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Focusing on Legislative Representation

LEGISLATIVE REPORT April 20, 2017

INTRODUCTION

The bill filing deadlines at the General Assembly are always a busy time as legislators rush to get their ideas and priorities into legislation and get other legislators to sign onto their bills. The Senate deadlines were earlier than the House so all the action was on the House side last week where we saw 212 bills filed in two days out of 847 bills filed for the session in the House! As you might imagine this hectic rush leads to mistakes and errors and legislation that maybe hasn't been quite thought out as much as it should - or the non-politically careful way of saying it - they really file some stupid stuff!

Last week the General Assembly adjourned on Tuesday afternoon to take a "spring break" so that members could spend time with their family over the Easter Holiday so the bills summarized below are those filed on Monday and Tuesday last week. The General Assembly returned on Wednesday, April 19th to a flurry of activity - over 100 bills were scheduled to be heard in over 20 committee meetings in one day! This hectic schedule will continue as the push is on to move bills before the cross-over deadline. The Deadline requires all bills that do not impact the budget or create new taxes must be approved by either the House or Senate by April 27th. If bills do not meet the deadline they can no longer be considered for the session. Although there are ways around this rule, like every rule at the General Assembly, bills that do not move before cross-over rarely get new life.

The next legislative report will be sent out after the crossover deadline, so hopefully we will survive the craziness!



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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BILLS OF INTEREST

HOUSE BILL 670, Protect Educational Property, would make it a Class H felony for a person, by any means of communication to any person or groups of persons, make a threat that an act of mass violence is going to occur on educational property or at a curricular or extracurricular activity sponsored by a school. The threat would have to be made in a manner and under circumstances that a reasonable person would believe the threat credible. The court could order a person convicted under this section to pay restitution, including costs and consequential damages resulting from the disruption of the normal activity that would have otherwise occurred on the premises but for the false report. **Introduced by Representative Faircloth and referred to the House Judiciary II Committee.**

HOUSE BILL 672, Rear Occupant Seat Belt Use/Enforcement, would remove the current prohibition on the failure of a rear seat occupant of a vehicle to wear a seat belt as justification to stop a vehicle, and would increase the penalty for failing to wear a seat belt as a rear seat occupant from \$10 to \$20. **Introduced by Representative Faircloth and referred to the House Judiciary II Committee.**

HOUSE BILL 674, Independent Redistricting Commission, would amend the State Constitution, if approved by a majority of voters at a statewide general election to be held November 8, 2017, to establish an Independent Redistricting Commission to redistrict the State for the purpose of electing members of the General Assembly and members of the US House of Representatives. **Introduced by Representative John and referred to the House Rules Committee.**

HOUSE BILL 677, Amend Who Can Serve on Three-Judge Panel, would allow district court judges to be appointed to serve on three-judge panels for actions challenging the validity of acts of the General Assembly. **Introduced by Representative Stevens and referred to the House Judiciary I Committee.**

HOUSE BILL 679, Restore Direct Allocation of Funds to ADATCS, would restore net general fund appropriations for the State Alcohol and Drug Abuse Treatment Centers (ADATCs) and would repeal current law that allocates these funds to local management entities/managed care organizations for alcohol and substance abuse treatment services. **Introduced by Representative Ager and referred to the House Appropriations Committee.**

HOUSE BILL 682, Limit General Assembly Session Length, would amend the State Constitution, if approved by a majority of voters at a statewide election to be conducted on November 6, 2018, to limit the length of legislative sessions. The bill would require the General Assembly, beginning with the regular session in 2019, to jointly adjourn the regular session on or before June 30 of each calendar year. In odd-numbered years, the General Assembly could initially convene the regular session for not more than two consecutive calendar days, jointly adjourn for not more than 30 consecutive calendar days, and reconvene in regular session. When the General Assembly jointly adjourns the regular session on or before June 30, it would stand adjourned until at least January 1 of the following calendar year. No valid action, other than a resolution of adjournment, could be taken up by the General Assembly after these time limits have expired. **Introduced by Representative Dollar and referred to the House Judiciary I Committee.**

HOUSE BILL 686, Zero-Based Budgeting, would require the implementation of zero-based budgeting for the State budget by the 2021-2023 fiscal biennium. The term "zero-based budget"

would mean “a budget that reflects the amount of funding deemed necessary to achieve the most cost-effective performance of each State agency pursuant to an accompanying narrative delineating the tasks to be performed by the State agency together with the goals and objectives for each State agency for a period not to exceed four years. The budget shall have a zero dollar amount as its basis and shall not reflect any prior appropriation amount, adjusted or otherwise.” **Introduced by Representative Blust and referred to the House Appropriations Committee.**

