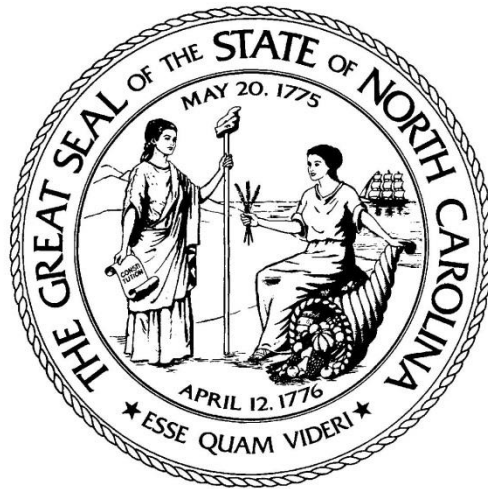


# SUMMARIES OF SUBSTANTIVE RATIFIED LEGISLATION

2022 SESSION



LEGISLATIVE ANALYSIS DIVISION  
N.C. GENERAL ASSEMBLY





# 2022 Summaries of Substantive Ratified Legislation

## Agriculture and Wildlife

See full summary documents for additional detail

### **H103 - 2022 Appropriations Act.**

#### **Sec. 15.1: Chronic Wasting Disease Report. (SL 2022-74)**

Section 15.1 of S.L. 2022-74 directs the Wildlife Resources Commission (WRC) to report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division no later than September 15th of each year in which WRC receives State funds to combat, monitor, or contain an outbreak of Chronic Wasting Disease (CWD).

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 15.3: Hunting/Fishing/Boating Contract License Vendors. (SL 2022-74)**

Section 15.3 of S.L. 2022-74 does the following:

- Authorizes the Wildlife Resources Commission (WRC) to contract with a licensing system vendor to build and maintain an enterprise system to support the business functions of the WRC, including the processing of license and vessel transactions.
- Authorizes contracted licensing system vendors to charge the following transaction fees, in addition to any surcharges charged by vessel agents or the WRC, for the processing of vessel transactions:
  - \$3 per transaction for online purchases or other electronic transactions.
  - \$1 per transaction for purchases made through a vessel agent or directly through the WRC.
  - \$5 per transaction for purchases made through the contracted licensing system vendor's call center.
- Increases the transaction fee that license agents and the WRC are authorized to charge for licenses, applications, and permits, from \$2 per transaction to \$4 per transaction.
- Authorizes contracted licensing system vendors to charge the following transaction fees—in addition to any surcharges charged by licensing agents or the WRC—for licenses, permits, applications, and merchandise sold:
  - \$3 per transaction for online purchases or other electronic transactions.
  - \$1 per transaction for purchases made through a license agent or directly through the WRC.
  - \$5 per transaction for purchases made through the contracted licensing system vendor's call center.

This section becomes effective July 1, 2023.

### **S339 - 2022 WRC Amendments. (SL 2022-65)**

S.L. 2022-65 does all of the following:

- Increases penalties for violations of Wildlife Resources Commission (WRC) emergency powers or rules exercised to respond to a wildlife disease.
- Reduces fees for a fur dealer license and amend the definition of "dealing in furs."
- Includes public mountain trout waters in the Resident Subsistence Unified Inland/Coastal Recreational Fishing License Waiver.
- Defines the phrase "domestically raised waterfowl and game birds" to mean propagated mallard ducks, bobwhite quail, ringed neck pheasants, chukar partridges, and Hungarian partridges.

This act has various effective dates, please see the full summary for more information.

### **S388 - Qualifying Farmer Zoo Sales Tax Exemption. (SL 2022-45)**

S.L. 2022-45 does the following three things:

- Allows qualifying farmers that also have zoo operations to purchase items for the zoo under their qualifying farmer sales tax exemption certificate, effective for items purchased on or after January 1, 2023. (Part I)
- Creates a new sales tax exemption for certain items purchased by a wildlife manager for wildlife management activities, effective for items purchased on or after October 1, 2022. (Part II)
- Modifies and expands the property tax classification for wildlife conservation land, effective for taxes imposed for taxable years beginning on or after July 1, 2022. Property classified as wildlife conservation land is assessed and taxed at a value lower than its fair market value. (Part III)

Except as otherwise provided, this act became effective July 7, 2022.

### **S455 - Conform Hemp with Federal Law. (SL 2022-32)**

S.L. 2022-32, as amended by S.L. 2022-73, permanently excludes hemp and hemp products from the North Carolina Controlled Substances Act, as well as tetrahydrocannabinols (THC) found in products with a delta-9 THC concentration of not more than 0.3%.

This act became effective June 30, 2022.

### **S651 - Amend Veterinary Practice Act/DACS Budget. (SL 2022-67)**

S.L. 2022-67 does all the following:

- Defines "staff" and eliminates the phrase "veterinary employee" from the veterinary statutes.
- Defines "veterinary consulting" and clarifies that it does not constitute the practice of veterinary medicine.
- Increases the dollar cap on fee increases for veterinary practice facility inspection, veterinary facility inspection, and sets a dollar fee cap on veterinary facility permit issuance.
- Expands the eligibility for "veterinary student interns" to include currently enrolled students who have satisfactorily completed the second year of an accredited veterinary college.
- Eliminates the position of "veterinary student preceptees" from the veterinary statutes.
- Makes technical and conforming changes to the North Carolina Veterinary Practice Act.

- Allows the Department of Agriculture and Consumer Services (DACS) to use funds allocated to it to repair the restaurant facility at the Piedmont Triad Farmers Market.
- Makes a technical change to a DACS budget provision.

This act becomes effective October 1, 2022, except that the DACS-related provisions became effective July 1, 2022.

### **S762 - North Carolina Farm Act of 2022.**

#### **Sec. 1: Clarify the Applicability of the Farm Building Exception to the Building Code. (SL 2022-55)**

Section 1 of S.L. 2022-55 provides that a building used primarily for storage of agricultural commodities or products, or storage and use of materials for agricultural purposes, is considered a farm building for purposes of the North Carolina Building Code, regardless of whether the building is located on the same property where the agricultural commodities or products were produced. The building must be surrounded by at least 60 feet of open space and be placarded as "Ag Exempt."

This section became effective July 8, 2022.

### **S762 - North Carolina Farm Act of 2022.**

#### **Sec. 2: Agricultural Use Clarification. (SL 2022-55)**

Section 2 of S.L. 2022-55 clarifies that for purposes of county zoning, a building or structure that is used solely for the storage of cotton, peanuts, or sweetpotatoes, or any of the byproducts of those commodities, is a bona fide farm purpose.

This section became effective July 8, 2022.

### **S762 - North Carolina Farm Act of 2022.**

#### **Sec. 3: Study Fair Repair Requirements for Manufacturers of Farm Equipment. (SL 2022-55)**

Section 3 of S.L. 2022-55 directs the Agriculture and Forestry Awareness Study Commission to study whether to establish a "right to repair" for electronic farm equipment.

This section became effective July 8, 2022.

### **S762 - North Carolina Farm Act of 2022.**

#### **Sec. 4: Preserve Conservation Easements After Property Tax Foreclosures. (SL 2022-55)**

Section 4 of S.L. 2022-55 provides that conservation agreements survive real property tax foreclosure sales.

This section became effective July 8, 2022.

**S762 - North Carolina Farm Act of 2022.**

**Sec. 5: Farmed Cervid Assessment Clarification. (SL 2022-55)**

Section 5 of S.L. 2022-55 specifies that farmed cervid feed means commercial feed sold to a cervid farmer for farmed cervid use, rather than commercial feed labeled or marketed for farmed cervid use.

This section became effective July 8, 2022.

**S762 - North Carolina Farm Act of 2022.**

**Sec. 6: Specify That Commercial Production or Growing of Animals for Purposes of Present Use Value Taxation Includes Boarding Horses. (SL 2022-55)**

Section 6 of S.L. 2022-55 provides that boarding horses qualifies as the commercial production or growing of animals for purposes of the present use value property tax program.

This section became effective for taxes imposed for taxable years beginning on or after July 1, 2022.

# Alcoholic Beverage Control

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 19A.5: Expand Qualifications for ABC Permitting of Recreation Districts. (SL 2022-74)**

Section 19A.5 of S.L. 2022-74 allows the ABC Commission to issue permits for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages to qualified businesses in an area that is located in a county that has not approved the issuance of mixed beverages permits; has at least two cities that have approved the sale of malt beverages, wine, and the operation of an ABC store; and contains a facility of at least 90 acres where five or more motorsports-related events are held each year. The permits can only be issued to a facility where five or more motorsports-related events are held, or a qualified business contracting with or located at a facility where five or more motorsports-related events are held, and the sale and consumption of alcoholic beverages must only occur during a motorsports-related event held at the facility.

This section became effective July 11, 2022.

## **H211 - Social District/Common Area Clarifications. (SL 2022-49)**

S.L. 2022-49 recodifies and revises the statutes related to common area entertainment permits and social districts to make them more uniform and clarifies (i) the areas that can be included under a common area entertainment permit or a social district and (ii) the activities that may occur within a designated consumption area under a common area entertainment permit or a social district.

This act became effective July 7, 2022.

## **H661 - Age Requirement Modifications/Capital Projects Oversight/BEAD Corrections. (SL 2022-69)**

S.L. 2022-69 does the following:

- Clarifies that qualified youth 15 years of age and older can enroll in fire training courses at community colleges on or after January 1, 2021.
- Reduces the age requirement for malt beverage wholesaler salesmen from 21 to 18 years.
- Allows persons 15 years of age to work inside premises that serve alcohol until December 31, 2023.
- Eliminates a requirement that the State Building Commission and Director of the Budget approve guidelines adopted by the State Board of Community Colleges that must be met by community colleges in order to be delegated authority over capital improvement projects.
- Provides that the Department of Administration is not required to review and approve plans and specifications for a State-funded capital improvement project costing less than \$2 million that has been delegated to a community college unless requested to do so in writing by the State Board of Community Colleges.
- Eliminates an annual reporting obligation of the Community Colleges System Office for capital improvement projects estimated to require expenditure of less than \$2 million of public funds.



- Makes a technical correction to the 2022 Appropriations Act relating to the use of federal infrastructure funds by the Department of Information Technology for grants in the Broadband Equity, Access, and Deployment Program.

Except as otherwise provided, this act became effective July 8, 2022.

### **H768 - 2022 ABC Omnibus. (SL 2022-44)**

S.L. 2022-44 does all of the following:

- Repeals the limited winery permit.
- Establishes a new packaging and logistics permit for packagers who label and package alcoholic beverages from suppliers.
- Repeals the purchase-transportation permit and the commercial transportation permit.
- Allows a transition period for ABC permits after a change in ownership of a permitted establishment.
- Allows alcohol sales at professional sporting events occurring at a stadium on the campus of certain community colleges.
- Repeals the term "private bar" and creates a new definition for "bar" to eliminate the membership requirement.
- Allows a distillery to obtain mixed beverages catering permits and provide spirituous liquor for an event being catered by a hotel or restaurant.
- Allows a distillery to obtain a mixed beverages permit and sell mixed beverages containing the spirituous liquor owned by the distillery, regardless of the results of any local mixed beverages election.

Section 2 of this act became effective August 1, 2022. The remainder of this act became effective July 7, 2022.

### **S470 - ABC Technical and Other Changes. (SL 2022-51)**

S.L. 2022-51 does all of the following:

- Makes several technical and conforming changes to laws amended in the 2021 Regular Session by S.L. 2021-150 (House Bill 890).
- Removes the 25% cap on gross receipts from sales of alcoholic beverages on tour boats.
- Defines the term "supplier," for purposes of a supplier's financial interest in a wholesaler.
- Exempts the ABC Commission from rulemaking under the Administrative Procedure Act with respect to approval of alcoholic beverages to be sold in ABC stores and setting prices of alcoholic beverages.
- Allows the ABC Commission to conduct training classes for individuals delivering under a delivery service permit.
- Allows recyclable spirituous liquor containers to be used for display purposes.
- Reduces the indoor seating requirement for a restaurant from at least 36 people to at least 10 people for purposes of ABC permitting and clarifies that a restaurant is not required to have kitchen operations open at all times it is open to the public in order to qualify as a restaurant.
- Exempts bar areas and similar areas in establishments from health inspections.

- Allows industry members to give, lend or sell branded plug-in coolers to hold and display products in ABC stores, provided that the coolers are under the dollar limits set forth by the Commission for product displays.
- Amends the definition of a "bar", as enacted in House Bill 768, to be an establishment that is primarily engaged in the business of selling alcoholic beverages for consumption on the premises.
- Allows for the sale of malt beverages in containers as small as 50 milliliters.
- Updates the name of the North Carolina Propane Gas Association, Inc. to "Southeast Propane Alliance" and directs the Revisor of Statutes to make conforming changes.

This act has various effective dates, please see the full summary for more information.

# Children and Families

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 9C.1: Raise NC Pre-K Base Reimbursement Rates. (SL 2022-74)**

Section 9C.1 of S.L. 2022-74 amends Section 9C.3 of S.L. 2021-180 by raising the base reimbursement rates for the 2022-2023 fiscal year for child care centers participating in the North Carolina Prekindergarten (NC Pre-K) program from 2% to 7% over the 2021-2022 fiscal rates. A portion of these funds are allocated to raise the base reimbursement rates for public schools and Head Start centers participating in the NC Pre-K program by 5% over the 2021-22 rates for the 2022-2023 fiscal year.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 9C.2: Raise Cap on Administrative Costs/Smart Start . (SL 2022-74)**

Section 9C.2 of S.L. 2022-74 amends Section 9C.6(b) of S.L. 2021-180 by raising the cap on administrative costs for local partnerships from not more than 8% to no more than 9% of the total statewide allocation to all local partnerships.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 9G.2: Change in Composition of Maternal Mortality Review Committee. (SL 2022-74)**

Section 9G.2 of S.L. 2022-74 amends the statute (G.S. 130A-33.60(b)) by increasing the membership of the Maternal Mortality Review Committee from 9 members to 20 members and by adding a requirement that the membership represent the community.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 9G.3: Use of Juul Settlement Funds. (SL 2022-74)**

Section 9G.3 of S.L. 2022-74 amends Section 9G.10 of S.L. 2021-180 to direct funds allocated to the Youth Electronic Nicotine Dependence Abatement Fund remain available for expenditures as specified until expended.

