten\$10 million during any five-year period, the adoption of the permanent rule or set of rules must comply with the specified provisions;
- provide that a permanent rule or set of rules subject to this limitation would be subject to the provisions of G.S. 150B-21.3(b1) as if, pursuant to G.S. 150B-21.3(b2), the rule or set of rules received written objections from 10 or more persons and a bill specifically disapproving the rule or set of rules was introduced in a house of the General Assembly before the thirty-first legislative day;
- authorize an agency to incorporate by reference in a rule without repeating the text of the reference material all or part of a code, standard, or regulation adopted by the federal government if the agency establishes a procedure by which any change by the federal government is reviewed and approved by the agency within 120 days of the change; and
- provide that a permanent rule required by a serious and unforeseen threat to public health, safety, or welfare is subject to the limitation and legislative review provisions.

**Introduced by Senators Wells, Gunn, and Wade and referred to the Senate Rules Committee.**

SENATE BILL 487, Increase Energy Efficiency, would encourage and increase energy efficiency in North Carolina by removing certain caps and limits in the renewable energy portfolio standards, including removing the cap that limits funding for research that encourages the development of renewable energy, energy efficiency, or improved air quality to \$1 million per year. **Introduced by Senators Brock and Wade and referred to the Senate Rules Committee.**

SENATE BILL 496, Banking Law Amendments, is identical to House Bill 462, summarized in the March 27, 2017, Legislative Report. **Introduced by Senator Gunn and referred to the Senate Rules Committee.**

SENATE BILL 499, Capital Funds for Residential TBI Services, would provide \$2.1 million to ReNu Life Extended, Inc., for capital expenditures to expand its residential traumatic brain injury services program in order to reduce the waiting list of individuals in North Carolina seeking residential traumatic brain injury services. **Introduced by Senators D. Davis and Pate and referred to the Senate Rules Committee.**

SENATE BILL 500, Strengthen Human Trafficking Law, would strengthen the State's human trafficking law by:

- providing that a person commits the offense of profiting from human trafficking when that person benefits, financially or by receiving anything of value, from participation in a venture that has engaged in any act in violation of Human trafficking, Involuntary servitude, or Sexual servitude knowing or in reckless disregard of the fact that the venture has engaged in such violation;
- providing that a person convicted of an offense will be punished as follows:
  - if the venture engaged in a violation of Human trafficking or Involuntary servitude and the victim of the violation is an adult, the person is guilty of a Class F felony. If the venture engaged in a violation of Human trafficking or Involuntary servitude and the victim of the violation is a child, the person is guilty of a Class C felony; and
  - if the venture engaged in a violation of sexual servitude and the victim of the violation is an adult, the person is guilty of a Class D felony. If the venture engaged in a violation of sexual servitude and the victim of the violation is a child, the person is guilty of a Class C felony;
- making each violation a separate offense that cannot be merged with any other offense; and
- making it a Class F felony for a person to obstruct, attempt to obstruct, or in any way interfere with or prevents the enforcement of the human trafficking statutes.

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

SENATE BILL 503, Online Paperless Pistol Permit Modernization, would require every dealer in pistols and other weapons to send an electronic notification to the sheriff of the county of each background check conducted through the National Instant Criminal Background Check System (NICS) as part of a transaction to purchase a pistol within 10 business days of the date of the transaction. **Introduced by Senators Tarte, Brock, and Britt and referred to the Senate Rules Committee.**

SENATE BILL 504, Educational Property Definition/Firearms, would define more precisely "educational property" with regard to the law prohibiting the possession or carrying of weapons on educational property, and amend the law restricting the possession or carrying of firearms at extracurricular activities conducted in public places. The bill would provide that:

- the term "educational property" does not include any of the following:
  - land, buildings, or other facilities owned, leased, or otherwise controlled by educational institutions but not used primarily for educational purposes;
  - a religious institution for which facilities are used as a school on a part-time basis, provided such facilities are not currently in use as a school;
  - a road or other publicly used thoroughfare which crosses an educational campus;
  - or
  - a medical facility for which the primary purpose is patient care rather than education; and

- restrictions on the listed extracurricular activities do not apply to persons not participating in the extracurricular activity, provided the extracurricular activity is conducted in a public place, including, but not limited to, a restaurant, public park, or museum.