HOUSE BILL 689, Occ. Licensing Turnaround Time/PED Study, would direct the Program Evaluation Division to: (1) study the average length of time between the deadline to apply for licensure and the granting of licensure to qualified applicants for each occupational licensing board; and (2) report the results of the study to the chairs of the Joint Legislative Program Evaluation Oversight Committee on or before May 1, 2018. **Introduced by Representatives Riddell, Millis, and Bradford and referred to the House Regulatory Reform Committee.**

HOUSE BILL 691, Driving Moped at Night/Reflective Gear, would require a person operating a moped upon a highway or public vehicular area after sunset to wear clothing or a vest that is bright and visible from a distance of at least 300 feet to the rear of the moped. **Introduced by Representatives Elmore and Howard and referred to the House Transportation Committee.**

HOUSE BILL 692, Enact Naturopathic Doctors Certification Act, would establish certification and education standards for the practice of naturopathic medicine as follows:

- prohibit a person from practicing naturopathic medicine without a state certification;
- define “naturopathic medicine” generally as a system of natural health care that employs diagnosis and treatment using natural therapies and diagnostic techniques;
- set out the techniques that may be used by naturopathic physicians, and prohibit practice outside of the authorized techniques unless otherwise licensed or certified;
- make violation of the new law a Class 1 misdemeanor; and
- establish the 7-member NC Naturopathic Physicians Certification Board.

Introduced by Representatives Collins, Fisher, Lambeth, Dollar and referred to the House Finance Committee.

HOUSE BILL 694, Increase Threshold/Certain Contributions, would raise the level at which a campaign treasurer is required to report information on a campaign donor from \$50 to \$100, and increase the amount of cash donations to campaigns allowed from \$50 to \$100. **Introduced by Representative Speciale and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 698, Increase Penalty for Voter Fraud, would increase the penalty for various voter fraud-related offenses from a Class I felony to a Class G felony. **Introduced by Representative Speciale and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 700, Online Voter Registration, would allow an individual who is eligible to register to vote and who possesses a current and valid North Carolina drivers license or special identification card for non-operators to register to vote or change voter registration online on a secure website established by the State Board of Elections. **Introduced by Representatives Insko, Meyer, and Morey and referred to the House Rules Committee.**

HOUSE BILL 701, Occupational Licensing Injunctive Relief, would 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. The superior court would have the jurisdiction to grant these injunctions or restraining orders or take other appropriate action even if criminal prosecution has been or could 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. The bill also would remove the general authority for occupational licensing boards to summarily suspend licenses. **Introduced by Representatives Jordan and Stevens and referred to the House Judiciary III Committee.**

HOUSE BILL 712, ECU Brody School of Medicine Funds, would appropriate \$2,263,440 for 2017-18 to the Board of Governors of the University of North Carolina to develop plans for the construction of a new medical education building at the Brody School of Medicine at East Carolina University. **Introduced by Representatives Murphy, S. Martin, and Yarborough and referred to the House Appropriations Committee.**

HOUSE BILL 714, Fair Redistricting Study Committee, would establish a 14-member Joint Legislative Study Committee on Fair Redistricting to 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 and other specified issues. The Committee would submit a final report, including findings, 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. **Introduced by Representatives Farmer-Butterfield, Pierce, Terry, and McGrady and referred to the House Rules Committee.**

HOUSE BILL 723, Gun Safety Act, would enact a variety of amendments to the State's gun laws to:

- repeal the "stand your ground laws";
- enact new provisions regarding the use of deadly physical force against an intruder to provide that:
 - a lawful occupant within a home or other place of residence is justified in using any degree of force that the occupant reasonably believes is necessary, including deadly force, against an intruder to prevent a forcible entry into the home or residence or to terminate the intruder's unlawful entry, if: (1) the occupant reasonably apprehends that the intruder may kill or inflict serious bodily harm to the occupant or others in the home or residence; or (2) the occupant reasonably believes that the intruder intends to commit a felony in the home or residence;
 - a lawful occupant within a home or other place of residence does not have a duty to retreat from an intruder in these circumstances; and
 - this section is not be intended to repeal, expand, or limit any other defense that may exist under the common law;
- amend the law allowing reciprocity for concealed handgun permits;
- provide that a person who resides in the same premises as an unauthorized person (a person who is not authorized to purchase a firearm under State or federal law), owns or possesses a firearm, and stores or leaves the firearm without having securely locked the firearm in an appropriate safe storage depository or rendered it incapable of being fired is guilty of a Class 1 misdemeanor if the unauthorized person gains access to the firearm and does any of the following:

- possesses it in violation of the statute governing weapons on campus or other educational property;
- exhibits it in a public place in a careless, angry, or threatening manner;
- causes personal injury or death with it not in self defense; or
- uses it in the commission of a crime;
- require any retail or wholesale store, shop, or sales outlet that sells firearms to conspicuously post at each purchase counter the following warnings in block letters not less than one inch in height:
 - "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A REASONABLE PERSON SHOULD KNOW IS ACCESSIBLE TO A MINOR"; and
 - "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM THAT CAN BE DISCHARGED IN A MANNER THAT A REASONABLE PERSON SHOULD KNOW IS ACCESSIBLE TO A PERSON WHO IS NOT AUTHORIZED TO POSSESS A FIREARM";
- require the reporting of lost and stolen guns;
- require the sheriff, upon denial, revocation, or refusal to renew a concealed handgun permit or pistol permit to transmit the prohibition record to the National Instant Criminal Background Check System;
- require, prior to the ownership of a firearm, a person to obtain, and during ownership continuously maintain, a policy of liability insurance in an amount not less than \$100,000 specifically covering any damages resulting from any negligent or willful acts involving the use of the firearm while it is owned by the person;
- limit the size of ammunition magazines;
- direct the State Treasurer to divest the pension fund of gun stocks;
- require each State and local law enforcement agency to adopt a written policy regarding the investigation of officer-involved deaths; and
- authorize the courts to issue a gun violence restraining order and establish a procedure for the issuance or denial of the restraining order. The order would be in writing and signed by the court, and would prohibit and enjoin a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition.

Introduced by Representatives Harrison, Insko, Fisher, and Cunningham and referred to the House Judiciary I Committee.

HOUSE BILL 725, Mental Health Support Funding/Study, would direct the Department of Public Instruction to study funding for mental health support services in public schools, including the following:

- support personnel such as school nurses, psychologists, counselors, social workers, and special education teachers and their salaries;
- at-risk student programs;
- whether funding is or should be tied to a school's level; and
- whether funding should be tied to measures such as survey information and examinations similar to the Adverse Child Experiences (ACEs) score.

Introduced by Representatives B. Turner, Dobson, Dollar, and Cunningham and referred to the House Health Committee.

HOUSE BILL 727, Taxpayers' Bill of Rights, would amend the State Constitution, if approved by a majority of voters at the general election in November 2018, to limit the annual growth of

the State budget to a percentage equal to the sum of annual inflation and the State's annual population growth rate. The bill also would prohibit the State from imposing upon any local government any part of the total costs of new programs or services, or increases in existing programs or services, unless a specific appropriation is made sufficient to pay the local government for that purpose. **Introduced by Representatives Blust, Riddell, Bert Jones, and K. Hall and referred to the House Judiciary I Committee.**

HOUSE BILL 728, UNC Institutions/Conference Boycotts, would prohibit a UNC constituent institution that participates in a conference of an intercollegiate athletic association, if the conference enacts a boycott of the State of North Carolina, from extending any grant of media rights to the conference beyond the period that is in force as of the date of enactment of the conference's boycott. This prohibition would remain in effect for at least five years after the termination of the boycott by the conference. The bill also would provide that the General Assembly has the final authority regarding the membership status of any constituent institution of The University of North Carolina in any intercollegiate athletic association or conference. **Introduced by Representatives Bert Jones, Millis, Brody, and Collins and referred to the House Rules Committee.**

HOUSE BILL 735, Redistricting by Computer, would amend the State Constitution, if approved by a majority of voters at the general election in November 2018, to provide for an Independent Redistricting Commission to redistrict the State for the purpose of electing members of the General Assembly and members of the United States House of Representatives by use of a neutral computer software program to remove political considerations from districting. **Introduced by Representative Blust and referred to the House Rules Committee.**

HOUSE BILL 737, Open Primary Act, would establish open primaries whereby certain candidates are nominated for office by the qualified voters in the state, without regard to the candidate's political party affiliation, and the two candidates receiving the highest number of votes compete for office at the general election, and make various conforming statutory changes. **Introduced by Representatives Goodman and Harrison and referred to the House Rules Committee.**

HOUSE BILL 738, Opioid Prescription & Treatment Opt Out Act, would:

- establish the right of patients to elect nonopioid prescriptions and treatment;
- establish a process by which patients may opt out of opioid prescriptions and treatment;
- require the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, to develop an opioid prescription and treatment opt out form;
- protect physicians, emergency medical professionals, hospice providers, and health care providers from criminal prosecution, civil liability, or disciplinary action for withholding opioid prescription and treatment from a patient in good-faith reliance on an original opt out form, so long as:
 - there are no reasonable grounds for doubting the validity of the form or the identity of the patient, and
 - the provider does not have actual knowledge of the revocation of the form; and
- protect providers from criminal prosecution, civil liability, or disciplinary action for failure to follow an opt out form if the provider had no actual knowledge of the existence of the opt out form.

Introduced by Representatives Belk, White, Dobson, and Cunningham and referred to the House Health Committee.