This section became effective June 30, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9I.2: Increase Foster Care Administrative Rate with Existing Funds. (SL 2022-74)**

Section 9I.2 of S.L. 2022-74 directs the Division of Social Services, Department of Health and Human Services, to increase the administrative rate for foster care using available funds in the foster care budget.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9L.2(a): Allow Portion of Child Care and Development Block Grant ARPA Funds for Temporary Increase of Child Care Subsidy Rates to 2018 Market Study Rates . (SL 2022-74)**

Section 9L.2(a) of S.L. 2022-74 amends the Child Care and Development Block Grant appropriation in the 2021 Appropriations Act (Sec. 9L.2(b)(1)a. of S.L. 2021-180) to allow the Division of Child Development and Early Education, Department of Health and Human Services, to use a portion of the funds to temporarily increase the child care subsidy reimbursement rates to those recommended in the 2018 Child Care Market Rate Study until the funds expire on September 30, 2024.

This section became effective July 1, 2022.

### **H615 - Jordan's Law. (SL 2022-48)**

- Section 1 of the act amends G.S. 50B-3(b) to allow a court to temporarily extend a domestic violence order of protection when the court date to consider the extension is set after the expiration date on the order.
- Section 2 of the act amends G.S. 50-13.1(b) to allow optional participation in custody mediation, rather than mandatory participation, when motions for contempt or motions to show cause are filed.

Section 1 of this act becomes effective December 1, 2022, and applies to pending motions to renew filed before, on, or after that date. Section 2 of this act becomes effective December 1, 2022, and applies to motions filed on or after that date.

### **H823 - Child Advocacy Centers/Share Information. (Ratified)**

HB 823 would have established criteria for Children's Advocacy Centers to receive State funds, established certain requirements for the sharing of information and access to records held by Children's Advocacy Centers and multidisciplinary teams, and established immunity from liability for certain circumstances for the multidisciplinary team, individuals and volunteers working for a Children's Advocacy Center.

HB 823 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

## **H1018 - GSC Bar Association Proposals/Landmark Designation. (SL 2022-64)**

S.L. 2022-64 makes various changes affecting real property; strengthens the personal liability protection for limited liability partnerships; aligns the authority to transfer venue for judicial review of contested cases with other cases; makes conforming changes to account for special fiduciaries in guardianship proceedings; and clarifies and improves the landmark designation procedure, as recommended by the General Statutes Commission.

Except as otherwise provided, the act became effective July 8, 2022.

## **S278 - Property/Family Law-Reimburse Property Expenditures. (SL 2022-12)**

S.L. 2022-12 does the following:

- Clarifies the right of one spouse to reimbursement from the other spouse for expenditures made with respect to property during the time that the property is held as tenants by the entirety. (Section 1)
- Requires certain information to be included in a condominium declaration before it is recorded. (Section 2)
- Clarifies the applicability of certain provisions of the Condominium Act to condominiums created on or before October 1, 1986. (Section 3)
- Exempts provisions contained in a declaration of covenants applicable to condominiums, cooperatives, and most planned communities from being extinguished by operation of the Marketable Title Act. (Section 4)

The Marketable Title Act changes became effective July 1, 2022. The remainder of the act became effective June 29, 2022, and the content requirement for condominium declarations applies to declarations recorded on or after that date.

# Civil Law and Procedure

See full summary documents for additional detail

## **H776 - Remote Electronic Notarization. (SL 2022-54)**

S.L. 2022-54 does the following:

- Allows, effective July 1, 2023, authorized North Carolina notaries to remotely perform electronic notarial acts using real time online communication technology. At the time of the remote electronic notarial act, the notary to the transaction would be required to be physically located in North Carolina and the principal anywhere inside the United States or, in certain circumstances, outside the United States.
- Reauthorizes, effective July 8, 2022, temporary use of the emergency video authorization to perform remote notarizations until June 30, 2023.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 11: Permit a Consumer Finance Licensee to Take a Confession of Judgment from a Borrower Following the Borrower's Failure to Make a Payment as Required under the Loan Contract. (SL 2022-75)**

Section 11 of S.L. 2022-75 provides that the State's prohibition on taking a confession of judgment from a borrower does not apply to a licensee taking a confession of judgment from a borrower following the borrower's failure to make a payment as required under the loan contract.

This section became effective July 12, 2022.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 17: Amend North Carolina Timeshare Act Transfer Provisions. (SL 2022-75)**

Section 17 of S.L. 2022-75 narrows the definition of "timeshare transfer services" to exclude services "offered" in the State or "offered or provided anywhere in connection with a timeshare program containing timeshare units or a timeshare property located in this State." This section also removes language that could be interpreted to subject out-of-state companies acting out-of-state to personal jurisdiction in a North Carolina court. It narrows this to any business providing such services "in this State."

This section became effective July 12, 2022.

## **S769 - GSC Postponement/Judicial & Execution Sales. (SL 2022-60)**

S.L. 2022-60 allows judicial sales and execution sales to be postponed up to 90 days, aligning the postponement authority for judicial and execution sales with that of sales under a contractual power of sale clause. This act also makes numerous conforming, clarifying, and technical changes to each statute amended.

This act becomes effective October 1, 2022, and applies to sales noticed on or after that date.

# Commercial Law and Consumer Protection

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 5.6: Home Appliance Service Agreement Modification. (SL 2022-74)**

Section 5.6 of S.L. 2022-74 expands the definition of a home appliance service agreement to include damage or failure arising out of a power surge and accidental damage from handling, and to exclude from this definition contracts or agreements that reimburse the home appliance service agreement holder for damage occurring during delivery or installation.

This section became effective July 11, 2022, and applies to home appliance service agreements entered into on or after that date.

## **H619 - Weston's Law. (SL 2022-56)**

S.L. 2022-56 imposes new safety requirements for elevators in private residences, cottages, and similar accommodations that are rented for 15 days or more in any calendar year, and directs the Building Code Council to adopt amendments to the North Carolina Building Code consistent with these requirements.

The elevator safety requirements become effective October 1, 2022. The Building Code Council directive became effective June 30, 2022.

## **H1018 - GSC Bar Association Proposals/Landmark Designation. (SL 2022-64)**

S.L. 2022-64 makes various changes affecting real property; strengthens the personal liability protection for limited liability partnerships; aligns the authority to transfer venue for judicial review of contested cases with other cases; makes conforming changes to account for special fiduciaries in guardianship proceedings; and clarifies and improves the landmark designation procedure, as recommended by the General Statutes Commission.

Except as otherwise provided, the act became effective July 8, 2022.

## **S766 - Organized Retail Theft. (SL 2022-30)**

S.L. 2022-30 does all of the following:

- Increases the penalties for organized retail theft.
- Provides additional penalties for damage to property or assault of a person during the commission of organized retail theft.
- Provides additional recovery to retail establishments for loss due to organized retail theft.
- Regulates high-volume third-party sellers operating on online marketplaces.



The provisions related to organized retail theft become effective December 1, 2022, and apply to offenses committed on or after that date. The online marketplace regulations become effective January 1, 2023.

# Constitution and Elections

See full summary documents for additional detail

## **H252 - Bail Bond/Bondsmen Provisions/Other Changes. (SL 2022-73)**

S.L. 2022-73 does all of the following:

- Revises the qualifications and examination requirements for bail bondsmen and runners.
- Modifies the grounds for setting aside a bail bond forfeiture and makes conforming changes to the disclosures required to be contained in a notice of forfeiture.
- Authorizes the State to exercise concurrent jurisdiction for offenses committed by juveniles on United States military bases located within the State.
- Authorizes all Department of Defense special agents to assist State and local law enforcement agencies.
- Provides the process for conducting an election held following a vacancy in the office of district court judge as required by S.L. 2021-180, depending on when in the election cycle the vacancy occurs.
- Makes technical corrections to other legislation.

This act contains varying effective dates. Please see the full summary for details.

## **H792 - Barbers/Electrolysis Boards/Merger. (SL 2022-72)**

S.L. 2022-72 does the following:

- Amends the statutes pertaining to the practice of barbering and electrolysis as follows:
  - Merges the existing State Board of Barber Examiners and the Board of Electrolysis Examiners into a single board to be known as the North Carolina Board of Barber and Electrolysis Examiners (Board). The terms of the newly created Board begin on January 1, 2023.
  - Authorizes mobile barbershops.
  - Revises barber school requirements.
  - Establishes an electrolysis apprenticeship program.
  - Modifies certain fee provisions.
- Increases the annual Job Development Investment Grant for any business headquarters in the State by 20% if the business meets certain requirements, such as relocating its out-of-state manufacturing operation to a development tier 1 or tier 2 area.
- Makes a technical correction to the effective date of language in S.L. 2022-73.

Section 1 and Section 2 of this act become effective January 1, 2023, and apply to applications for licensure, examination, and renewal submitted on or after that date. The remainder of this act became effective July 8, 2022.

# Courts, Justice, and Corrections

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 9K.1: Expand the Rights of Appeal Pursuant to Inspections of Local Confinement Facilities. (SL 2022-74)**

Section 9K.1 of S.L. 2022-74 amends the statute (G.S. 153A-222) pertaining to inspections of local confinement facilities. The section requires that within 30 days of receiving the semiannual inspection report required by law, the governing body must (i) initiate action to bring the facility into conformity with minimum standards (G.S. 153A-221), or (ii) request a contested case hearing regarding any or all findings in the report. To comply with these changes, the Department of Health and Human Services is required to adopt temporary rules in accordance with the statute (G.S. 150B-21.1) and adopt permanent rules by October 1, 2023.

This section becomes effective October 1, 2022, and applies to actions taken by a governing body, sheriff, or other administrator of a local confinement facility related to inspection reports received on or after that date.

## **H103 - 2022 Appropriations Act.**

### **Sec. 9K.2: Clarify Treatment of Pregnant Female Inmates. (SL 2022-74)**

Section 9K.2 of S.L. 2022-74 amends the statute (G.S. 153A-221) establishing the minimum standards for the operation of local confinement facilities to require compliance with the Dignity for Women Incarcerated in Local Confinement Facilities law (Part 2B of Article 10 of Chapter 153A). Additionally this section amends the statute (G.S. 153A-229.2(c)) pertaining to nutrition for pregnant female incarcerated persons to require that local confinement facilities follow the orders of a physician or physician staff regarding dietary needs or restrictions for any particular pregnant incarcerated person or follow the guidelines for women who are pregnant or lactating, as set forth in the most recent edition of Dietary Guidelines for Americans published by the U.S. Department of Health and Human Services and the U.S. Department of Agriculture.

This section became effective July 11, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 16.5: Add Magistrates to Various Counties. (SL 2022-74)**

Section 16.5 of S.L. 2022-74 increases the number of magistrates in Caswell, Wake, Mecklenburg, Cleveland, and Lincoln Counties.

This section became effective July 1, 2022.

**H103 - 2022 Appropriations Act.**

**Sec. 16.6: Add Assistant District Attorneys to Various Counties. (SL 2022-74)**

Section 16.6 of S.L. 2022-74 increases the number of full-time assistant district attorneys allowed in certain prosecutorial districts.

This section became effective July 1, 2022.

**H103 - 2022 Appropriations Act.**

**Sec. 16.7: Increase Former Law Enforcement Officer Witness Pay. (SL 2022-74)**

Section 16.7 of S.L. 2022-74 increases the witness fee for attendance by former law enforcement officers subpoenaed to testify in a proceeding from \$5 per day or fraction thereof to \$20 per hour or fraction thereof.

This section became effective July 11, 2022, and applies to motions or applications for costs filed on or after that date.

**H103 - 2022 Appropriations Act.**

**Sec. 17.1: Public Defender Districts 2 and 5. (SL 2022-74)**

Section 17.1 of S.L. 2022-74 creates new Public Defender District 2, which includes Beaufort, Hyde, Martin, Tyrell, and Washington counties, and adds Pender County to Public Defender District 5.

This section became effective July 1, 2022.

**H103 - 2022 Appropriations Act.**

**Sec. 17.2: Extend Setoff Debt Collection Act Notice Requirements for Indigent Defense Services. (SL 2022-74)**

Section 17.2 of S.L. 2022-74 extends the deadline, in the Setoff Debt Collection Act, from 10 to 30 days for the Office of Indigent Defense Services to send a debtor written notice that it has received the debtor's refund.

This section became effective July 1, 2022, and applies to refunds of a debtor received before, on, or after that date.

**H103 - 2022 Appropriations Act.**

**Sec. 19.C.1: Make Prison Wardens Exempt Employees. (SL 2022-74)**

Section 19.C.1 of S.L. 2022-74 makes wardens of State adult correctional facilities generally exempt from the State Human Resources Act. Articles 6 and 7 of that Act, dealing with equal employment and

compensation opportunity and privacy of State employee personnel records, still apply to prison wardens. Additionally, policies and rules adopted by the State Human Resources Commission under specified statutes also apply to prison wardens. Employees in these positions are public servants and must file Statements of Economic Interest.

This section became effective July 1, 2022, and applies to persons hired before, on, or after that date.

\*Please note that Sec. 20 of S.L. 2022-58 makes a similar change to the same statute.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 19C.2: Requires Persons on Post-Release Supervision to Receive Credit for Compliance with Certain Reintegrative Conditions. (SL 2022-74)**

Section 19C.2 of S.L. 2022-74 requires that a person on post-release supervision receive earned time credit to reduce a period of post-release supervision for compliance with the requirements of certain reintegrative conditions of post-release supervision.

This provision becomes effective December 1, 2022, and applies to any person on post-release supervision on or after that date.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 19D.2: Juvenile Justice HIE Network Report. (SL 2022-74)**

Section 19D.2 of S.L. 2022-74 requires the Department of Public Safety to report to the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division, on the use of funds appropriated to the Department of Public Safety, Division of Juvenile Justice and Delinquency Prevention, for the digitization of juvenile health records and the ongoing resources necessary to report digital health records to the Health Information Exchange network. The report is required no later than April 1, 2023.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 21.1: Office of Administrative Hearings Staffing Flexibility. (SL 2022-74)**

Section 21.1 of S.L. 2022-74 provides the Chief Administrative Law Judge the same authority granted each head of a principal State department. Subject to the State Budget Act and the North Carolina Human Resources Act, the Chief Administrative Law Judge of the Office of Administrative Hearings may do the following:

- Create necessary subordinate positions and appoint and remove employees appointed to those subordinate positions.
- Supervise, direct, and control all employees within the Office of Administrative Hearings.
- Transfer officers and employees within offices as determined necessary by the Chief Administrative Law Judge.