**Introduced by Senators Tarte, Brock, and Britt and referred to the Senate Rules Committee.**

SENATE BILL 512, Stop the Revolving Door, would prohibit the State from contracting with contractors who utilize former State employees in the administration of State contracts within a one-year waiting period after a State employee has terminated employment with the State and strengthen public confidence in government by extending the revolving door period. **Introduced by Senators Chaudhuri and Tarte and referred to the Senate Rules Committee.**

SENATE BILL 514, State Budget/Require 5-Year Forecast, would require the Governor's budget to include a five-year fiscal analysis that incorporate estimates of revenues and expenditures, factoring in changes in economic growth, costs, enrollment, and other factors determined by the Director to be significant and includes a statement of assumptions. The bill also would require the Current Operations Appropriations Act passed by each chamber of and enacted by the General Assembly to be accompanied by an independent fiscal analysis performed by the Fiscal Research Division of the General Assembly that addresses the State's budget outlook for the upcoming five-year period. This fiscal analysis would (1) incorporate estimates of revenues and expenditures, factoring in changes in economic growth, costs, enrollment, and other factors determined by the Fiscal Research Division to be significant, and (2) include a statement of assumptions. **Introduced by Senators Chaudhuri and Horner and referred to the Senate Rules Committee.**

SENATE BILL 520, Emergency Worker Protection Act, would strengthen the criminal penalties for individuals who attack emergency responders. **Introduced by Senators Curtis, Dunn, and Britt and referred to the Senate Rules Committee.**

SENATE BILL 525, Study Legislative Term Limits, would establish a 10-member the Joint Legislative Study Committee on Legislative Term Limits to study:

- whether to increase the length of legislative terms;
- whether to limit the number of terms or number of years a person may serve as a legislator;
- public opinion regarding term limits for legislators; and
- the impact in other states that have term limits on the effectiveness of legislators and legislation, cost effectiveness, and any impacts on revenue.

The Committee would report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives no later than 30 business days following the adjournment sine die of the 2017 General Assembly. **Introduced by Senator Rabin and referred to the Senate Rules Committee.**

SENATE BILL 527, Require Physical Education, would require all students in kindergarten through fifth grade to participate in at least three, supervised, one-hour physical education classes each school week that will enhance their physical fitness and promote the idea that exercise is good for developing the mind and body. Students from different grade levels could participate simultaneously if, in the opinion of the school principal, simultaneous participation is necessary at a particular school and the classes are appropriate to the ages of the participating students. The bill also would direct the State Board of Education to require the teaching of one

one-credit course on physical education each year in sixth through twelfth grades. **Introduced by Senator Rabin and referred to the Senate Rules Committee.**

SENATE BILL 529, EMS Recommendations, would:

- improve emergency management policies based on the findings of the Joint Legislative Emergency Management Oversight Committee; and
- require the Director of the Division of Emergency Management of the Department of Public Safety to convene a working group to develop policies to develop trainings and protocols for emergency responders.

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

SENATE BILL 530, Protect Government Whistleblowers, would exempt from public records written communications (including electronic mail and other digital means) made by a government employee to any regulatory body about the improper activities of any government agency for the purpose of reporting or investigating suspected improper government activity. The bill also would provide that a government employee who reports improper government activities in good faith is immune from civil liability if the report was made to a regulatory body solely for the purpose of reporting or investigating suspected improper government activity. A government employee would not be immune from civil liability if the report was made in bad faith. **Introduced by Senator Krawiec and referred to the Senate Rules Committee.**

SENATE BILL 537, North Carolina Equal Pay Act, would prohibit an employer from discriminating in any way on the basis of gender in the payment of salary or wages, including benefits and other compensation, or pay any person salary or wage rates less than the rates paid to employees of a different gender for comparable work. The following variations in salary and wages, including benefits or other compensation, would not be prohibited if the variations are based upon:

- a bona fide system that rewards seniority with the employer, if time spent on leave due to a pregnancy-related condition and protected parental, family, and medical leave shall not reduce seniority;
- a bona fide merit system;
- a bona fide system that measures earnings by quantity or quality of production or sales;
- the geographic location in which a job is performed
- education, training, or experience to the extent such factors are reasonably related to the particular job in question and consistent with business necessity; or
- travel, if the travel is a regular and necessary condition of the particular job.

