



## INTRODUCTION

This week in state politics we thought it would be a quiet week, between the passage of the House budget on May 22<sup>nd</sup> and the (expected) unveiling of the Senate budget next week, but it certainly did not lack for action or excitement. Bills dealing with guns, liquor, abortion, immigration and gay marriage were considered, two Gubernatorial vetoes were addressed and Republican Presidential contenders converged on Raleigh for the state GOP convention. The halls of the General Assembly were filled with citizen activists - many supporting or opposing the omnibus gun bill, some pushing for driver's licenses for undocumented immigrants and, on Tuesday, over 500 workers from the solar industry (complete with hardhats and work vests) supporting the renewable energy tax credits included in the House budget.

Despite all this excitement, there was palpable disappointment from gun rights advocates when the gun bill was not brought to the House floor for a vote (that vote is scheduled for Monday night), from social conservatives who wanted the House to join the Senate in overriding the Governor's veto of a bill that would allow court officials to opt out of marriage services for religious reasons (as of Thursday there were not enough members willing to do so for the override motion to pass) and from all those anticipating the Senate budget (rumors has swirled that the budget would be heard in committee on Thursday but as yet, the earliest it's expected to be seen in committee is next Tuesday).

If this week was not exciting enough, next week may be even more so – with the gun bill on the House floor, the possibility of additional vetoes and veto override votes, the Senate budget (and all the major policy proposals it is expected to contain) scheduled to be released and a controversial Senate plan to redistribute sales tax revenue (which the Governor has called “dangerous” and “harmful” in public comments) expected to see action. Between all this excitement other issues will continue to move so constant vigilance and advocacy is required. We will remain in the trenches working on the issues important to you and your members and will keep you posted as things unfold, from behind the scenes to the front page.



## NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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## BILL UPDATES

HOUSE BILL 465, Women and Children's Protection Act of 2015. The new omnibus version of H465 as approved by the Senate Judiciary II and the Senate on 2<sup>nd</sup> reading (and summarized in the previous report) was approved on 3<sup>rd</sup> reading by the Senate and sent to the House for a concurrence vote (meaning the House agrees to accept the changes made by the Senate). During debate on 3<sup>rd</sup> reading two amendments were approved, one which amended the section which would have required a provider performing an abortion be a Board-Certified Ob/Gyn. The section as amended requires the procedure be performed by a "qualified" physician, defined as "(i) a physician who possesses, or is eligible to possess, board certification in obstetrics or gynecology, (ii) a physician who possesses sufficient training based on established medical standards in safe abortion care, abortion complications, and miscarriage management, or (iii) a physician who performs an abortion in a medical emergency." The second amendment clarified that the section dealing with inspections of abortion clinics would not apply to hospitals. The House voted to concur with the Senate changes after extensive debate and the Governor has stated his intention to sign it shortly after it passed. **Passed by Senate and concurred by the House, sent to the Governor for his signature.**

HOUSE BILL 560, Assault Emergency Workers/Hospital Personnel, was amended in the Senate Judiciary I Committee to make it a Class I felony to commit an assault or affray causing physical injury on hospital personnel and licensed healthcare providers who are providing or attempting to provide health care services to a patient in a hospital and who are discharging or attempting to discharge their official duties. **The bill as amended was approved by the Senate Judiciary I Committee and the full Senate, and will next be sent back to the House to consider the changes made by the Senate.**

HOUSE BILL 562, Amend Firearm Laws, was heard in the House Rules Committee this week as a Proposed Committee Substitute (PCS) which is basically a modified version of the bill. The PCS was different from the previous version in several ways, with each change intended to satisfy some of the concerns that have been raised by advocacy groups and some members of the House Republican caucus. The two most controversial sections, one that would repeal the existing pistol purchase permit system (in which a permit must be obtained from a local Sheriff's office proper to purchasing a pistol, unless another approved background check is conducted at the point of sale) and another that would preclude health care providers from recording or using information about their patients' ownership of guns except in very limited circumstances, were both modified significantly but not removed as opponents had hoped. A variety of amendments were made to this bill in the House Rules Committee, including:

- requiring any written questionnaire or form a health care provider asks a patient or the patient's parent, guardian, or custodian to complete that contains any question regarding the patient's lawful ownership, possession, handling, storage, maintenance of, or other conduct involving firearms and ammunition to clearly and conspicuously contain or have attached to it a notice that the patient is not required to answer any question related to those matters. The notice would have to be located or provided in a manner that is clearly visible to the patient prior to completion of any questionnaire or other written form containing a question about firearms and ammunition;
- removing the provisions that would have:
  - prohibited a health care provider from disclosing to any government official or agency the response of a patient, or the patient's parent, guardian, or custodian, to verbal inquiries about the patient's lawful ownership, possession, handling,

- storage, maintenance of, or other conduct involving firearms and ammunition, unless the patient has been adjudicated incompetent due to mental illness;
- allowed a health care provider's licensing board to impose a fine on a health care provider for a violation; and
- provided that a violation of this Article is a ground for disciplinary action against the health care provider by the health care provider's licensing board or other regulatory authority;
- allowing a legislator or legislative employee who has a valid concealed handgun permit to carry a concealed handgun on the premises of the State legislative buildings and grounds. He or she would be required to provide notice to the Chief of the General Assembly Special Police, or the Chief's designee, before carrying the handgun on the premises of the State legislative buildings and grounds; however, once initial notice is provided no subsequent notification would be required;
- clarifying when a sheriff is required to deny a concealed carry permit application;
- requiring the sheriff, when determining an applicant's good moral character to receive a pistol permit, to only consider the applicant's conduct and criminal history for the five-year period immediately preceding the date of the application;
- amending the instances when a determination or finding must be required to the National Instant Criminal Background Check System;
- providing that it is the duty of the arresting law enforcement agency to cause a person charged with the commission of domestic criminal trespass and impaired driving, in addition to other specified misdemeanors, to be fingerprinted; and
- requiring the arresting law enforcement agencies to get as much of the specified personal identifying information as possible.

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

SENATE BILL 2, Magistrates Recusal of Civil Ceremonies. On June 1<sup>st</sup>, the Senate voted to override Governor McCrory's veto of this legislation by a vote of 32 to 16. Voting "no" were 13 Democrats and 3 Republicans. One Democrat voted in favor of the override. The House has not yet held their vote to override and we understand that they do not have the votes yet to do so.

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