- Change the duties, titles, and compensation of existing offices as determined necessary by the Chief Administrative Law Judge.

This section became effective July 1, 2022.

## **H252 - Bail Bond/Bondsmen Provisions/Other Changes. (SL 2022-73)**

S.L. 2022-73 does all of the following:

- Revises the qualifications and examination requirements for bail bondsmen and runners.
- Modifies the grounds for setting aside a bail bond forfeiture and makes conforming changes to the disclosures required to be contained in a notice of forfeiture.
- Authorizes the State to exercise concurrent jurisdiction for offenses committed by juveniles on United States military bases located within the State.
- Authorizes all Department of Defense special agents to assist State and local law enforcement agencies.
- Provides the process for conducting an election held following a vacancy in the office of district court judge as required by S.L. 2021-180, depending on when in the election cycle the vacancy occurs.
- Makes technical corrections to other legislation.

This act contains varying effective dates. Please see the full summary for details.

## **H560 - Public Safety Reform. (SL 2022-58)**

S.L. 2022-58 makes changes to a variety of laws related to public safety and the Department of Public Safety. Due to the variety of topics covered by this act and the varying effective dates, please see the full summary for details.

## **H607 - Various Court Changes. (SL 2022-47)**

S.L. 2022-47, as amended by Section 9 of S.L. 2022-73, suspends the automatic expunction of dismissed criminal charges, not guilty verdicts, and findings of not responsible and makes other changes to the expunction laws.

This act also makes certain changes requested by the Administrative Office of the Courts (AOC) to the General Statutes.

This act has various effective dates. Please see the full summary for more detail.

### **H615 - Jordan's Law. (SL 2022-48)**

- Section 1 of the act amends G.S. 50B-3(b) to allow a court to temporarily extend a domestic violence order of protection when the court date to consider the extension is set after the expiration date on the order.
- Section 2 of the act amends G.S. 50-13.1(b) to allow optional participation in custody mediation, rather than mandatory participation, when motions for contempt or motions to show cause are filed.

Section 1 of this act becomes effective December 1, 2022, and applies to pending motions to renew filed before, on, or after that date. Section 2 of this act becomes effective December 1, 2022, and applies to motions filed on or after that date.

### **H776 - Remote Electronic Notarization. (SL 2022-54)**

S.L. 2022-54 does the following:

- Allows, effective July 1, 2023, authorized North Carolina notaries to remotely perform electronic notarial acts using real time online communication technology. At the time of the remote electronic notarial act, the notary to the transaction would be required to be physically located in North Carolina and the principal anywhere inside the United States or, in certain circumstances, outside the United States.
- Reauthorizes, effective July 8, 2022, temporary use of the emergency video authorization to perform remote notarizations until June 30, 2023.

### **H869 - State Bar Grievance Process/Ethics Records. (SL 2022-61)**

S.L. 2022-61 creates a grievance review panel to allow respondents to appeal privately a public discipline decision by the Grievance Committee before appealing to the Disciplinary Hearing Commission (DHC) and provides that documents in the possession of the State Bar or its staff, employees, legal counsel, councilors, or Ethics Committee advisory members concerning any request for ethics advice are not public records, unless the material, with the consent of the inquiring party, appears in a public agenda of the Ethics Committee.

This act became effective July 8, 2022, and the section of the act pertaining to the grievance review panel applies to grievances and proceedings existing on or commenced on or after that date.

### **S101 - Require Cooperation with ICE 2.0. (Ratified)**

SB 101 would have done the following:

- Require that Immigration and Customs Enforcement of the United States Department of Homeland Security (ICE) be queried when an individual charged with certain offenses was in custody and that person's legal residency or United States citizenship status was undetermined.

- Require a judicial official to order that a prisoner subject to a detainer and administrative warrant be held in custody for 48 hours or until ICE resolves the request.
- Create reporting requirements related to ICE queries.

SB 101 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.



# Criminal Law and Procedure

See full summary documents for additional detail

## **H49 - Concealed Carry Permit Lapse/Revise Law. (Ratified)**

HB 49 would have provided that a concealed carry permittee who allowed the permit to lapse does not have to take another firearms safety and training course upon applying for renewal under certain conditions.

HB 49 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 17.1: Public Defender Districts 2 and 5. (SL 2022-74)**

Section 17.1 of S.L. 2022-74 creates new Public Defender District 2, which includes Beaufort, Hyde, Martin, Tyrell, and Washington counties, and adds Pender County to Public Defender District 5.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 19C.2: Requires Persons on Post-Release Supervision to Receive Credit for Compliance with Certain Reintegrative Conditions. (SL 2022-74)**

Section 19C.2 of S.L. 2022-74 requires that a person on post-release supervision receive earned time credit to reduce a period of post-release supervision for compliance with the requirements of certain reintegrative conditions of post-release supervision.

This provision becomes effective December 1, 2022, and applies to any person on post-release supervision on or after that date.

## **H252 - Bail Bond/Bondsmen Provisions/Other Changes. (SL 2022-73)**

S.L. 2022-73 does all of the following:

- Revises the qualifications and examination requirements for bail bondsmen and runners.
- Modifies the grounds for setting aside a bail bond forfeiture and makes conforming changes to the disclosures required to be contained in a notice of forfeiture.
- Authorizes the State to exercise concurrent jurisdiction for offenses committed by juveniles on United States military bases located within the State.
- Authorizes all Department of Defense special agents to assist State and local law enforcement agencies.
- Provides the process for conducting an election held following a vacancy in the office of district court judge as required by S.L. 2021-180, depending on when in the election cycle the vacancy occurs.
- Makes technical corrections to other legislation.

This act contains varying effective dates. Please see the full summary for details.

### **H315 - Arson Law Revisions. (SL 2022-8)**

S.L. 2022-8 makes the following changes to various laws related to arson:

- Increases the punishment for certain arson offenses. This section becomes effective December 1, 2022, and applies to offenses committed on or after that date.
- Creates a new Class F felony for "serious injury" suffered by a firefighter, law enforcement officer, fire investigator, or emergency medical technician in responding to a fire caused by arson. This section becomes effective December 1, 2022, and applies to offenses committed on or after that date.
- Requires criminal history background checks of applicants to fire departments, requires applicants to disclose certain convictions, and prohibits persons convicted of certain crimes from serving as a volunteer or paid member of a fire department. This section became effective June 14, 2022, and applies to applications submitted on or after that date.

### **H560 - Public Safety Reform. (SL 2022-58)**

S.L. 2022-58 makes changes to a variety of laws related to public safety and the Department of Public Safety. Due to the variety of topics covered by this act and the varying effective dates, please see the full summary for details.

#### **H560 - Public Safety Reform.**

##### **Sec. 20: Make Prison Wardens Exempt Employees. (SL 2022-58)**

Section 20 of S.L. 2022-58 makes wardens of State adult correctional facilities generally exempt from the State Human Resources Act. Articles 6 and 7 of that Act, dealing with equal employment and compensation opportunity and privacy of State employee personnel records, still apply to prison wardens. Additionally, policies and rules adopted by the State Human Resources Commission under specified statutes also apply to prison wardens. This section became effective July 1, 2022, and applies to persons hired on or after that date.

\*Please note that Sec. 19C.1 of S.L. 2022-74 makes a similar change to the same statute.

### **H607 - Various Court Changes. (SL 2022-47)**

S.L. 2022-47, as amended by Section 9 of S.L. 2022-73, suspends the automatic expunction of dismissed criminal charges, not guilty verdicts, and findings of not responsible and makes other changes to the expunction laws.

This act also makes certain changes requested by the Administrative Office of the Courts (AOC) to the General Statutes.

This act has various effective dates. Please see the full summary for more detail.

## **H674 - Require DNA Various Convict'ns/Other Matters. (SL 2022-50)**

S.L. 2022-50 does the following:

- Adds additional offenses to the list of offenses requiring submission of a DNA sample after a conviction or a finding of not guilty by reason of insanity. This section becomes effective December 1, 2022, and applies to convictions or findings of not guilty by reason of insanity on or after that date.
- Clarifies that medical facilities and medical professionals cannot bill sexual assault victims for forensic medical examinations and updates certain definitions. This section becomes effective October 1, 2022, and applies to forensic medical examinations completed on or after that date.
- Authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.
- Requires that the register of deeds maintains a separately kept backup storage system, that is restorable from any point, for the purposes of disaster recovery, for the index of registered instruments that the register of deeds is required to maintain.

Except as otherwise provided, this act became effective July 7, 2022.

## **H674 - Require DNA Various Convictions/Other Matters.**

### **Sec. 2.1: Deed Stamp Tax Refunds. (SL 2022-50)**

Section 2.1 of S.L. 2022-50 authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.

Section 2.1 of S.L. 2022-50 became effective July 7, 2022.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 16: Add Approved Firearm Safety and Training Course. (SL 2022-75)**

Section 16 of S.L. 2022-75 adds the United States Concealed Carry Association (CCA) to the list of organizations that may certify or sponsor firearms safety and training courses, and adds CCA-certified instructors to the list of instructors permitted for firearms safety and training courses offered by law enforcement agencies, colleges, private or public institutions or organizations, or firearms training schools.

This section became effective on July 1, 2022, and applies to permit applications submitted on or after that date.

## **S201 - Various Motor Vehicle and Transportation Law Changes. (SL 2022-68)**

S.L. 2022-68 makes the following changes to motor vehicle and transportation laws:

- Criminalizes as a Class I felony the unlawful possession of a catalytic converter.
- Extends the revocation effective date for permits or licenses that were revoked due to Driving Eligibility Certificate ineligibility from 10 to 30 days after mailing of the revocation notice.
- Authorizes the Division of Motor Vehicles (DMV) to issue three new special registration plates and repeals authorization to issue one existing special registration plate.
- Requires the DMV to provide a dealer license plate registration card to motor vehicle dealers that lists all valid dealer license plates issued to the dealer.
- Clarifies requirements for displaying a dealer license plate on a motor vehicle.
- Clarifies the applicability of the Move Over Law.
- Amends requirements for temporary dealer licenses issued during a pending license renewal application.
- Makes it an infraction with up to a \$50 penalty for a motor vehicle dealer to fail to inspect a used motor vehicle offered for retail sale as required by law.
- Amends requirements for registration and certificate of title applications for motor vehicles owned by firms, partnerships, corporations, or other entities.
- Authorizes the DMV to charge a fee to authorized individuals to verify registration or liability insurance information from motor vehicle and drivers license records.
- Exempts motor vehicles used by State agencies for research pilot or demonstration projects from highway use tax, certificate of title fees, and registration fees.
- Expands the application of certain Department of Transportation (DOT) contracting laws to rail equipment.
- Specifies the treatment of certain federal funds within the Transportation Investment Strategy (STI) formula.
- Provides for a delay in STI reprioritization for certain projects with route redesignations.
- Clarifies the treatment of net proceeds from the disposition of lands that involve DOT.
- Expands the application of the State's policy to encourage and promote participation by disadvantaged minority-owned and women-owned businesses in contracts let by DOT.
- Directs DOT to increase Small Professional Services Firm contracting.
- Increases the project cost cap for previously authorized project delivery method pilot program.

This act became effective July 8, 2022, except as otherwise specified for certain sections. Please see full summary for more detail.

#### **S448 - Amendments to Schedule VI of the Controlled Substances Act. (SL 2022-9)**

S.L. 2022-9 automatically allows a prescription drug approved under federal law and classified as a Schedule VI controlled substance in North Carolina, to be lawfully used.

This act became effective July 14, 2022, and applies to prescription drugs approved by the FDA on or after that date.

#### **S455 - Conform Hemp with Federal Law. (SL 2022-32)**

S.L. 2022-32, as amended by S.L. 2022-73, permanently excludes hemp and hemp products from the North Carolina Controlled Substances Act, as well as tetrahydrocannabinols (THC) found in products with a delta-9 THC concentration of not more than 0.3%.

This act became effective June 30, 2022.

## **S766 - Organized Retail Theft. (SL 2022-30)**

S.L. 2022-30 does all of the following:

- Increases the penalties for organized retail theft.
- Provides additional penalties for damage to property or assault of a person during the commission of organized retail theft.
- Provides additional recovery to retail establishments for loss due to organized retail theft.
- Regulates high-volume third-party sellers operating on online marketplaces.

The provisions related to organized retail theft become effective December 1, 2022, and apply to offenses committed on or after that date. The online marketplace regulations become effective January 1, 2023.

# Education

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 6.1: Expand RISE Up Training and Credentialing Program. (SL 2022-74)**

Section 6.1 of S.L. 2022-74 extends the implementation of the RISE Up credentialing program (program) beyond only students at cooperative innovative high schools to also include students at community colleges. Additionally, the program must be implemented through the 2021-2023 fiscal biennium rather than only the 2021-2022 fiscal year.

This section modifies the interim and final reports required of the Community Colleges System Office to various entities, including the Joint Legislative Education Oversight Committee, to be due December 1, 2022, and December 1, 2023, respectively, and modifies the content requirements for the reports to make clarifying changes and include the following additional information:

- Require information on the number of students who are in the process of receiving credentials, rather than only students who have received credentials.
- Require a list of community colleges and cooperative innovative high schools participating in the program.

This section became effective July 1, 2022, and the extension to community college students applies to students enrolled at community colleges in the 2022-2023 academic year.

## **H103 - 2022 Appropriations Act.**

### **Sec. 7.2: Increase School Resource Officer Grant Match in Low-Wealth Counties. (SL 2022-74)**

Section 7.2 of S.L. 2022-74 provides that public school units located, in whole or in part, in a county with at least one local school administrative unit that received low-wealth supplemental funding in the previous fiscal year will have grants for school resource officers matched at \$4.00 in State funds for every \$1.00 in non-State funds. All other public school units are matched on the basis of \$2.00 in State funds for every \$1.00 in non-State funds.

This section became effective July 1, 2022, and applies to grants issued for the 2022-2023 school year.

## **H103 - 2022 Appropriations Act.**

### **Sec. 7.4: CTE Modernization and Support. (SL 2022-74)**

Section 7.4 of S.L. 2022-74 requires the Department of Public Instruction (DPI) to provide \$2 million in grants in the 2022-2023 school year, awarded in accordance with certain priorities, to modernize Career and Technical Education (CTE) programming, materials, training, and development in middle schools. The grants must be used to procure and implement a career and workforce development platform that aligns with the North Carolina Career and Technical Education Standards with modules that assist teachers in preparing students for high-wage, high-growth career areas that include certain components.