HOUSE BILL 739, Ambulance Weapon Exception/Leo & Firefighters, would prohibit the North Carolina Medical Care Commission from establishing rules that prohibit the carrying of weapons aboard ambulances or EMS nontransporting vehicles by duly appointed law enforcement officers or firefighters. **Introduced by Representative Ford and referred to the House Judiciary I Committee.**

HOUSE BILL 743, Study Efficiency and Cost-Savings/State Govt., would establish a 10-member Joint Legislative Study Commission on Efficiency and Cost-Savings in State Government. The Commission would use a zero-based budgeting review process to study whether there are obsolete programs, cost-reduction opportunities in State government, and any cases where existing funds can be redirected to meet new and changing demands for public services. The Commission would make an interim report to the 2018 Regular Session of the 2017 General Assembly and a final report, including any proposed legislation, to the 2019 General Assembly. **Introduced by Representatives Blackwell, Blust, Riddell, and Collins and referred to the House Rules Committee.**

HOUSE BILL 746, NC Constitutional Carry Act, would enact a variety of provisions to:

- allow a person to carry a concealed handgun without a permit;
- allow the purchase of a handgun without a pistol purchase permit;
- continue to allow persons to acquire a concealed handgun permit for the purposes of reciprocity or for any other reason desired; and
- include provisions regarding carrying handguns and restrictions on carrying weapons in certain locations.

Introduced by Representatives Millis, Pittman, Burr, and Speciale and referred to the House Judiciary I Committee.

HOUSE BILL 749, Limited Identification Cards, would seek to reduce identity theft by increasing penalties for the manufacture or sale of counterfeit documents, and would allow undocumented aliens who meet specified requirements to obtain limited identification cards. **Introduced by Representatives Warren, Collins, Jordan, and Adams and referred to the House Judiciary I Committee.**

HOUSE BILL 750, Gaming Commission/VLTs, would establish the North Carolina Gaming Commission, and authorize the regulation of video lottery terminals and fantasy football leagues. **Introduced by Representative Warren and referred to the House Judiciary IV Committee.**

HOUSE BILL 753, LRC Study/Parental Drug Abuse Effect on Child, would authorize the Legislative Research Commission to: (1) study matters pertaining to holding a parent accountable for the harm done to the parent's child before birth as a result of the parent's abuse of controlled substances; and (2) report its findings and recommendations to the General Assembly by April 1, 2018. **Introduced by Representatives Pittman and Murphy and referred to the House Rules Committee.**

HOUSE BILL 757, Regulate Retail Display of Tobacco Products, would prohibit retail distributors of tobacco products and cigarette wrapping papers from: (1) displaying tobacco products or cigarette wrapping papers in an area that can be accessed by persons under 18 years

of age; and (2) displaying for public view any product considered drug paraphernalia.
Introduced by Representative C. Graham and referred to the House Rules Committee.

HOUSE BILL 758, Voter Integrity, would enact a variety of provisions regarding elections to:

- provide that the provisional ballot is a retrievable ballot, such that if the ballot is counted and it is later determined that it should not have been counted, that ballot may be removed from the total;
- provide that a vacant lot or business address cannot be considered a residence or used as a residential address unless a person uses that location as their usual sleeping area;
- authorize an election observer to: (1) be present and move about the voting place prior to, during, and following the closing of the polls until the chief judge and judges have completed all of their duties; and (2) observe precinct officials checking voter registration from a position that allows an observer to clearly hear and understand voter responses;
- require a chief judge or judges of a precinct that limit the movement of or expel an observer from a voting place to specify in writing and sign a statement of the reasons for the limitation or expulsion, and require the writing to be witnessed by at least one of the other precinct judges; and
- allow an observer to challenge the limitation or expulsion using the procedure for an election protest, and provide that, if the county board finds that a chief judge or judge expelled or limited an observer without cause, the chief judge or judge will be fined the sum of the wage paid to the chief judge or judge for that election for a first offense and permanently barred from serving as a chief judge or judge for a second offense.

Introduced by Representative Blust and referred to the House Elections and Ethics Law Committee.

HOUSE BILL 762, Campaign Contribution Uses, would restrict expenditures out of the candidate campaign committee that are a result of holding public office. The bill would prohibit a candidate who is holding elected office or his/her candidate campaign committee from using contributions for any of the following:

- an amount paid or reimbursed by the State or local government for expenditures related to that elected office whether as per diem or actual expenses. A candidate could use contributions to make up any difference between the amount paid or reimbursed by the State or local government and the actual expenses related to holding elected office if that candidate provides sufficient record to the State Board;
- costs of family or friends attending a conference, meeting, or similar event primarily related to the elected office held; or
- costs of family or friends attending a meeting of a State, regional, national, or international organization of which the candidate is a member or participant by virtue of that candidate's elected office.