The bill would make it unlawful for an employer to:

- require, as a condition of employment, that an employee refrain from inquiring about, discussing, or disclosing information about either the employee's own wages, including benefits or other compensation, or about any other employee's wages;
- screen job applicants based upon their wage, including benefits or other compensation, or salary histories, including by requiring that an applicant's prior wages, including benefits or other compensation or salary history, satisfy minimum or maximum criteria;
- seek the salary history of any prospective employee from any current or former employer; however, a prospective employee could provide written authorization to a prospective employer to confirm prior wages only after any offer of employment with compensation has been made to the prospective employee; or

An employer who commits a violation would be liable to the employee affected in the amount of the employee's unpaid salary or wages, including benefits or other compensation. Any agreement between the employer and any employee to work for less than the wage to which such employee

is entitled or an employee's previous wage or salary history would not be a defense to an action. The court could, in addition to any judgment awarded to the plaintiff, allow a reasonable attorneys' fee to be paid by the defendant and the costs of the action. An action would have to be brought within three years after the date of the alleged violation. A violation would occur when: (1) a discriminatory compensation decision is made or other practice is adopted; (2) an employee becomes subject to a discriminatory compensation decision or other practice; or (3) an employee is affected by application of a discriminatory compensation decision or practice, including each time wages, benefits, or other compensation are paid, resulting in whole or in part from such a decision or practice. **Introduced by Senators McKissick, Van Duyn, and Bryant and referred to the Senate Rules Committee.**

SENATE BILL 538, Sudden Cardiac Arrest Task Force, would establish a Joint Legislative Task Force on Sudden Cardiac Arrest in Student Athletes to study:

- the frequency of sudden cardiac arrest or other heart conditions in student athletes;
- other jurisdictions that have implemented strategies to mitigate risks to student athletes, such as mandatory heart exams;
- the cost of requiring student athletes to be tested for heart conditions; and
- any other issue the Task Force considers relevant.

**Introduced by Senators McKissick, Hise, and Pate and referred to the Senate Rules Committee.**

SENATE BILL 543, Health Insurance Claims Transparency Act, would:

- enact a new Article 66B Health Insurance Claims Transparency;
- make the Article applicable to a governmental entity (defined as any State department, institution, agency, or any political subdivision of the State) that enters into a contract with a health insurance issuer (issuer) that results in the health insurance issuer delivering, issuing for delivery, or renewing a group health plan;
- require that health insurance issuers treat such a governmental entity as a plan sponsor or administrator;
- specify that a report of claim information provided to a governmental entity is confidential and not public record;
- require the issuer to provide a request report no later than the thirtieth calendar day after the date a health insurance issuer receives a written request for a written report of claim information from a plan, plan sponsor, or plan administrator;
- specify that the issuer is not obligated to provide a report regarding a particular employer or group health plan more than twice in 12 months;
- specify the ways in which the report of claim information may be transmitted;
- require the a report of claim information include all information available to the issuer that is responsive to the request;
- specify requirements that the report of claim must meet;
- prohibit a issuer from disclosing protected health information in a report of claim if disclosure is prohibited under another state or federal law that imposes more stringent privacy restrictions than those imposed under federal law under HIPAA;
- specify what action the issuer must take when withholding information;
- entitle a plan sponsor to protected information only after an authorized representative of the sponsor makes to the issuer a certification about safeguarding the documents, in a form similar to the one specified in the act;
- specify what information can be made in a report when the request for information is made after the date of termination of coverage;

- require a plan, plan sponsor, or administrator to request a report of claim information on or before the second anniversary of the date of the termination of coverage under a group health plan issued by the issuer;
- set out the process under which a plan, plan sponsor, or administrator may request information in addition to what is included in a received report;
- specify that an issuer that releases information in accordance with the Article has not violated a standard of care and is not liable for civil damages or subject to criminal prosecution for that release; and
- make an issuer that does not comply with the Article subject to civil penalties.

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

SENATE BILL 546, Accuracy/Medicaid Eligibility Determination, would:

- provide that the program of medical assistance established in that statute shall be administered by the Department of Health and Human Services (DHHS) (currently, by county departments of social services);
- provide that Medicaid eligibility administration may be delegated to the county departments of social services;
- direct DHHS to report by November 1, 2017, to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice (Oversight Committee) on progress regarding the accuracy of county Medicaid eligibility determinations;
- provide that the part applies to federally recognized Native American tribes that have assumed responsibility for the Medicaid program as if they were county departments of social services;
- direct the DHHS, Division of Central Management and Support to annually audit, beginning January 1, 2019, all county departments of social services for compliance with the Medicaid eligibility determination accuracy standards and the new quality assurance standards;
- direct DHHS to adopt Medicaid eligibility determination accuracy standards and quality assurance minimum standards, by rule, in consultation with the State Auditor, and to require county departments of social services to comply with them;
- direct DHHS and any county department of social services that fails to meet the standards to enter into a joint corrective action plan to improve the accurate processing of applications
- provide requirements for the joint corrective action plan, including the length of the plan and performance requirements that constitute successful completion of the plan.
- provide for DHHS to temporarily assume Medicaid eligibility administration for any county department of social services that fails to meet the performance requirements under the joint corrective action plan, upon 90 days' notice of DHHS's intent to do so;
- provide for DHHS's responsibilities regarding Medicaid eligibility in the county during temporary assumption of Medicaid eligibility administration, the county's continued financial obligations during that time, and for DHHS to work with the county department of social services to develop a plan for the county department to resume performing Medicaid eligibility administration more accurately;
- provide for termination of DHHS's temporary assumption of Medicaid eligibility administration upon determining that the county department can perform the administration accurately and with proper quality assurance;
- direct DHHS to submit a report by March 1, 2020, and annually thereafter, to the Oversight Committee, the Fiscal Research Division, and the State Auditor;
- provide six requirements for the report's contents, regarding county departments of social services and compliance with the accuracy and quality assurance standards;