The section also requires DPI to provide \$1 million in grants in the 2022-2023 school year to fund equipment and ancillary items such as greenhouses, cars, animals and livestock, or power tools for CTE programs, awarded in accordance with certain priorities.

Applications for both grant programs must be made available no later than the beginning of the 2022-2023 school year, with applications submitted by January 15, 2023, and awarded or denied by DPI within 30 days.

Grant recipients must report to DPI on the outcomes of programs funded by the grants by October 15, 2023, and DPI must report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division on the overall outcomes of the grant programs by December 15, 2023.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 7.7: Standards of Student Conduct. (SL 2022-74)**

Section 7.7 of S.L. 2022-74 applies the Article on student discipline to all public school units (local school administrative units, charter schools, regional schools, innovative schools, schools for the visually and hearing impaired, and laboratory schools) beginning with the 2023-2024 school year. Additionally, it requires the governing bodies of public school units (governing body) to do the following:

- Beginning July 1, 2023, consult with teachers, school-based administrators, parents, and local law enforcement agencies when adopting policies related to student conduct.
- Beginning July 1, 2023, consider existing federal guidance for the discipline of students with disabilities and guidance on school discipline practices issued by the United States Department of Education when adopting discipline policies.
- Send the most current discipline policies and Code of Student Conduct to the Department of Public Instruction by September 1 annually.
- Publish all policies, administrative procedures, or school rules about student discipline at the beginning of each school year. The information must include the full range of responses to violations of disciplinary rules. The governing body can require students and parents or guardians to sign an acknowledgement that they received a copy of any discipline policies, procedures, or rules.

This section also clarifies that State law does not regulate the discretion of a governing body to devise, impose, and enforce personal appearance codes.

This section became effective July 11, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 7.9: School Threat Assessment Survey. (SL 2022-74)**

Section 4 of S.L. 2022-71 and Section 7.9 of S.L. 2022-74 are duplicate sections that require all public school units (PSUs) to report to the Center for Safer Schools by November 15, 2022, on the following:

- Any student threat assessment system in place and the number and nature of threats identified by that system.
- Responses to identified threats and results of those responses.
- Whether each school in the PSU has a School Risk Management Plan and the number of drills conducted under the plan.
- Any other systems, policies, procedures, or precautions undertaken with the purpose of minimizing violence and threats in schools.

By February 15, 2023, the Center for Safer Schools, in consultation with the Department of Public Instruction, must report to the Joint Legislative Education Oversight Committee on recommendations to the General Assembly on a system to identify and address threats in schools that can be implemented by PSUs statewide and any additional funding needed to support the system.

Section 4 of S.L. 2022-71 became effective July 8, 2022. Section 7.9 of S.L. 2022-74 became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 7.10: Codify the Feminine Hygiene Products Grant Program. (SL 2022-74)**

Section 7.10 of S.L. 2022-74 codifies the Feminine Hygiene Products Grant Program (Program), which assists public school units (PSUs) in providing students with feminine hygiene products at no charge to the student. The Department of Public Instruction (DPI) must award grants of up to \$5,000 each on a first-come, first-served basis, except that DPI must prioritize grants to PSUs that did not receive an award in the previous fiscal year. PSUs cannot receive more than one grant per fiscal year. By March 15 of each year, DPI must report to the Joint Legislative Education Oversight Committee on the PSUs receiving grants under the Program, the specific feminine hygiene products purchased with grant funds, and the impact of the Program on student health and well-being.

This section became effective July 1, 2022. For the 2022-2023 fiscal year, DPI must prioritize awarding grants to PSUs that did not receive an award pursuant to the previously uncodified grant program.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 7.11: Interoperable and Interconnected Study Data System Study. (SL 2022-74)**

Section 7.11 of S.L. 2022-74 directs myFutureNC, Inc. to report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division on the requirements necessary to create an interconnected and interoperable real-time data system to facilitate communication, collection, and transition of student data between public school units, community colleges, and universities, as well as to provide students access to their own data. The report must be submitted by March 15, 2023, and must include at least the following:

- Current best practices regarding data warehouses, school district-community partnerships, and relationship management systems.
- Technology needed to create an interconnected and interoperable system along with a working prototype.
- Legal considerations for sharing data across institutional systems to conform with the federal Family Educational Rights and Privacy Act.



- Human capital and machine capabilities needed to develop data and analytical capacity across institutions.
- Any issue that can arise with cultural views on data as an individually owned resource as opposed to a collaborative tool.
- The potential role of existing State longitudinal data systems.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 7.13: Virtual Education, Remote Academies, and Virtual Charter School Education. (SL 2022-74)**

Section 7.13 of S.L. 2022-74 does the following:

- Repeals the sunset clause for the statute permitting limited virtual instruction during emergency conditions.
- Allows all local school administrative unit schools that provided full-time virtual instruction in the 2021-2022 school year to continue providing full-time virtual instruction in the 2022-2023 school year.
- Beginning in the 2023-2024 school year, authorizes local school administrative units to establish remote academies that meet certain requirements to provide full-time virtual instruction.
- Allows all charter schools that provided full-time virtual instruction in the 2021-2022 school year to continue providing full-time virtual instruction in the 2023-2024 school year.
- Transitions the schools in the virtual charter school pilot program from pilot status to complete a 10-year charter, with eligibility for renewal upon expiration.

Except as otherwise provided, this act became effective July 11, 2022, and applies beginning with the 2022-2023 school year.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 8.1: Revise University of North Carolina Enrollment Change Documentation Requirements. (SL 2022-74)**

Section 8.1 of S.L. 2022-74 modifies the documentation and justification requirements for the Board of Governors of The University of North Carolina when making enrollment change funding requests. When the enrollment change funding request is based on enrollment growth, the request must include the most recent academic year's actual enrollment numbers in the same format in which the growth increase request is made. When the enrollment change funding request is based on metrics other than enrollment growth, including student performance, the request must include identification of any metric used, and the portion of the funding request based on that metric for each constituent institution.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 8.3: Recommendations on Increasing Nursing Graduates. (SL 2022-74)**

Section 8.3 of S.L. 2022-74 requires the Board of Governors of The University of North Carolina, in collaboration with the State Board of Community Colleges, to study and provide recommendations on methods and a timeline for increasing the number of graduates from nursing programs at constituent institutions of The University of North Carolina and community colleges by at least 50%. The report is due to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services by no later than February 1, 2023.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 8.4: UNC and ECU Dental School Clinical Operations Personnel Flexibility. (SL 2022-74)**

Section 8.4 of S.L. 2022-74 modifies the employment requirements that apply to personnel of Dental School Clinical Operations at the University of North Carolina at Chapel Hill and East Carolina University. Employees of both entities are deemed to be State employees and subject to relevant provisions of State law, including the following provisions of Chapter 126:

- Article 5 (Political Activity of Employees)
- Article 6 (Equal Employment and Compensation Opportunity; Assisting in Obtaining State Employment)
- Article 7 (The Privacy of State Employee Personnel Records)
- Article 14 (Protection for Reporting Improper Government Activities)

Except for the provisions described above, these employees are not subject to Chapter 126 of the General Statutes. Each entity's respective board of trustees is responsible for setting policies and procedures governing the terms and conditions of employment for these employees, including:

- Leave policies.
- Partial pay supplementing workers' compensation payments.
- Working conditions.
- Service awards and incentive award programs.
- Grounds for dismissal, demotion, or discipline.
- Other personnel policies or measures that promote the hiring and retention of capable, diligent, and effective career employees.
- Setting office hours, workdays, and holidays to be observed.
- Establishing boards, committees, or councils to conduct hearings upon the appeal of employees who have been suspended, demoted, otherwise disciplined, or discharged.

The board of trustees must submit initial classification and pay plans, as well as other rules and regulations, to the Office of State Human Resources for review.

Employees who achieve career State employee status by June 30, 2022, cannot have their compensation reduced by any rules or regulations adopted by the board of trustees pursuant to this authority. Additionally,

these career status employees must be subject to the discipline or discharge rules that were effective on June 30, 2022, and not any rules adopted after that date.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 8A.1: Increase Funding and Eligibility Threshold for Opportunity Scholarships and Funding for Personal Education Student Accounts. (SL 2022-74)**

Section 8A.1 of S.L. 2022-74 increases the funds appropriated from the General Fund to the Opportunity Scholarship Grant Reserve Fund for the next 15 years. The section also changes the income eligibility for Opportunity Scholarships so that students who reside in a household with an income level not in excess of 200% of the amount required for the student to qualify for the federal free or reduced-price lunch program are now eligible if they meet the other statutory criteria. Finally, this section increases the appropriations for funds for the Personal Education Student Accounts for Children with Disabilities Program.

This section became effective July 1, 2022. The income eligibility change applies beginning with applications for scholarship funds for the 2023-2024 school year.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 8A.2: Limit Tuition Grants for Graduates of North Carolina School of Science and Mathematics and University of North Carolina School of the Arts to Undergraduate Tuition. (SL 2022-74)**

Section 8A.2 of S.L. 2022-74 clarifies that graduates of the North Carolina School of Science and Mathematics and the University of North Carolina School of the Arts who receive certain four-year tuition grants can only use those grants for undergraduate tuition.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 8A.3: Temporarily Waive Compliance with Certain Selective Service Requirements and Report. (SL 2022-74)**

Section 8A.3 of S.L. 2022-74 temporarily waives, for the 2022-2023 and 2023-2024 school years only, the requirement that certain people comply with the selective service requirements as follows:

- A dependent relative of a member of the Armed Forces who is abiding in North Carolina due to active military duty can be charged the in-State tuition rate without complying with the requirements of the Selective Service System.
- A person who is required by federal law to comply with the requirements of the Selective Service System but fails to do so can receive State-supported scholarships, programs for financial assistance for postsecondary education, or loans insured by any State agency.

The State Education Assistance Authority is required to report to the Joint Legislative Education Oversight Committee by January 15, 2023, on the following recommendations related to compliance with the selective service requirements:

- The practicability and advisability of ensuring compliance.
- Methods of ensuring compliance and their merits.
- Administrative costs and other barriers to ensuring compliance.
- Any other relevant information.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 8A.4: Early Admission to Kindergarten for Students Participating in North Carolina State Education Assistance Authority K-12 Scholarship Programs. (SL 2022-74)**

Section 8A.4 of S.L. 2022-74 requires the State Education Assistance Authority (SEAA) to establish a rule regarding Opportunity Scholarship and Personal Education Savings Account eligibility for four-year-old children. SEAA must adopt the same factors for four-year-old eligibility as the rule adopted by the State Board of Education pursuant to G.S. 115C-354(d) for four-year-olds attending public schools. A child who turns four by April 16 is eligible to attend school the following year if the principal, or equivalent, of the school finds that the student meets the adopted requirements.

This section became effective July 11, 2022, and applies beginning with applications for scholarship grants for the 2023-2024 school year.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 8A.5: Changes to NCSEAA's Administration of the Opportunity Scholarship Program. (SL 2022-74)**

Section 8A.5 of S.L. 2022-74 makes the following changes to the North Carolina State Education Assistance Authority's (Authority) administration of the Opportunity Scholarship Program (Program):

- Provides that a criminal background check be conducted for the staff member with the highest decision-making authority at a nonpublic school that admits students who receive Opportunity Scholarships. The background check must be given to the Authority and is not a public record. The criminal history must be reviewed by the Board of Directors of the Authority to ensure that the person has not been convicted of specified crimes, and written findings must be made to show how the criminal history was used in determining whether the nonpublic school is compliant with Program requirements. As a part of the criminal history review, the following disqualifying characteristics must be considered:
  - Whether a threat to the physical safety of students or personnel exists.
  - Whether the person demonstrates that he or she does not have the integrity or honesty to fulfill the duties of overseeing State funds and the requirements of the Program.
  - Whether the person has not satisfied the criminal sentencing obligations imposed following the conviction.
  - Requires a nonpublic school that admits students who receive Opportunity Scholarships to contract with a certified public accountant to perform a financial review for each school year where the

nonpublic school enrolls 70 or more students receiving scholarship grants or funds from the Authority.

- Directs the Authority to establish by rule a process for a nonpublic school to appeal a determination of ineligibility to accept scholarship grant funds if the nonpublic school has been deemed to not be in compliance with the Program requirements.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 8A.6: Changes to North Carolina State Education Assistance Authority's Administration of Education Savings Accounts. (SL 2022-74)**

Section 8A.6 of S.L. 2022-74 makes the following changes to the administration of the Personal Education Savings Accounts:

- Clarifies categories of disabilities eligible to receive higher scholarship amounts consistent with documentation for identification of children with disabilities.
- Beginning with the 2023-2024 school year, requires that renewal for continued eligibility for scholarship funds for students whose primary disability is developmental delay must be assessed by a local educational agency. The State Education Assistance Authority must provide written notice to parents of all students impacted by this change by November 15, 2022.

Except as otherwise provided, this section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 8A.7: Revise Washington Center Internship Scholarship Program. (SL 2022-74)**

Section 8A.7 of S.L. 2022-74 adjusts the Washington Center Internship Scholarship Program to include public policy and career readiness seminar programs that are one to four weeks long. The State Education Assistance Authority will award grants to students who are residents of North Carolina, are in their second year or higher at a constituent institution of The University of North Carolina, and are attending a program at The Washington Center for Internships and Academic Seminars as follows:

- For semester term internships, up to \$10,000.
- For summer term internships, up to \$8,000.
- For seminar programs, up to \$4,000.

By December 1, 2022, the Board of Governors of The University of North Carolina must develop and promulgate guidance to constituent institutions on a process for awarding up to three academic credit hours for participation in a Washington Center internship.

This section became effective July 1, 2022, and applies beginning with scholarships awarded for the 2023 spring academic semester.

## **H103 - 2022 Appropriations Act.**

### **Sec. 8A.8: Report on and Suspend Certain Program Evaluation Requirements for Opportunity Scholarships. (SL 2022-74)**

Section 8A.8 of S.L. 2022-74 temporarily suspends certain program evaluation requirements for Opportunity Scholarships, including the following:

- For the 2022-2023 school year, the requirement that nonpublic schools be ineligible to receive scholarship grants if they did not report aggregate test performance data of eligible students for the 2021-2022 school year. A nonpublic school cannot be ineligible to receive scholarship grants as a result of an inability to report this data.
- For the 2022-2023 school year, the requirement to report the aggregate test performance data of eligible students.
- For the 2022 and 2023 calendar years, the requirement to report learning gains or losses and the competitive effects of the Opportunity Scholarships program on public school performance.