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

HOUSE BILL 766, DWI for Controlled Substances, would amend the statutes for violations for impaired driving and impaired driving in a commercial vehicle to expand the offenses to include driving any vehicle or a commercial motor vehicle, respective to the offense, upon any highway, street, or public vehicular area within the State: (1) with any amount of a specified substance in the person's urine or blood, including a Schedule I controlled substance as listed in GS 90-89 or its metabolites, cocaine or its metabolites, phencyclidine (PCP) or its metabolites, methamphetamine or its metabolites, or ketamine or its metabolites; or (2) with a concentration of delta-9-tetrahydrocannabinol (THC) or its metabolites in the person's blood or urine that

reaches specified levels. **Introduced by Representative Jackson and referred to the House Judiciary I Committee.**

HOUSE BILL 767, NC Toxic-Free Kids Act, would prohibit a wholesaler or retailer from knowingly selling, offering for sale, distributing for sale, or distributing for use in this State a children's product containing any of the following: (1) Bisphenol A; (2) Phthalates, individually or in combination, greater than one-tenth of one percent (0.10%) by weight (1,000 parts per million); or (3) TRIS in amounts greater than 50 parts per million in any component. The bill would require a retailer or distributor of a children's product, or a trade organization on behalf of its member retailers or distributors, to provide notice, on or after October 1, 2018, of any children's products that contain a chemical regulated under this Article. The Department of Environmental Quality, in consultation with the Division of Public Health of the Department of Health and Human Services, would report to the General Assembly no later than January 1, 2019, summarizing and evaluating retailers' and distributors' notices on chemicals of high concern, including recommendations for legislation to protect children's health and to improve the alternatives assessment process, including:

- a summary of the information provided by the reports about the use of chemicals of high concern in children's products;
- evidence of children's exposure to chemicals of high concern;
- opportunities for preventing children's exposure to chemicals of high concern; and
- the availability of safer alternatives to each chemical of high concern.

Introduced by Representatives Harrison and McGrady and referred to the House Rules Committee.

HOUSE BILL 769, Voter Freedom Act of 2017, would amend the definition of a "political party" and reduce the signature requirement for unaffiliated candidates. **Introduced by Representatives Shepard, Adcock, Jordan, and R. Moore and referred to the House Elections and Ethics Law Committee.**

HOUSE BILL 778, LRC/Opioid Misuse Prevention, would have the Legislative Research Commission study effective evidence-based strategies for preventing opioid misuse and overdose, including examining:

- the average age of individuals misusing opioids;
- how individuals began misusing opioids; and
- the length of time they have been misusing.

Introduced by Representative Billie Richardson and referred to House Rules Committee.

HOUSE BILL 780, Uphold Historical Marriage Act, would declare that the *Obergefell v. Hodges* US Supreme Court decision is null and void in the State of North Carolina, and require the State to ban same sex marriage. **Introduced by Representatives Pittman, Speciale, and Ford and referred to the House Rules Committee. However, Speaker of the House Tim Moore released a statement that said, "There are strong constitutional concerns with this legislation given that the U.S. Supreme Court has firmly ruled on the issue, therefore House Bill 780 will be referred to the House Rules Committee and will not be heard."**

HOUSE BILL 785, Duty to Call 911/Violation Misdemeanor, would require a person who knows or has reason to know that another is in need of emergency assistance to dial 911 to summon police, fire department, or ambulance to the scene or use another means to summon emergency assistance. However, a person would not be required to summon emergency assistance if doing so would place the person in danger or emergency assistance is being

summoned by others. A violation would be a Class A1 misdemeanor, or a Class I felony if the failure to dial 911 is willful or grossly negligent and the person in need of emergency assistance dies as a result of the failure to dial 911. The felony of failure to summon emergency assistance would be an offense additional to other civil and criminal provisions and not intended to repeal or preclude any other sanctions or remedies. A person who renders first aid or emergency care to a person in need of emergency medical assistance would not be liable in civil damages for any acts or omissions relating to the services rendered unless the acts or omissions amount to wanton conduct or intentional wrongdoing. **Introduced by Representative Iler and referred to the House Judiciary II Committee.**

HOUSE BILL 787, Strengthen Do Not Call Registry, would amend the statutes regarding telephone solicitations to:

- amend the definition of *telephone solicitation* to include creating a lead or referral for which the solicitor will receive or hopes to receive compensation;
- provide that the term *telephone solicitor* also includes any party that receives a sales lead or inbound call from a telephone subscriber and knows or has reason to know that the lead or inbound call from the subscriber was generated by a telephone call;
- prohibit a person, *whether directly or through a salesperson, agent, subagent, contractor, or third party vendor*, from using an automatic dialing and recorded message player to make an unsolicited telephone call, except as allowed; and
- provide that any party that knows or has reason to know that the sales leads or inbound telephone calls it is receiving or accepting were generated by calls placed by another party or parties in violation of this section will be jointly liable with said party or parties for each call or lead that is received or accepted.

Introduced by Representatives Harrison and Fisher and referred to the House State and Local Government II Committee.