- direct DHHS to collaborate with the State Auditor to develop a plan of implementation for the annual audits required above;
- provide six requirements for the plan, including an audit schedule and methodology
- direct DHHS to submit a copy of the plan to the Oversight Committee with any proposed recommendations, suggested legislation, or funding requests;
- provide that county departments of social services are financially responsible for the State and federal shares of erroneous issuance of Medicaid benefits and claim payments that results from the county's action requiring payment of Medicaid claims for ineligible individuals, dates, or amounts;
- provide that the county is not financially responsible for errors attributable solely to the State;
- direct DHHS to design and implement statewide a training and certification program for caseworkers using NC Families Accessing Services Through Technology (NC FAST), and to require all caseworkers inputting data or making determinations for eligibility for State programs through NC FAST to be certified within 18 months of the trainings' eligibility;
- direct DHHS to include verification of certification compliance in the required audits; and
- direct DHHS to submit a report on the training and certification program by March 1, 2018, to the Oversight Committee, the Joint Legislative Oversight Committee on health and Human Services, and the fiscal Research Division.

**Introduced by Senators Hise, B. Jackson, and Tucker and referred to the Senate Rules Committee.**

SENATE BILL 554, Fair Redistricting/Postmark & Absentee Ballots, would establish a 14-member the Joint Legislative Study Committee on Fair Redistricting to study the issues outlined below, and provide the General Assembly with principles and guidance formulated from the study's findings for the 2020 redistricting process. The Committee would examine existing State and federal laws and precedents regarding redistricting, the history of the redistricting process in North Carolina, and the legislation enacted in other states that encourages a fair, legal, and open redistricting process. Specifically, the Committee would study:

- strategies for inviting, facilitating, and documenting public input into the redistricting process. This shall include documenting the most effective ways, in the study process, to involve local government districts, local, State, and regional coalitions, grassroots organizations, and a broad diversity of community members and to consider "communities of interest," i.e., a group of people with common social, cultural, racial, ethnic, and economic interests that are common to and strongly felt by the population of their area and that are probable subjects of legislation;
- methods for map drawing that result in fair and equitable districts that exclude partisan data, the addresses of current lawmakers, the party affiliation or voting history of voters, and other data and micro-targeting designed to favor a particular party or politician;
- tools used by state and federal courts to assess district maps for compliance with the Voting Rights Act and the United States and North Carolina Constitutions, laws, and applicable court precedents; and
- models used by other jurisdictions for reducing partisan and racial gerrymandering that include the permanent residency of incarcerated persons in the redistricting process.

The Committee would report its findings and legislative recommendations and guidance no later than June 15, 2018. If for any reason a majority of the Committee cannot agree on findings and recommendations, the Committee would provide a majority and minority party report. The bill also would provide that absentee ballots received by a county board of elections by mail on the

day after the election that are not postmarked are deemed to have been postmarked on or before election day upon verification of receipt by the county board of elections. **Introduced by Senators Bryant, McKissick, and Robinson and referred to the Senate Rules Committee.**

SENATE BILL 579, The Catherine A. Zanga Medical Marijuana Bill, would provide broad civil and criminal immunity for a qualified patient or a designated caregiver for the purchase or possession of cannabis for medical use if the quantity does not exceed an adequate supply. **Introduced by Senator Ford and referred to the Senate Rules Committee.**

## BILL UPDATES

HOUSE BILL 174, Concealed Carry/Church School Prop., was amended on the House floor to clarify that property owned by a local board of education or county commission may not be construed as a building that is a place of religious worship as defined. **The bill as amended was approved by the House and will next be considered by the Senate Rules Committee.**

HOUSE BILL 243, Strengthen Opioid Misuse Prevention (STOP) Act. The committee substitute made the following changes:

- provide that a practitioner who experiences temporary technological or electric failure or other extenuating circumstances (currently does not include other extenuating circumstances) that prevents the prescription from being transmitted electronically is exempt from the requirement;
- amend proposed subsection concerning limitations on prescriptions upon initial consultation for acute pain;
- prohibit a practitioner from prescribing more than a five-day supply of any targeted controlled substance upon the initial consultation and treatment of a patient for acute pain, unless the prescription is for postoperative acute pain relief (previously not clarified) for use immediately following a surgical procedure;
- add provision prohibiting a practitioner from prescribing more than a seven-day supply of any targeted controlled substance for postoperative acute pain relief immediately following a surgical procedure;
- add that certain sections do not apply to prescriptions for controlled substances issued by a practitioner who orders a controlled substance to be wholly administered in a hospital, nursing home licensed under GS Chapter 131E, hospice facility, or residential care facility;
- add new subsection to grant a dispenser immunity from any civil or criminal liability or disciplinary action from the Board of Pharmacy for dispensing a prescription written by a prescriber in violation of GS 90-106, as amended;
- now direct any hospice or palliative care provider who prescribes a targeted controlled substance to be administered to a patient in his or her home for the treatment of pain as part of in-home hospice or palliative care to, at the commencement of treatment, provide oral and written information to the patient and his or her family regarding the proper disposal of the targeted controlled substances;
- require the information to include the availability of permanent drop boxes or periodic drug take back events that allow for the safe disposal of controlled substances such as those permanent drop boxes and events that may be identified through NC Operation Medicine Drop;
- deletes proposed GS 585156, which directs health benefit plans to charge a copayment for a limited, initial prescription of a Schedule II through V controlled substance in an amount that is either proportional between the copayment charged for a 30-day supply of

the controlled substance and the amount prescribed to the beneficiary, or equal to the copayment charged for a 30 day supply, provided that the beneficiary will not be charged any additional copayments for subsequent prescriptions for the remainder of the 30 day supply;

- amend the Schedule II through V prescription reporting deadline for dispensers to require a report no later than the close of the next business day after the prescription is delivered, but encourages dispensers to report the information no later than 24 hours after the prescription is delivered (previously, proposed no later than 24 hours after a prescription is delivered; currently required at close of business three days after the date of delivery);
- amend proposed GS 90-113.74(b1)(1a) to authorize DHHS to notify practitioners and their respective licensing boards (previously only practitioners) of prescribing behavior that increases risk of diversion of controlled substances, increases risk of patient harm, or is an outlier among other practitioner behavior;
- delete proposed GS 90-113.74(c)(11), which authorizes DHHS to release Controlled Substances Reporting System (CSRS) data to third-party payers and their agents, for the purposes of claimant case management, detection of inappropriate prescriptions of controlled substances to a claimant, or detection of misuse or diversion of a controlled substance by a claimant;
- add clarification that in the event the practitioner is unable to review the information in the controlled substances reporting system pertaining to the patient because the system is not operational or there is some other temporary electrical or technological failure (previously temporary nature was not specified), this inability must be documented in the patient's medical record;
- delete the provisions allowing a practitioner to review the information in the controlled substances reporting system pertaining to a patient prior to prescribing a targeted controlled substance to the patient when the controlled substance is prescribed in an amount indicated for a period not to exceed five days and does not allow a refill, or for a period not to exceed seven days if the prescription indicates the controlled substance is for immediate postoperative pain relief;
- enact proposed GS 90-113.74C;
- delete proposed GS 90-113.75B, which directs practitioners, prior to prescribing Schedule II through V controlled substances, to review information in CSRS regarding the patient for the 12 months preceding the initial prescription, and to consult CSRS information for the 12 months preceding each subsequent three-month period that the substance remains part of the patient's medical care, and to document each instance of review in the patient's medical record, as well as instances in which review is not possible due to the unavailability of CSRS due to some technological failure, and directs the practitioner to review the information when the CSRS becomes available again, and to document that review in the patient's medical record;
- delete the previous appropriation provision, which appropriates \$10 million each for 2017-18 and 2018-19 from the General Fund to DHHS, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, to be used for increasing the availability of community-based treatment and recovery services for substance use disorders.

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

## LEGISLATION ENACTED

HOUSE BILL 142, Reset of S.L. 2016-3, would:

- repeal S.L. 2016-3, also known as HB2;
- provide that regulation of multi-occupancy facilities falls under the control of the state; and
- provide that local governments cannot pass their own nondiscrimination ordinances dealing with employment practices for private businesses until 2020.

**Passed both chambers, signed by the Governor and became effective 3/30/17.**

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