By March 1, 2023, the State Education Assistance Authority, in collaboration with other entities, must report to the Joint Legislative Education Oversight Committee on at least the following information:

- Options and a timeline to implement the recommendations of the March 1, 2018, report of the task force established pursuant to Section 10A.6 of S.L. 2017-57.
- The estimated cost of each option provided in the March 1, 2018, task force report.
- Any legislative recommendations on improving the evaluation of students receiving Opportunity Scholarships.

This section became effective July 1, 2022.

## **H159 - Education Law Changes.**

### **Sec. 1.1 Create Additional Ways for Individuals to Earn a North Carolina Early Childhood Credential. (SL 2022-71)**

Section 1.1 of S.L. 2022-71 directs the North Carolina Child Care Commission to adopt a rule to expand how a North Carolina Early Childhood Credential can be earned by including the following additional pathways:

- Hold a currently active Child Development Associate Credential from the Council for Professional Recognition, a Certified Child Care Professional Credential from the National Early Childhood Program Accreditation, or a Montessori Credential.
- Earn a passing score on a test developed by the early childhood faculty of the North Carolina Community College System.
- Meet other equivalencies as determined by the Department of Health and Human Services, Division of Child Development and Early Education.

This section became effective July 8, 2022.

### **H159 - Education Law Changes.**

#### **Sec. 1.2 Modify North Carolina Pre-K Teacher Assistant Qualification Requirements. (SL 2022-71)**

Section 1.2 of S.L. 2022-71 prohibits the Division of Child Development and Early Education from requiring an individual working towards an Associate Degree to complete a minimum number of semester hours per year in order to be eligible for employment as an NC Pre-K teacher assistant.

This section became effective July 8, 2022, and expires December 31, 2023.

### **H159 - Education Law Changes.**

#### **Sec. 2.1: Remove Codified Reference to Powerschool. (SL 2022-71)**

Section 2.1 of S.L. 2022-71 removes references to a specific student information system application used for reporting educational data and substitutes in its place the term "student information system."

This section became effective July 8, 2022.

### **H159 - Education Law Changes.**

#### **Sec. 2.2: Modify School Crisis Kit Requirements. (SL 2022-71)**

Section 2.2 of S.L. 2022-71 removes the requirement that school crisis kits include items recommended by the International Association of Chiefs of Police.

This section became effective July 8, 2022.

### **H159 - Education Law Changes.**

#### **Sec. 2.3: Extend Charter School Enrollment Priority to Grandchildren of Employees or Board Members. (SL 2022-71)**

Section 2.3 of S.L. 2022-71 authorizes charter schools to give enrollment priority to grandchildren of charter school employees and members of the board of directors. This section expands the previous enrollment priority that was limited to children of employees or directors.

This section became effective July 8, 2022, and applies beginning with applications and enrollments for the 2022-2023 school year.

## **H159 - Education Law Changes.**

### **Sec. 2.4: School Nutrition Changes. (SL 2022-71)**

Section 2.4 of S.L. 2022-71 modifies the vending machine sales restrictions to align with the federal competitive food and beverage standards. In addition, it makes various technical changes and clarifies school nutrition standards for local boards of education participating in the National School Lunch Program.

This section became effective July 8, 2022.

## **H159 - Education Law Changes.**

### **Sec. 2.5: Extending Benefits of Interstate Compact on Educational Opportunity for Military Children. (SL 2022-71)**

Section 2.5 of S.L. 2022-71 provides children of inactive members of the National Guard and military reserves certain intrastate and interstate services related to school transfers if the student's parent is required to move to perform military service-related responsibilities. The required services are similar to those provided to military children under the Interstate Compact on Educational Opportunity for Military Children.

This section became effective July 8, 2022, and applies beginning with the 2022-2023 academic school year.

## **H159 - Education Law Changes.**

### **Sec. 2.8: Extend Principal License Exemption. (SL 2022-71)**

Section 2.8 of S.L. 2022-71 requires the State Board of Education (SBE) to waive certain licensure requirements for individuals who have completed at least one course as part of a master's degree program or post-master's certificate designed for school administrators that was offered by an educator preparation program approved by the SBE prior to August 31, 2024.

This section became effective July 8, 2022.

## **H159 - Education Law Changes.**

### **Sec. 3.1 Conform Apprenticeship to Federal Law. (SL 2022-71)**

Section 3.1 of S.L. 2022-71 makes changes to the apprenticeship statutes to conform to federal standards for apprenticeships. Under federal law, there are three ways to measure the term of an apprenticeship program, including:

- Time-based approach: Completion of at least 2,000 hours through the completion of the industry standard for on-the-job learning.
- Competency-based approach: Attainment of competency.
- Hybrid approach: A blend of the time-based and competency-based approaches.



This section revises the definition of "apprentice" in State law, as well as the contents of apprenticeship agreements, to conform to the federal standards for apprenticeships, including allowing multiple measures for terms of the apprenticeship.

This section became effective July 8, 2022.

### **H159 - Education Law Changes.**

#### **Sec. 3.2: Permit Community Colleges to Collaborate with Public and Nonpublic Schools for Certain Programs. (SL 2022-71)**

Section 3.2 of S.L. 2022-71 allows North Carolina community colleges to enroll students from public school units and nonpublic schools (private and home schools) in academic transition and college transfer pathway courses of the Career and College Promise Program.

This section became effective July 8, 2022.

### **H159 - Education Law Changes.**

#### **Sec. 3.3: Revise Allowable Literacy Fund Uses. (SL 2022-71)**

Section 3.3. of S.L. 2022-71 eliminates the discretion of the State Board of Community Colleges to vary use of State Literacy funds.

This section became effective July 8, 2022.

### **H159 - Education Law Changes.**

#### **Sec. 3.4: North Carolina Principal Fellows and North Carolina Teaching Fellows Changes. (SL 2022-71)**

Section 3.4 of S.L. 2022-71 renames the North Carolina Principal Fellows and Transforming Principal Preparation Program as the North Carolina Principal Fellows Program (Principal Fellows). The chair of the Board of the State Education Assistance Authority is authorized to select another person to serve in the chair's place on the Commissions for both the Principal Fellows and Teacher Fellows programs.

This section became effective July 8, 2022.

### **H159 - Education Law Changes.**

#### **Sec. 3.5: Expand North Carolina School of Science and Mathematics Board of Trustees. (SL 2022-71)**

Section 3.5 of S.L. 2022-71 expands the North Carolina School of Science and Mathematics (NCSSM) Board of Trustees to reflect the newly created congressional district for North Carolina. Previously, the Board of Governors of The University of North Carolina was required to appoint one member from each

of the State's 13 congressional districts. This section removes the explicit numerical reference and simply aligns these appointments with the number of congressional districts.

This section becomes effective July 1, 2023, at which time the newly appointed member of the Board of Trustees will be appointed for a term ending June 30, 2027.

## **H159 - Education Law Changes.**

### **Sec. 3.6: Clarify Eligibility of Disabled Veterans for Patriot Star Family Scholarship Programs. (SL 2022-71)**

Section 3.6 of S.L. 2022-71 clarifies the definition of "eligible disabled veteran" to include veterans who incurred traumatic injuries, wounds, or illness as a member of the Armed Forces while training in preparation for future conflicts if the veteran is receiving compensation of at least 50% as rated by the U.S. Department of Veterans Affairs as a result of those injuries, wounds, or illness.

This section became effective July 1, 2021, and applies to applications for scholarship awards submitted on or after that date.

## **H159 - Education Law Changes.**

### **Sec. 4: School Threat Assessment Survey. (SL 2022-71)**

Section 4 of S.L. 2022-71 and Section 7.9 of S.L. 2022-74 are duplicate sections that require all public school units (PSUs) to report to the Center for Safer Schools by November 15, 2022, on the following:

- Any student threat assessment system in place and the number and nature of threats identified by that system.
- Responses to identified threats and results of those responses.
- Whether each school in the PSU has a School Risk Management Plan and the number of drills conducted under the plan.
- Any other systems, policies, procedures, or precautions undertaken with the purpose of minimizing violence and threats in schools.

By February 15, 2023, the Center for Safer Schools, in consultation with the Department of Public Instruction, must report to the Joint Legislative Education Oversight Committee on recommendations to the General Assembly on a system to identify and address threats in schools that can be implemented by PSUs statewide and any additional funding needed to support the system.

Section 4 of S.L. 2022-71 became effective July 8, 2022. Section 7.9 of S.L. 2022-74 became effective July 1, 2022.

## **H159 - Education Law Changes.**

### **Sec. 5: Advanced Teaching Role Changes. (SL 2022-71)**

Section 5 of S.L. 2022-71 removes the requirement that the State Board of Education (SBE) report on an independent research organization's evaluation of the Advanced Teaching Roles program by October 15,

2021, and instead requires reports by October 15 in 2022, 2023, and 2024. Beginning in 2025, the SBE must perform the evaluation and provide the report annually to various entities, including the Joint Legislative Education Oversight Committee. The Department of Public Instruction can use up to \$200,000 of appropriated funds in each year of the 2021-2023 biennium to contract with the independent research organization.

This section became effective June 30, 2022.

### **H177 - Extend Spiking Moratorium/LGERS Surety. (SL 2022-70)**

S.L. 2022-70 extends the pension-spiking moratorium enacted in S.L. 2021-72 from June 30, 2022, to June 30, 2023, and requires the Local Governmental Employees' Retirement System's (LGERS) Board of Trustees to adopt rules for eligible employers that do not have taxing authority in order to cover a withdrawal liability should they cease participation in the Retirement System.

This act became effective June 30, 2022.

### **H661 - Age Requirement Modifications/Capital Projects Oversight/BEAD Corrections. (SL 2022-69)**

S.L. 2022-69 does the following:

- Clarifies that qualified youth 15 years of age and older can enroll in fire training courses at community colleges on or after January 1, 2021.
- Reduces the age requirement for malt beverage wholesaler salesmen from 21 to 18 years.
- Allows persons 15 years of age to work inside premises that serve alcohol until December 31, 2023.
- Eliminates a requirement that the State Building Commission and Director of the Budget approve guidelines adopted by the State Board of Community Colleges that must be met by community colleges in order to be delegated authority over capital improvement projects.
- Provides that the Department of Administration is not required to review and approve plans and specifications for a State-funded capital improvement project costing less than \$2 million that has been delegated to a community college unless requested to do so in writing by the State Board of Community Colleges.
- Eliminates an annual reporting obligation of the Community Colleges System Office for capital improvement projects estimated to require expenditure of less than \$2 million of public funds.
- Makes a technical correction to the 2022 Appropriations Act relating to the use of federal infrastructure funds by the Department of Information Technology for grants in the Broadband Equity, Access, and Deployment Program.

Except as otherwise provided, this act became effective July 8, 2022.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 1: Clarify Requesting Board for Residency License. (SL 2022-75)**

Section 1 of S.L. 2022-75 clarifies that charter school boards can request that an individual be issued a residency license.

This section became effective July 12, 2022, and applies to individuals seeking licensure on or after that date.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 2: Tolling the Terms of Charters to Allow Time to Obtain Land Use Approvals. (SL 2022-75)**

Section 2 of S.L. 2022-75 provides that a charter school is entitled to automatically extend any deadline to begin the term of its charter until the next school year if the school notifies the State Board of Education that it is seeking land use or development approvals for its selected site or if it is challenging the denial of any requested land use or development approvals. The term of the issued charter is tolled during the period of any extension.

This section became effective July 12, 2022.

## **S593 - Schools for the Deaf and Blind. (Ratified)**

SB 593 would have done the following:

- Create a board of trustees for each of the schools for the deaf and blind and provide for governance of those schools by the new boards.
- Establish an admissions process for the schools for the deaf and blind.
- Create a transition process for the schools to governance by the new boards of trustees beginning in 2023-2024.

SB 593 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

## **S671 - Virtual Education/Remote Academies/Virtual Charters. (SL 2022-59)**

S.L. 2022-59 does the following:

- Repeals the sunset clause for the statute permitting limited virtual instruction during emergency conditions.
- Allows all local school administrative unit schools that provided full-time virtual instruction in the 2021-2022 school year to continue providing full-time virtual instruction in the 2022-2023 school year.

- Beginning in the 2023-2024 school year, authorizes local school administrative units to establish remote academies that meet certain requirements to provide full-time virtual instruction.
- Allows all charter schools that provided full-time virtual instruction in the 2021-2022 school year to continue providing full-time virtual instruction in the 2023-2024 school year.
- Transitions the schools in the virtual charter school pilot program from pilot status to complete a 10-year charter, with eligibility for renewal upon expiration.

Except as otherwise provided, this act became effective July 8, 2022, and applies beginning with the 2022-2023 school year.

# Environment, Natural Resources, and Energy

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 5.7: Authorize Sanitary Districts to Create, Maintain, and Operate Parks and Recreation Programs and Facilities. (SL 2022-74)**

Section 5.7 of S.L. 2022–74 authorizes sanitary districts to provide for the creation, maintenance, and operation of parks and recreation programs and facilities. However, sanitary districts are prohibited from using the power of eminent domain to acquire real property for parks and recreation programs or facilities.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 12.1: Amend Shallow Draft Navigation Channel Dredging and Coastal Storm Damage Mitigation Funds. (SL 2022-74)**

Section 12.1 of S.L. 2022-74 does the following:

- Clarifies that grant eligibility under the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund (Shallow Draft Fund) and the Coastal Storm Damage Mitigation Fund is limited to nonfederal costs of projects sponsored by units of local government, except with respect to aquatic weed control projects.
- Eases the cost-share requirement for all eligible dredging projects to require only a match of one non-State dollar for every three dollars from the Shallow Draft Fund.
- Directs the Department of Environmental Quality to adopt rules to implement the grant programs associated with both the Shallow Draft Fund and the Coastal Storm Damage Mitigation Fund.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 12.7: Express Stormwater Permit Application Processing. (SL 2022-74)**

Section 12.7 of S.L. 2022-74 allows a permit application for a post-construction stormwater permit submitted pursuant to the post-construction stormwater fast-track program to be submitted to either the Washington or Wilmington regional offices of the Department of Environmental Quality (DEQ) at the option of the applicant.