HOUSE BILL 789, End of Life Option Act, would allow qualified patients diagnosed with a terminal disease to end life in a humane and dignified manner and would further:

- give an individual suffering from an incurable, terminal disease a right to be informed of all available end-of-life options;
- specify that a physician who engages in such discussions is not construed as assisting in or contributing to a patient's independent decision to self-administer a lethal dose of medication, and prohibits the discussions from being used to establish civil or criminal liability or professional disciplinary action;
- define terminal disease as an incurable and irreversible disease that has been medically confirmed by the attending and consulting physicians and will, within reasonable medical judgment, result in death within six months;
- allow an adult with the capacity to make medical decisions who is suffering from an incurable, terminal disease to request a prescription for an aid-in-dying drug if:
 - the individual's attending physician has diagnosed the individual to be suffering from an incurable, terminal disease;
 - the individual has voluntarily expressed verbally and in writing the wish to receive a prescription for an aid-in-dying drug;
 - the individual is a state resident and is able to establish residency through the specified means;
 - the individual documents his or her request pursuant to the new requirements and form; and

- the individual has the physical and mental ability to self-administer the aid-in-dying drug; and
 - enact a host of new laws, procedures, and requirements consistent with this proposed Act.
- Introduced by Representatives Harrison, Fisher, Meyer and referred to the House Rules Committee.**

HOUSE BILL 793, IHE Policies Sexual Assault/Sexual Consent, would require the State Board of Community Colleges and the UNC Board of Governors to adopt a systemwide policy to be implemented at each institution concerning sexual assault, domestic violence, dating violence, and stalking involving a student, both on and off campus, and encourage private postsecondary institutions of higher education to the same. The policy would include at least the following:

- Establish an affirmative consent standard to be applied in the determination of whether consent was given by all parties to sexual activity. The policy shall define "affirmative consent" to mean an affirmative, conscious, and voluntary agreement to engage in sexual activity. The affirmative consent standard shall also include the following:
 - Each person involved in the sexual activity is responsible for ensuring that he or she has the affirmative consent of the other or others to engage in the sexual activity.
 - Lack of protest or resistance shall not indicate consent. Silence shall not indicate consent.
 - Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.
 - The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, shall never by itself be assumed to be an indicator of consent.
- Address circumstances in which affirmative consent cannot be assumed, including:
 - Intoxication.
 - Lack of reasonable steps, in the circumstances known to ascertain whether there is affirmative consent.
 - Inability to consent to the sexual activity because of any of the following circumstances:
 - The person was asleep or unconscious.
 - The person was incapacitated due to the influence of drugs, alcohol, or medication, so that the person could not understand the fact, nature, or extent of the sexual activity.
 - The person was unable to communicate due to a mental or physical condition.
- Provide that the standard used in determining whether the elements of a complaint are demonstrated concerning sexual assault, domestic violence, dating violence, and stalking is the preponderance of the evidence.
- Detailed procedures regarding sexual assault, domestic violence, dating violence, and stalking involving a student that comport with best practices and current professional standards and take into account the victim's circumstances. The procedures shall address at least the following:
 - Appropriate protections provided by the constituent institution for the privacy of persons involved in incidences of sexual assault, domestic violence, dating violence, and stalking, including the extent of confidentiality for those persons.
 - Initial response by constituent institution personnel to a report of an incident, including requirements specific to assisting the victim, providing information in

writing about the importance of preserving evidence, and the identification and location of witnesses.

- Response to stranger and non-stranger sexual assault.
- Preliminary victim interview, including the development of a victim interview protocol, and a comprehensive follow-up victim interview, as appropriate.
- Contact with and interview of the accused.
- Identification and location of witnesses.
- Written notification to the victim about the availability of, and contact information for, on- and off-campus resources and services, and coordination with law enforcement, as appropriate.
- Participation of victim advocates and other supporting people.
- Investigation of allegations that alcohol or drugs were involved in an incident.
- Imposition of no disciplinary sanctions imposed on a person who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking for a violation of the constituent institution's student conduct policy at or near the time of an incident, unless the institution determines that the violation was egregious, including an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.
- Role of the constituent institution's staff supervision.
- Comprehensive, trauma-informed training program for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.
- Confidential reporting by third parties.

The bill also would require the State Board of Community Colleges and the UNC Board of Governors to:

- direct each community college/constituent institution to provide assistance to students involved in incidences of sexual assault, domestic violence, dating violence, and stalking, to the extent feasible, by entering into memoranda of understanding, agreements, or collaborative partnerships with existing on-campus and community-based organizations, including rape crisis centers, and providing support services and resources for both the victim and the accused, as appropriate, including counseling, health care, victim advocacy, and legal assistance;
- develop prevention strategies and outreach programs to be included as part of every incoming student's orientation and to continue to be offered throughout the academic year. The prevention strategies would include all of the following: awareness raising campaigns, primary prevention, bystander intervention, and risk reduction. Outreach programs shall be provided to make students aware of the community college's policy on sexual assault, domestic violence, dating violence, and stalking. At a minimum, an outreach program would include a process for contacting and informing the student body and campus organizations of the affirmative consent standard and the rights and responsibilities of students under the policy; and
- report, by February 1, 2018, to the Joint Legislative Education Oversight Committee on the development of the policy and the plan for implementation of the policy at each community college/constituent institution beginning with the 2018-19 academic year, including the implementation of victim assistance programs and prevention and outreach programs.

Introduced by Representative Meyer and referred to the House Education – Universities Committee.

HOUSE BILL 817, [Repeal Pistol Permit Requirements](#), would repeal pistol permit requirements. **Introduced by Representatives Burr and Millis and referred to the House Judiciary I Committee.**

HOUSE BILL 818, [Chiropractors Perform Physicals for Athletics](#), would allow chiropractors to perform medical examinations for middle and high school students participating in interscholastic athletic competitions. **Introduced by Representatives Burr, R. Turner, and Shepard and referred to the House Health Committee.**

HOUSE BILL 819, [Protect NC Right to Work Constitutional Amend](#), is identical to Senate Bill 632, summarized in the April 13, 2017, Legislative Report. **Introduced by Representatives Burr, Dixon, Presnell, and Millis and referred to the House Judiciary I Committee.**

HOUSE BILL 824, [Contraceptive Education for Women in Recovery](#), would require the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in consultation with the Division of Public Health, to develop and make available, free of charge to the general public on its website, in a format that can be downloaded, printable publications containing medically accurate information that is sufficient to allow a woman receiving treatment or services for alcohol or substance use disorder to make an informed decision about whether to use a LARC method while in recovery from alcohol or substance use disorder. "Long-acting, reversible contraceptive drug or device" or "LARC method" would mean a contraceptive drug or device that: (1) is a method of birth control that provides effective contraception for an extended period of time without depending upon user action; (2) is designed as a temporary method of birth control that the user can elect to discontinue; (3) has been approved by the US Food and Drug Administration for use as a contraceptive; and (4) is obtained under a prescription written by a health care provider authorized to prescribe medications under the laws of this State. This provision would not require, or authorize another entity to require, a woman to use a LARC method as a condition for receiving alcohol or substance use disorder treatment or services. **Introduced by Representative Fisher and referred to the House Rules Committee.**

HOUSE BILL 825, [Protect NC Children from Lead Exposure](#), would require certain public schools and child care facilities (or water suppliers to each) in North Carolina to test drinking water for the presence of lead, and would further require the following:

- The labs performing the tests be certified to analyze for lead by the North Carolina State Laboratory for Public Health.
- The water suppliers to use the US Environmental Protection Agency's "3Ts" technical guidance to establish water sampling collection criteria and protocols and to submit required plans to the Department of Environmental Quality (DEQ).
- The certified laboratory to report the test results of the drinking water samples to the water supplier, DEQ, and to each school or child care facility, within five business days of completing the analysis, and if the results show elevated lead levels, to the Division of Public Health (within DHHS) and DEQ within 48 hours of analysis.
- Schools and child care facilities, upon receipt of test results, to notify teachers, other school or facility personnel, and the parents or guardians of children attending the school or child care facility, of the results of the sampling.
- A host of new requirements, reporting and/or measures of corrective action in the event of elevated lead levels by the following state agencies and divisions:
 - DEQ

- Division of Public Health/DHHS
- Commission for Public Health
- Division of Childhood Development and Early Education/DHHS
- Department of Public Instruction
- State Board of Education.

Introduced by Representatives Warren, Faircloth, Horn, and Boswell and referred to the House Environment Committee.

HOUSE BILL 827, Use of Passing Lane/Increased Penalty, is identical to Senate Bill 303, summarized in the March 21, 2017, Legislative Report. **Introduced by Representatives Duane Hall, Bradford, Hardister, and Murphy and referred to the House Transportation Committee.**

HOUSE BILL 828, IT Changes/Libraries & Telemedicine, would, in relevant part, govern the provision of health care services via telemedicine as follows:

- require health benefit plans to provide coverage for health care services that are provided via telemedicine if the health care service would be covered were it provided through in-person consultation or delivery, between an insured and a health care provider; and
- prohibit health plans from excluding services provided via telemedicine from coverage under the plan solely because the service is not provided through an in-person consultation or delivery.

Introduced by Representatives Saine, Brenden Jones, Wray and referred to the House Health Committee.