This section became effective July 1, 2022.

## **H219 - Amend Environmental Laws. (SL 2022-43)**

S.L. 2022-43 does the following:

- Sets a deadline for reversion for certain directed infrastructure projects.
- Expands the Department of Environmental Quality's (DEQ) authorization for use of river debris funding.
- Makes a technical correction to a Flood Resiliency Blueprint provision.
- Provides the Division of Marine Fisheries flexibility in maintaining its aircraft.
- Aligns Coastal Area Management Act public notice requirements for land-use plan hearings with existing local government notice requirements.
- Directs DEQ to study the express permit and certification review program and the fast-track stormwater permitting program.
- Authorizes DEQ to allow limited wastewater discharges to waters with naturally occurring low dissolved oxygen levels.
- Makes changes to the mining permit notice requirements and appeal deadlines.

This act has various effective dates. Please see the full summary for more details.

### **H332 - State Nature and Historic Preserve Additions/Deletions. (SL 2022-31)**

S.L. 2022-31 does the following:

- Accepts certain properties as part of the State Nature and Historic Preserve (Preserve).
- Removes certain properties from the Preserve.
- Makes various conforming and technical changes to the State Nature and Historic Preserve Dedication Act.

This act became effective June 30, 2022.

### **H911 - Regulatory Reform Act of 2022.**

#### **Sec. 3: Authorize Sanitary Districts to Create, Maintain, and Operate Parks and Recreation Programs and Facilities. (SL 2022-75)**

Section 3 of S.L. 2022-75 authorizes sanitary districts to provide for the creation, maintenance, and operation of parks and recreation programs and facilities. However, sanitary districts are prohibited from using the power of eminent domain to acquire real property for parks and recreation programs or facilities.

This section became effective July 12, 2022.

### **H911 - Regulatory Reform Act of 2022.**

#### **Sec. 6: Conforming Change to Lead Dust Standards. (SL 2022-75)**

Section 6 of S.L. 2022-75 conforms the State standards for post remediation lead dust clearance levels to the new federal standards that became effective in 2021.

This section becomes effective December 1, 2022.

**H911 - Regulatory Reform Act of 2022.**

**Sec. 21: Repeal Alternate Grant Disbursement Procedure for Certain Water and Wastewater Infrastructure Funds. (SL 2022-75)**

Section 21 of S.L. 2022-75 repeals a section of S.L. 2022-74 that would have created alternative criteria for the disbursement of certain water and wastewater infrastructure grant funds.

This section became effective July 1, 2022.

**H911 - Regulatory Reform Act of 2022.**

**Sec. 22: Provide Additional Guidelines for Development of the Flood Resiliency Blueprint. (SL 2022-75)**

Section 22 of S.L. 2022-75 provides additional guidelines for the organization contracted to develop the Flood Resiliency Blueprint (Blueprint) for the Department of Environmental Quality (DEQ), and requires DEQ to include additional information in its required annual report on the Blueprint.

This section became effective July 12, 2022.

**S372 - Electrical Licensing/Building Code/Development Reform 2022. (SL 2022-11)**

S.L. 2022-11 makes various changes to the electrical licensing, wastewater, Building Code and development laws of the State.

- G.S. 143-151.58(a) as amended by Section 11(b) of this act was subsequently amended by Section 24(a) of S.L. 2022-46.

This act has various effective dates. Please see the full summary for more detail.



# Finance

**See full summary documents for additional detail**

## **H83 - Revenue Laws Technical, Clarifying, & Administrative Changes. (SL 2022-13)**

S.L. 2022-13 makes various technical, clarifying, and administrative changes to the revenue laws as recommended by the Department of Revenue.

## **H103 - 2022 Appropriations Act.**

### **Sec. 9D.10: Medicaid Hospital Assessment Technical Adjustments. (SL 2022-74)**

Section 9D.10 of S.L. 2022-74 amends statutes (G.S. 108A-146.12 and G.S. 108A-146.13) enacted in Section 9D.13A(c) of S.L. 2021-180 to make technical adjustments to the modernized hospital assessments, as follows:

- Reduces the amount of assessment collected from hospitals through the postpartum component to account for the portion of the added postpartum costs that will be collected through the other components of the modernized hospital assessments. Because the postpartum coverage and the postpartum component took effect April 1, 2022, and this section becomes effective October 1, 2022, this section provides for a reconciliation of the April and July quarters in the quarter beginning October 1, 2022.
- Adjusts the historical subcomponent of the modernized hospital assessments related to the recent change of ownership of Vidant Beaufort hospital that was reported to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice.

This section becomes effective October 1, 2022, and applies to modernized hospital assessments imposed on or after that date.

## **H103 - 2022 Appropriations Act.**

### **Sec. 23.1: OSBM/Report to Oversight Committee on New Positions. (SL 2022-74)**

Section 23.1 of S.L. 2022-74 requires the Office of State Budget and Management to report quarterly to the Joint Legislative Oversight Committee on General Government (Committee) and the Fiscal Research Division of the General Assembly on the number of new positions established by a State agency under the purview of the Committee and approved by the Director of the Budget. Pursuant to G.S. 143C-2-1, the Governor is the Director of the Budget.

The report must include all of the following: (i) the justification for each position established, (ii) the position title and duties of each position, (iii) the salary for each position, and (iv) the source of funds used to establish each position.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Part 42: Finance. (SL 2022-74)**

Part XLII of S.L. 2022-74 makes the following tax-related changes:

- Section 42.1 – Expands the individual income tax exclusion of military retirement pay to include retirement pay for service in all uniformed services. The exclusion enacted in Section 42.1A of S.L. 2021-180 applied only to members of the Armed Forces; this provision extends the exclusion to retirees of the commissioned corps of the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Public Health Service. This provision became effective for taxable years beginning on or after January 1, 2022.
- Section 42.2 – Exempts from sales and use tax purchases by interstate air and ground couriers of certain equipment, including conveyor systems, and related parts and accessories, purchased for use at package sorting facilities. Minimum investment and employment thresholds must be met to be eligible for and to maintain the exemption. This provision became effective July 1, 2022, and applies to purchases made on or after that date.
- Section 42.3 – Transfers a portion of the sales and use tax proceeds, ranging from 2%-6% over three years, to the Highway Fund and Highway Trust Fund for transportation needs. This provision became effective July 1, 2022.
- Section 42.4 – Shifts from annual to quarterly the motor fuel tax refund available for the off-highway use of motor fuel. This provision becomes effective January 1, 2023, and applies to purchases of motor fuel on or after that date.

## **H103 - 2022 Appropriations Act.**

### **Sec. 42.1: Expand Income Tax Exclusion of Military Retirement Pay to NOAA and U.S. Public Health Service Retirees. (SL 2022-74)**

Section 42.1 of S.L. 2022-74 expands the individual income tax exclusion of military retirement pay to include retirement pay for service in all uniformed services. The exclusion enacted in Section 42.1A of S.L. 2021-180 applied to members of only the Armed Forces; this provision extends the exclusion to retirees of the commissioned corps of the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Public Health Service.

This section became effective for taxable years beginning on or after January 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 42.2: Sales Tax Exemption for Interstate Air and Ground Couriers. (SL 2022-74)**

Section 42.2 of S.L. 2022-74 exempts from sales and use tax purchases by interstate air and ground couriers of certain equipment, including conveyor systems, and related parts and accessories, purchased for use at package sorting facilities. Minimum investment and employment thresholds must be met to be eligible for and to maintain the exemption.

This section became effective July 1, 2022, and applies to purchases made on or after that date.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 42.3: Use Sales Tax Revenues for Transportation Needs. (SL 2022-74)**

Section 42.3 of S.L. 2022-74 transfers a portion of the sales and use tax proceeds, which are otherwise deposited into the General Fund, to the Highway Fund and Highway Trust Fund for transportation needs. The amount transferred ranges from 2%-6% over three years.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 42.4: Quarterly Motor Fuel Tax Refund for Off-Highway Use. (SL 2022-74)**

Section 42.4 of S.L. 2022-74 shifts from annual to quarterly the motor fuel tax refund available for the off-highway use of motor fuel.

This section becomes effective January 1, 2023, and applies to purchases of motor fuel on or after that date.

### **H674 - Require DNA Various Convict'ns/Other Matters. (SL 2022-50)**

S.L. 2022-50 does the following:

- Adds additional offenses to the list of offenses requiring submission of a DNA sample after a conviction or a finding of not guilty by reason of insanity. This section becomes effective December 1, 2022, and applies to convictions or findings of not guilty by reason of insanity on or after that date.
- Clarifies that medical facilities and medical professionals cannot bill sexual assault victims for forensic medical examinations and updates certain definitions. This section becomes effective October 1, 2022, and applies to forensic medical examinations completed on or after that date.
- Authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.
- Requires that the register of deeds maintains a separately kept backup storage system, that is restorable from any point, for the purposes of disaster recovery, for the index of registered instruments that the register of deeds is required to maintain.

Except as otherwise provided, this act became effective July 7, 2022.

### **H674 - Require DNA Various Convictions/Other Matters.**

#### **Sec. 2.1: Deed Stamp Tax Refunds. (SL 2022-50)**

Section 2.1 of S.L. 2022-50 authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.

Section 2.1 of S.L. 2022-50 became effective July 7, 2022.

## **H792 - Barbers/Electrolysis Boards/Merger. (SL 2022-72)**

S.L. 2022-72 does the following:

- Amends the statutes pertaining to the practice of barbering and electrolysis as follows:
  - Merges the existing State Board of Barber Examiners and the Board of Electrolysis Examiners into a single board to be known as the North Carolina Board of Barber and Electrolysis Examiners (Board). The terms of the newly created Board begin on January 1, 2023.
  - Authorizes mobile barbershops.
  - Revises barber school requirements.
  - Establishes an electrolysis apprenticeship program.
  - Modifies certain fee provisions.
- Increases the annual Job Development Investment Grant for any business headquarters in the State by 20% if the business meets certain requirements, such as relocating its out-of-state manufacturing operation to a development tier 1 or tier 2 area.
- Makes a technical correction to the effective date of language in S.L. 2022-73.

Section 1 and Section 2 of this act become effective January 1, 2023, and apply to applications for licensure, examination, and renewal submitted on or after that date. The remainder of this act became effective July 8, 2022.

## **H1068 - UNC Non-Appropriated Capital Projects. (SL 2022-15)**

S.L. 2022-15 authorizes the financing and construction of listed capital improvement projects by the constituent institutions of The University of North Carolina. The projects will be financed through revenue bonds, special obligation bonds, and other funds available to the institutions, excluding tuition and appropriations from the General Fund. This act also makes a series of changes related to capital improvement projects included in the 2021 Appropriations Act.

This act became effective June 29, 2022.

## **S265 - Bond Info Transparency/LGC Toolkit II. (SL 2022-53)**

S.L. 2022-53 does the following:

- Requires units to provide a statement of disclosures that contain the estimated interest costs of the bond issuance, estimated property tax rate changes, if any, needed to service the proposed debt, and a calculation of the two-thirds bonds capacity of the unit for the current fiscal year (Sections 1-4).
- Requires units to file interim reports with the Local Government Commission (LGC) for events that will or may have a material, adverse effect on the financial health, operations, or internal controls of the unit (Section 5).
- Limits the amount of debt a unit on the most recently published Unit Assistance List could incur without LGC approval (Section 6).

- Repeals a provision requiring the State Health Plan to charge interest on late premiums to local governments and charter schools as the provision is not cost-effective to administer (Section 7).
- Requires notice to the LGC of the creation of any new public authority or unit that is subject to the Local Government Budget and Fiscal Control Act (Section 8).
- Increases the fidelity bond requirements for finance officers to protect the assets of local governments and public authorities (Section 9). This section becomes effective January 1, 2023.
- Authorizes charter schools to participate in the State Treasurer's Ancillary Governmental Participant Investment Program (AGPIP) (Section 9.5).

Except as otherwise provided, this act became effective July 7, 2022, and applies to bonds issued under bond orders introduced on or after October 1, 2022, and to contracts entered into on or after October 1, 2022.

### **S347 - Captive Insurance Amendments. (SL 2022-7)**

S.L. 2022-7 makes a number of technical and substantive changes to the laws governing captive insurance companies in the State. This act has various effective dates. Please see the full summary for more detail.

### **S347 - Captive Insurance Amendments.**

#### **Sec. 5: Captive Insurance Company Tax Changes. (SL 2022-7)**

Section 5 of S.L. 2022-7 makes the following tax-related changes regarding captive insurance companies:

- Provides that two or more captive insurance companies under common ownership and control will be taxed as separate companies if they are either a protected cell captive insurance company or a special purpose captive insurance company with a cell or series structure. It also specifies the aggregate amount of tax payable by a special purpose captive insurance company with a cell or series structure with more than 10 cells or series. This provision is effective for premium taxes imposed for taxable years beginning on or after January 1, 2022.
- Provides that if a licensed captive insurance company formed and licensed in another jurisdiction redomesticates to North Carolina with the approval of the Commissioner prior to December 31, 2022, it is exempt from premium taxes otherwise due for the remainder of the year in which redomestication occurs and for the calendar year following its redomestication. This provision is effective for premium taxes imposed for taxable years beginning on or after January 1, 2021, and expires for taxable years beginning on or after January 1, 2024.

### **S388 - Qualifying Farmer Zoo Sales Tax Exemption. (SL 2022-45)**

S.L. 2022-45 does the following three things:

- Allows qualifying farmers that also have zoo operations to purchase items for the zoo under their qualifying farmer sales tax exemption certificate, effective for items purchased on or after January 1, 2023. (Part I)
- Creates a new sales tax exemption for certain items purchased by a wildlife manager for wildlife management activities, effective for items purchased on or after October 1, 2022. (Part II)

- Modifies and expands the property tax classification for wildlife conservation land, effective for taxes imposed for taxable years beginning on or after July 1, 2022. Property classified as wildlife conservation land is assessed and taxed at a value lower than its fair market value. (Part III)

Except as otherwise provided, this act became effective July 7, 2022.

**S762 - North Carolina Farm Act of 2022.**

**Sec. 4: Preserve Conservation Easements After Property Tax Foreclosures. (SL 2022-55)**

Section 4 of S.L. 2022-55 provides that conservation agreements survive real property tax foreclosure sales.