HOUSE BILL 831, Brian Garlock Act, is identical to Senate Bill 364, summarized in the March 27, 2017, Legislative Report. **Introduced by Representative Wray and referred to the House Rules Committee.**

HOUSE BILL 835, Create Chain of Survival Task Force, would create a 14-member public-private Task Force to identify, pursue, and achieve funding for the placement of Automatic External Defibrillators (AEDs) in all buildings and facilities that house state services, agencies, and institutions and in all public schools and for the training of state employees and school personnel on the use of AEDs and would further:

- require the Department of Administration (Department), subject to the receipt of funds, and in consultation the Office of Emergency Medical Services, the American Heart Association, and a qualified vendor or provider of AEDs and training services, to develop and adopt policies and procedures relative to the placement and use of automated external defibrillators in State-owned and State-leased buildings;
- require the Department to develop a medical emergency response plan for all State buildings, facilities, and institutions to facilitate:
 - effective and efficient communication throughout the State-owned and State-leased buildings;
 - coordinated and practiced response plans;
 - training and equipment for first aid and CPR; and
 - implementation of a lay rescuer AED program;
- require the Department to develop and update, for each State building, facility, or institution, a maintenance plan that considers:
 - implementation of an appropriate training course in the use of AEDs;
 - proper maintenance and testing of the devices;

- ensuring coordination with appropriate licensed professionals in the oversight of training on the devices; and
- ensuring coordination with local emergency medical systems on the placement of AEDs; and
- require the State Board of Education to review the maintenance plan for AEDs developed by the Department and adopt guidelines to be used by local school administrative units for public schools, including athletic facilities.

Introduced by Representatives Carney, Lewis, Earle, and Brenden Jones and referred to the House Health Committee.

HOUSE BILL 836, No Concealed Gun on Private Prop/Posting Reg, would set minimum requirements for notices posted on private property to prohibit the carrying of concealed handguns on the property. The bill would require the person who owns or is in legal control of private premises to post notice that: (1) is written and displayed in a conspicuous manner that is clearly visible to the public at all access points; and (2) states the following in English and Spanish in contrasting block letters at least one inch in height: “NO PERSON MAY ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.” Failure to post private property as required would be an infraction with a civil penalty of up to \$200. **Introduced by Representatives Grange, R. Turner, and Hardister and referred to the House Judiciary I Committee.**

HOUSE BILL 845, NC Healthy Schools, would enact the "North Carolina Healthy Schools Act of 2017" regarding exposure to indoor pollutants and chemicals in public and private schools and would further require:

- all public schools and nonpublic schools with 50 or more students to establish a green cleaning policy and to exclusively purchase and use environmentally sensitive cleaning products if it does not increase the cleaning costs to the school. If doing so would increase costs, requires the school to provide annual written notice to the Department of Public Instruction (DPI); and
- the Department of Health and Human Services, DPI, the State Board of Education, and a panel of interested stakeholders as specified, to establish and annually amend guidelines and specifications for healthy and environmentally sensitive cleaning and maintenance products for use in school facilities.

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

HOUSE BILL 846, County Eugenics Compensation, would allow counties to adopt an ordinance to provide for the compensation of qualified recipients asexualized or sterilized under county authority. The ordinance would include provisions to afford claimants with due process of law and describe how claims will be handled by the county. Any determination by the county favorable to a claimant would be final. A county could appropriate funds for eugenics compensation if the funds are not otherwise limited as to use by law. Records of all inquiries of eligibility, claims, and payments would be confidential and not public records. Any payment made would not be considered income or assets for purposes of determining the eligibility for, or the amount of, any benefits or assistance under any State or local program financed in whole or in part with State funds. This provision would apply only to counties having a population greater than 500,000 and less than 900,000. **Introduced by Representatives Quick and Hardister and referred to the House Rules Committee.**

HOUSE BILL 856, Road Rage/Increase Penalty, would provide that an assault committed as an act of road rage may be considered an aggravating factor for purposes of sentencing. An assault

would be committed as an act of "road rage" if the assault: (1) is committed by the operator of a motor vehicle against an operator or passenger of another motor vehicle, an operator of a bicycle, or a pedestrian; and (2) occurs on a highway. **Introduced by Representatives Pierce, Farmer-Butterfield, and C. Graham and referred to the House Rules Committee.**

BILL UPDATES

HOUSE BILL 243, Strengthen Opioid Misuse Prevention (STOP) Act, was amended on the House floor to:

- change the proposed definition of “targeted controlled substance” to exclude the following Schedule II controlled substances: (1) Amphetamine; (2) Phenmetrazine; (3) Methamphetamine; (4) Methylphenidate; (5) Phenylacetone; (6) Lisdexamfetamine; and their respective salts, etc.; and
- newly require that if a prescription is for a “targeted controlled substance” and therapeutic use of the targeted controlled substance will or is expected to exceed a period of 60 days, the practitioner prescribing the “targeted controlled substance” must execute a pain management agreement with the patient that includes eleven specified elements, including the agreement date, the patient name and practitioner name, the name of the targeted drug(s), dosage amount, and frequency of administration, refill policy, random drug testing, and policy for agreement termination.

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

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