This section became effective July 8, 2022.

**S762 - North Carolina Farm Act of 2022.**

**Sec. 6: Specify That Commercial Production or Growing of Animals for Purposes of Present Use Value Taxation Includes Boarding Horses. (SL 2022-55)**

Section 6 of S.L. 2022-55 provides that boarding horses qualifies as the commercial production or growing of animals for purposes of the present use value property tax program.

This section became effective for taxes imposed for taxable years beginning on or after July 1, 2022.

# Health and Human Services

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 7.10: Codify the Feminine Hygiene Products Grant Program. (SL 2022-74)**

Section 7.10 of S.L. 2022-74 codifies the Feminine Hygiene Products Grant Program (Program), which assists public school units (PSUs) in providing students with feminine hygiene products at no charge to the student. The Department of Public Instruction (DPI) must award grants of up to \$5,000 each on a first-come, first-served basis, except that DPI must prioritize grants to PSUs that did not receive an award in the previous fiscal year. PSUs cannot receive more than one grant per fiscal year. By March 15 of each year, DPI must report to the Joint Legislative Education Oversight Committee on the PSUs receiving grants under the Program, the specific feminine hygiene products purchased with grant funds, and the impact of the Program on student health and well-being.

This section became effective July 1, 2022. For the 2022-2023 fiscal year, DPI must prioritize awarding grants to PSUs that did not receive an award pursuant to the previously uncodified grant program.

## **H103 - 2022 Appropriations Act.**

### **Sec. 8.3: Recommendations on Increasing Nursing Graduates. (SL 2022-74)**

Section 8.3 of S.L. 2022-74 requires the Board of Governors of The University of North Carolina, in collaboration with the State Board of Community Colleges, to study and provide recommendations on methods and a timeline for increasing the number of graduates from nursing programs at constituent institutions of The University of North Carolina and community colleges by at least 50%. The report is due to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services by no later than February 1, 2023.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 9A.1: State-County Special Assistance Program Changes. (SL 2022-74)**

Section 9A.1 of S.L. 2022-74 amends Section 9A.3A of S.L. 2021-180 that directed changes to the State-County Special Assistance (SA) program. S.L. 2021-180 brought the SA In-Home program into parity with the SA Adult Care Home program, effectively merging the two programs and allowing individuals to qualify for the SA program and receive Medicaid coverage, regardless of the individual's residential setting, based upon the criteria historically used for the SA Adult Care Home program. This section makes the following changes to S.L. 2021-180:

- Begins the annual cost-of-living adjustment (COLA) a year earlier on January 1, 2023.
- No longer requires federal approval of the use of the savings deposited in the HCBS Fund to fund the SA program costs associated with the SA program changes as a condition of implementation.

The SA program changes become effective on the later of July 11, 2022, or 30 days after the date that both the Social Security Administration and the Centers for Medicare and Medicaid Services have approved the

applications submitted by the Department of Health and Human Services. The remainder of this section became effective July 11, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9B.1: Detailed Plan for Reorganizing Certain Child and Family Well Being Programs. (SL 2022-74)**

Section 9B.1 of S.L. 2022-74, as amended by Section 18 of S.L. 2022-75, requires the Department of Health and Human Services (DHHS) to submit a plan and timeline to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division on DHHS's proposal to transfer child and family well-being programs and services to a new division within DHHS. The original plan must be submitted by October 1, 2022, with revisions to the plan due by April 1, 2023, and it must include the following:

- The mission and purpose of the proposed new division.
- A list of the specific programs and services to be transferred to the new division.
- A detailed proposed budget for the new division.
- The anticipated impact on local governments and key service providers.
- Identification of the functions, powers, duties, and obligations that would need to be transferred to the new division.
- Any legislative changes that would be necessary to implement this proposed reorganization.
- Any other information DHHS deems relevant to implementing this proposed reorganization.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9B.2: Redirection of Funds from Atrium Health to Cleveland County for Development of a Health Center. (SL 2022-74)**

Section 9B.2 of S.L. 2022-74 requires the funds initially allocated in accordance with S.L. 2021-180 by the Office of Rural Health as a directed grant to Atrium Health for the development of a federally qualified health center to instead be allocated as a directed grant to Cleveland County for the same purpose.

The section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9B.3: Further Study of the Statewide Health Information Exchange Network and the Statewide Health Information Exchange Act; and Temporary Suspension of the Health Information Exchange Act Provision Conditioning the Receipt of State Funds on Connecting to and Submitting Data to the Health Information Exchange Network. (SL 2022-74)**

Section 9B.3 of S.L. 2022-74 requires the Health Information Exchange Advisory Board to submit a report to the Joint Legislative Oversight Committee on Health and Human Services on the status of the Health



Information Exchange. The report must be submitted by March 31, 2023, and contain (i) an update regarding the connectivity status of providers and entities required by the Health Information Exchange Act (HIEA) to connect to and submit data through the Health Information Exchange, and (ii) recommendations for features or actions, including legislative or administrative proposals, to support enforcement of the HIEA. This section clarifies that, notwithstanding the provisions of the HIEA, connection to the Health Information Exchange cannot be a requirement for receipt of State funds until the appointment of an agency responsible for enforcing the provisions of the HIEA.

This section became effective July 11, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9C.1: Raise NC Pre-K Base Reimbursement Rates. (SL 2022-74)**

Section 9C.1 of S.L. 2022-74 amends Section 9C.3 of S.L. 2021-180 by raising the base reimbursement rates for the 2022-2023 fiscal year for child care centers participating in the North Carolina Prekindergarten (NC Pre-K) program from 2% to 7% over the 2021-2022 fiscal rates. A portion of these funds are allocated to raise the base reimbursement rates for public schools and Head Start centers participating in the NC Pre-K program by 5% over the 2021-22 rates for the 2022-2023 fiscal year.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9C.2: Raise Cap on Administrative Costs/Smart Start . (SL 2022-74)**

Section 9C.2 of S.L. 2022-74 amends Section 9C.6(b) of S.L. 2021-180 by raising the cap on administrative costs for local partnerships from not more than 8% to no more than 9% of the total statewide allocation to all local partnerships.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9C.3: Align State Criminal Background Checks for Prospective Child Care Providers with Federal Block Grant Requirements/Report. (SL 2022-74)**

Section 9C.3 of S.L. 2022-74 amends the background check provisions of child care licensing laws to require facilities to check the criminal backgrounds of their employees every five years, rather than every three years. It also allows new employees whose criminal background checks have not yet come back to be provisionally employed, provided they are supervised by another employee at all times. Finally, it requires the Department of Health and Human Services to report to the Joint Legislative Oversight Committee on Health and Human Services on the number of provisionally employed child care providers. Beginning in 2022, the report must be made annually by December 1.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.2: Modify LME/MCO Intergovernmental Transfers . (SL 2022-74)**

Section 9D.2 of S.L. 2022-74 amends Section 9D.7(a) of S.L. 2021-180 to modify the amount of the intergovernmental transfers made to the Department of Health and Human Services by each local management entity/managed care organization (LME/MCO) as result of the dissolution of Cardinal Innovations LME/MCO.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.3: Medicaid Rates for Personal Care Services and Skilled Nursing . (SL 2022-74)**

Section 9D.3 of S.L. 2022-74 appropriates funds to support the increased Medicaid rates for personal care services and skilled nursing facilities that were paid for April, May, and June of 2022, but that were not funded in S.L. 2021-180. This section also appropriates \$95 million in nonrecurring funds to be used for increased Medicaid rates for personal care services and skilled nursing facilities during the 2022-2023 fiscal year, until the funds are spent. Once the funds have been spent, the Department of Health and Human Services has the statutory authority to set rates for personal care services and skilled nursing facilities within the budget for the Medicaid program.

The funding for the 2021-2022 fiscal year became effective June 30, 2022. The remainder of this section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.4: Medicaid Coverage / Eastern Band of Cherokee Indians. (SL 2022-74)**

Section 9D.4 of S.L. 2022-74 authorizes the Department of Health and Human Services to submit any necessary documents to the Centers for Medicare and Medicaid Services to allow for Medicaid coverage of healthcare services that (i) qualify for 100% federal funding, (ii) are provided by Indian Health Service providers or Eastern Band of Cherokee Indians tribal facilities, and (iii) are provided to individuals with no other form of health coverage.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.5: Conform to Federal Requirements/ Ending of Public Health Emergency. (SL 2022-74)**

Section 9D.5 of S.L. 2022-74 amends language in Section 6(b) of S.L. 2020-88 pertaining to the notices of termination of Medicaid benefits that will be sent to ineligible beneficiaries after the end of the federal public health emergency. Instead of requiring all notices of termination be sent within 90 days of the end of the federal public health emergency, the amended language requires all Medicaid renewals, post-

enrollment verifications, and redeterminations of eligibility to be completed as expeditiously as possible and no later than the twelfth month after the end of the federal public health emergency.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.6: Use of the Medicaid Transformation Fund for Medicaid Transformation Needs Changes. (SL 2022-74)**

Section 9D.6 of S.L. 2022-74 amends Section 9D.16(b) of S.L. 2021-180 to authorize the transfer of additional funds from the Medicaid Transformation Fund to the Division of Health Benefits (DHB), Department of Health and Human Services, for qualifying Medicaid transformation needs during the 2022-2023 fiscal year. The funds available for transfer to DHB during the 2022-2023 fiscal year include any amount of funds that were authorized to be transferred during the 2021-2022 fiscal year but were not transferred.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.7: Adjust Implementation Date for Behavioral Health and Intellectual/Developmental Disabilities Tailored Plans . (SL 2022-74)**

Section 9D.7 of S.L. 2022-74 requires the Department of Health and Human Services, Division of Health Benefits (DHB), to implement behavioral health and intellectual/developmental disabilities (BH IDD) tailored plans no later than December 1, 2022, for an initial contract term ending December 1, 2026. This section directs that the initial contract term of the standard benefit plans must continue through December 1, 2026, with an option to extend the contract for up to one additional year. If DHB extends the initial contract term of the standard benefit plans, it must offer to extend the initial term of the BH IDD tailored plan contracts an equivalent amount of time.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.8: Clarify Treatment of 340B Drugs / Address Reimbursement for Federally Qualified Health Centers . (SL 2022-74)**

Section 9D.8 of S.L. 2022-74 amends Section 9D.19A of S.L. 2021-180 to clarify that there will be no changes to the reimbursement for drugs covered by the federal 340B Drug Pricing Program under prepaid health plan contracts for standard benefit plans through June 30, 2026. This section also provides \$4.4 million for temporary Medicaid reimbursement increases to federally qualified health centers (FQHCs) as a percentage above cost. By February 1, 2023, the Division of Health Benefits, Department of Health and Human Services, must collaborate with FQHCs to develop and submit to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice a proposed comprehensive reimbursement structure for FQHCs that addresses pharmacy costs in the context of the overall financial challenges faced by FQHCs.

The changes related to 340B drugs became effective retroactively to November 18, 2021. The remainder of this section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.9: Adjust Implementation Date for Requiring LME/MCOs to Pay for Behavioral Health Services Provided to Beneficiaries Awaiting Hospital Discharge . (SL 2022-74)**

Section 9D.9 of S.L. 2022-74 amends Section 9D.22(f) of S.L. 2021-180, which directed the Department of Health and Human Services, Division of Health Benefits, to develop Medicaid coverage for specified services provided to Medicaid beneficiaries in an acute hospital setting after the beneficiary has been in the care of the hospital for at least 30 hours if the beneficiary is awaiting discharge to a more appropriate setting for the treatment of behavioral health needs. This section changes the implementation date of the Medicaid coverage for the new service from July 1, 2022, to December 31, 2022.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.10: Medicaid Hospital Assessment Technical Adjustments. (SL 2022-74)**

Section 9D.10 of S.L. 2022-74 amends statutes (G.S. 108A-146.12 and G.S. 108A-146.13) enacted in Section 9D.13A(c) of S.L. 2021-180 to make technical adjustments to the modernized hospital assessments, as follows:

- Reduces the amount of assessment collected from hospitals through the postpartum component to account for the portion of the added postpartum costs that will be collected through the other components of the modernized hospital assessments. Because the postpartum coverage and the postpartum component took effect April 1, 2022, and this section becomes effective October 1, 2022, this section provides for a reconciliation of the April and July quarters in the quarter beginning October 1, 2022.
- Adjusts the historical subcomponent of the modernized hospital assessments related to the recent change of ownership of Vidant Beaufort hospital that was reported to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice.

This section becomes effective October 1, 2022, and applies to modernized hospital assessments imposed on or after that date.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.11: Average Commercial Rate Supplemental and Directed Payment Program / East Carolina University Health Physicians . (SL 2022-74)**

Section 9D.11 of S.L. 2022-74 allows East Carolina University (ECU) Health Physicians to participate in the Average Commercial Rate Supplemental and Directed Payment Program with no increase to the previously established limit on payments applicable to eligible providers affiliated with the ECU Brody School of Medicine.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.12: Behavioral Health and Intellectual/Developmental Disabilities Tailored Plan Per Member Per Month Adjustment Recommendations . (SL 2022-74)**

Section 9D.12 of S.L. 2022-74 requires the Division of Health Benefits (DHB), Department of Health and Human Services, to submit to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice and the Fiscal Research Division a report containing recommendations regarding adjustments to the per member per month capitation amount paid to local management entities/managed care organizations operating behavioral health and intellectual/developmental disabilities tailored plans. The recommendations must include adjustments to increase the wages of direct support personnel who provide services to Medicaid beneficiaries residing in intermediate care facilities for individuals with intellectual disabilities (ICF/IIDs), including ICF/IID level group homes, and Medicaid beneficiaries receiving services through the North Carolina Innovations waiver program. DHB must take into account the wages of direct support personnel working at the State developmental centers, with the goal of aligning the wages of direct support personnel regardless of place of employment when making the recommendations. This report is required annually for five years beginning March 1, 2023.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.13: Changes Related to Behavioral Health and Intellectual/Developmental Disabilities Tailored Plans Launch. (SL 2022-74)**

Section 9D.13 of S.L. 2022-74 makes the following changes related to behavioral health and intellectual/developmental disabilities (BH IDD) tailored plans:

- Temporarily delays the coverage of outpatient point-of-sale prescription drugs by BH IDD tailored plans for up to six months.
- Temporarily suspends, through December 31, 2023, the statutory solvency standards applicable to local management entity/managed care organization (LME/MCOs). The Department of Health and Human Services (DHHS), Division of Health Benefits, is required to submit, no later than March 1, 2023, recommended solvency standards for LME/MCOs operating BH IDD tailored plans. The report must be submitted to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Oversight Committee on Medicaid and NC Health Choice, and the Fiscal Research Division.
- Clarifies the meaning of "closed network" (in G.S. 108D-21 and G.S. 108D-23) and specifies that BH IDD tailored plans are required to include in their closed provider networks all providers in their catchment area that provide behavioral health, intellectual and developmental disability, or traumatic brain injury services and that are designated as essential providers by DHHS.
- Temporarily, through December 1, 2023, requires the dissolution of an LME/MCO upon the termination of its contract to operate a BH IDD tailored plan. No later than January 10, 2023, DHHS must recommend to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice actions to be taken in the future if a contract for a BH IDD tailored plan, a capitated arrangement, or the 1915(b)/(c) waiver is terminated with an LME/MCO.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9D.15: Eliminate NC Health Choice and Move Beneficiaries to Medicaid. (SL 2022-74)**

Section 9D.15 of S.L. 2022-74 directs the Department of Health and Human Services to submit the necessary State Plan amendments to the Centers for Medicare and Medicaid Services (CMS) to merge the NC Health Choice and the Medicaid programs by eliminating the NC Health Choice program and providing Medicaid coverage to the population of children historically served by NC Health Choice. The section directs the merger to occur before July 1, 2023. The section also makes conforming changes throughout the General Statutes.

The directive to merge the programs became effective July 11, 2022, and the remainder of this section becomes effective on the date that the NC Health Choice program is eliminated, as approved by CMS.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9E.1: Hiring of Health Care Personnel by Nursing Facilities to Perform Nurse Aide Duties. (SL 2022-74)**

Section 9E.1 of S.L. 2022-74 amends the Nurse Aide Registry statute (G.S. 131E-255) to clarify that nursing facilities can employ individuals who are not on the Nurse Aide Registry for up to four months, consistent with federal law. The Medical Care Commission is given the authority to adopt rules necessary to implement this section.

This section became effective July 11, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9E.2: Emergency Flexibilities for Certain Facilities and Services Regulated by the Division of Health Service Regulation. (SL 2022-74)**

Section 9E.2 of S.L. 2022-74 allows the Division of Health Service Regulation to waive rules or increase bed capacity at mental health facilities, adult care homes, hospitals, combination homes, nursing homes, and hospices during a declared emergency or when necessary to conform to federal law. The Division can also waive rules for emergency medical services and nurse aides in the same circumstances.

This section will become effective on the date Executive Order No. 116 is rescinded.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9F.1: Use of Opioid Settlement Funds. (SL 2022-74)**

Section 9F.1 of S.L. 2022-74 amends Section 9F.1 of S.L. 2021-180 (2021 Appropriations Act), which established the Opioid Abatement Reserve, to allow the reserve to maintain funds received by the State as a beneficiary of bankruptcy proceedings relating to claims regarding the manufacturing, marketing,

distribution, dispensing, or sale of opioids. It also directs the State Controller to disburse funds from the Opioid Abatement Reserve to be allocated as outlined below.

- \$9,225,000 to the Department of Health and Human Services, to be allocated as follows:
  - \$1,850,000 to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services for the Prescription Digital Therapeutics Pilot Program.
  - \$1,000,000 to Triangle Residential Options for Substance Abusers, Inc. to fund the construction of additional units of housing on its Durham campus to provide housing support to individuals in recovery from opioid use disorder.
  - \$6,000,000 to be allocated equally among the local management entities/managed care organizations (LME/MCOs) to support opioid remediation programs throughout the State.
  - \$375,000 to the North Carolina Association of County Commissioners to facilitate local and regional strategic planning to maximize the long-term positive impact of the opioid settlement funds received by the State and to satisfy all requirements of the Memorandum of Agreement governing the use of opioid settlement funds by counties and municipalities in North Carolina.
- \$5,556,203 to the Board of Governors of The University of North Carolina to be allocated to the University of North Carolina at Chapel Hill for the North Carolina Collaboratory to be used as follows:
  - \$400,000 to the University of North Carolina Injury Prevention Research Center to expand and operate the Community Opioid Resources Engine for North Carolina.
  - \$600,000 to support opioid remediation project management and community partnership outreach at North Carolina Central University.
  - \$1,900,000 to make grants available on a competitive basis to each campus of the constituent institutions of The University of North Carolina for opioid abatement research and development projects.
  - \$2,656,203 to fund a research partnership concerning opioid abatement with the Eshelman Institute for Innovation at the University of North Carolina at Chapel Hill School of Pharmacy.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 9F.2: Prescription Digital Therapeutics Pilot Program for Opioid Use Disorder Treatment. (SL 2022-74)**

Section 9F.2.(a) of S.L. 2022-74 authorizes the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS, Department of Health and Human Services, to develop and administer, from the funds allocated in Section 9F.1 of S.L. 2022-74, a two-year pilot program to gauge the effectiveness of prescription digital therapeutics (PDTs) for the treatment of opioid use disorder administer

Section 9F.2.(b) of S.L. 2022-74 directs the pilot program to commence no later than December 1, 2022, and terminate no later than December 1, 2024. DMH/DD/SAS is responsible for determining the number of pilot program sites, the eligibility requirements for participants, and the specific types of PDTs that will be prescribed and evaluated by the pilot program.

Section 9F.2.(c) of S.L. 2022-74 instructs DMH/DD/SAS to submit a report on the impact of the pilot program to the Joint Legislative Oversight Committee on Health and Human Services within six months after the termination of the pilot program. The report must include specified criteria, including a breakdown of expenditures, and identification of the specific PDTs prescribed and an evaluation of their effectiveness.

This section became effective July 1, 2022.

**H103 - 2022 Appropriations Act.**

**Sec. 9G.1: Funds for the Office of the Chief Medical Examiner to Increase the Transportation Rate for Death Investigations and Autopsies and to Increase the Number of Forensic Pathologist Positions. (SL 2022-74)**

Section 9G.1 of S.L. 2022-74 appropriates \$4.75 million to the Department of Health and Human Services, Division of Public Health, Office of the Chief Medical Examiner (OCME) in recurring funds for the 2022-2023 fiscal year to be used as follows:

- \$3 million to increase the current base contract rate to transport bodies one way for death investigations or autopsies to \$170 for the first 40 miles, and \$1 per mile thereafter.
- \$1.75 million to create seven new full-time Forensic Pathologist positions within the OCME.

This section became effective July 1, 2022, and applies to contracts entered into, renewed, or amended on or after that date.

**H103 - 2022 Appropriations Act.**

**Sec. 9G.2: Change in Composition of Maternal Mortality Review Committee. (SL 2022-74)**

Section 9G.2 of S.L. 2022-74 amends the statute (G.S. 130A-33.60(b)) by increasing the membership of the Maternal Mortality Review Committee from 9 members to 20 members and by adding a requirement that the membership represent the community.

This section became effective July 1, 2022.

**H103 - 2022 Appropriations Act.**

**Sec. 9G.3: Use of Juul Settlement Funds. (SL 2022-74)**

Section 9G.3 of S.L. 2022-74 amends Section 9G.10 of S.L. 2021-180 to direct funds allocated to the Youth Electronic Nicotine Dependence Abatement Fund remain available for expenditures as specified until expended.

This section became effective June 30, 2022.

**H103 - 2022 Appropriations Act.**

**Sec. 9G.4: Filing of Death Certificates . (SL 2022-74)**

Section 9G.4(a) of S.L. 2022-74 notes the intent of the General Assembly to ensure a smooth transition from a paper-based process for creating death records toward a web-based, online electronic death registration system. Each local health department and register of deeds is directed to accept paper death certificates through August 31, 2022.



Section 9G.4(b) of S.L. 2022-74 amends the death registration statute (G.S. 130A-115) to require death certificates be electronically filed with the Office of Vital Records via the North Carolina Database Application for Vital Events system beginning on September 1, 2022. The Department of Health and Human Services may impose an administrative penalty against any individual who willfully and knowingly violates the electronic filing requirement in the amount of \$250 for the first violation, \$500 for the second violation, and \$1,000 for third or subsequent violations.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9G.5: Extension of Terms of NC Rare Disease Advisory Council Members and Expansion of Council Membership. (SL 2022-74)**

Section 9G.5 of S.L. 2022-74 amends the statute (G.S. 130A-33.65) by adding a parent of a childhood rare disease survivor to the membership of the Advisory Council on Rare Diseases and by increasing the term limit of Advisory Council members from two to three consecutive terms.

This section became effective July 11, 2022, and applies to current members of the Advisory Council on Rare Diseases.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9G.6: Expanded Access to Client-Specific Information Contained in the North Carolina Immunization Registry. (SL 2022-74)**

Section 9G.6 of S.L. 2022-74 creates a new statute (G.S. 130A-158.5) governing access to the North Carolina Immunization Registry. The new G.S. 130A-158.5 directs the Department of Health and Human Services to grant access to client-specific immunization information contained within the North Carolina Immunization Registry to prepaid health plans and to primary care case management entities. These authorized recipients must agree in writing to maintain the confidentiality of the information.

This section became effective July 1, 2020.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9G.7: Authorization for State Health Director to Issue Statewide Standing Orders to Facilitate the Administration of COVID-19 Vaccinations, Diagnostic Tests, or Other Treatments. (SL 2022-74)**

Section 9G.7 of S.L. 2022-74 allows the State Health Director to issue a statewide standing order to facilitate the administration of vaccinations, diagnostic tests, or other treatments for COVID-19 when the State Health Director determines a statewide standing order is necessary for the protection of the public health, the safety, and the welfare of North Carolinians.

Any statewide standing order concerning the administration of vaccinations, diagnostic tests, or other treatments for COVID-19 issued on or before July 1, 2022, remains in effect until rescinded by the State Health Director.

This section is not to be construed to authorize the State Health Director to require a vaccination, diagnostic test, or other treatment for COVID-19.

This section became effective on July 11, 2022, and expires on December 31, 2023.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9G.8: Modifications to Quarantine and Isolation Authority. (SL 2022-74)**

Section 9G.8 of S.L. 2022-7 amends the statute (G.S. 130A-145) governing the State Health Director's quarantine authority to clarify that quarantine orders can be issued only for 7 days if the quarantine order applies statewide and only for 30 days if the order is less than statewide. The statute is also amended to give local health directors the same authority.

This section becomes effective January 1, 2023, and will apply to quarantine orders issued on or after that date.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9G.9: Flexibilities for Reaccreditation/Recertification of Asbestos Management and Lead Abatement Professionals. (SL 2022-74)**

Section 9G.9 of S.L. 2022-74 allows individuals whose asbestos management or lead abatement accreditation or certification would expire because of a failure to take a refresher course to have until 180 days after Executive Order No. 116 is rescinded to complete the refresher course before losing their accreditation or certification.

This section became effective August 15, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9G.10: Funds for Pregnancy Centers. (SL 2022-74)**

Section 9G.10 of S.L. 2022-74 requires the Division of Public Health, Department of Health and Human Services, to allocate funds to nonprofit pregnancy centers as outlined below. The \$2,585,000 in nonrecurring funds for the 2022-23 fiscal year was appropriated from the Local Project Reserve.

- \$260,000 to Davie Pregnancy Care Center, Inc.
- \$325,000 to Heartbeats – A Pregnancy Care Center, Inc.
- \$500,000 to Open Arms Pregnancy Support Services, Inc.
- \$100,000 to Salem Pregnancy Support Center, Inc.
- \$150,000 to H.E.L.P. Center, Inc.
- \$250,000 to Cabarrus Women's Center, Inc.
- \$250,000 to Coastal Pregnancy Care Center, Inc.
- \$250,000 to Havelock Pregnancy Resource Center.
- \$250,000 to Eastern Pregnancy Information Clinic.
- \$250,000 to International Athletes' Abolition Mission, to support 1st Choice Pregnancy Resources of Pamlico County.

This section became effective July 1, 2022.

**H103 - 2022 Appropriations Act.**

**Sec. 9I.1: Low Income Energy Assistance Program/Allow Flexibility When Additional Funds Available. (SL 2022-74)**

Section 9I.1 of S.L. 2022-74 increases the income threshold from 130% to 150% of the federal poverty level for individuals age 60 years old and above in order to qualify for annual energy assistance payments. Additionally, the maximum amount paid per household directly to a service provider by the county department of social services under the Crisis Intervention Program increased from a maximum of \$600 to \$1,000 per household in a fiscal year.

This section became effective July 1, 2022.

**H103 - 2022 Appropriations Act.**

**Sec. 9I.2: Increase Foster Care Administrative Rate with Existing Funds. (SL 2022-74)**

Section 9I.2 of S.L. 2022-74 directs the Division of Social Services, Department of Health and Human Services, to increase the administrative rate for foster care using available funds in the foster care budget.

This section became effective July 1, 2022.

**H103 - 2022 Appropriations Act.**

**Sec. 9I.3: Additional Child Advocacy Center Funds. (SL 2022-74)**

Section 9I.3 of S.L. 2022-74 amends Section 9I.17 of the 2021 Appropriations Act to allocate \$3 million for the 2022-23 fiscal year to the Children's Advocacy Centers of North Carolina. At least 75% of the funds must be distributed to child advocacy centers that are in good standing with Children's Advocacy Centers of North Carolina.

This section became effective July 1, 2022.

**H103 - 2022 Appropriations Act.**

**Sec. 9I.4: Extend Time for Food and Nutrition Services Appeals Decisions. (SL 2022-74)**

Section 9I.4 of S.L. 2022-74 amends G.S. 108A-79(j) to extend from 45 to 60 days the period of time in which the decision must be rendered following an administrative hearing that involves the food and nutrition services program.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9K.1: Expand the Rights of Appeal Pursuant to Inspections of Local Confinement Facilities. (SL 2022-74)**

Section 9K.1 of S.L. 2022-74 amends the statute (G.S. 153A-222) pertaining to inspections of local confinement facilities. The section requires that within 30 days of receiving the semiannual inspection report required by law, the governing body must (i) initiate action to bring the facility into conformity with minimum standards (G.S. 153A-221), or (ii) request a contested case hearing regarding any or all findings in the report. To comply with these changes, the Department of Health and Human Services is required to adopt temporary rules in accordance with the statute (G.S. 150B-21.1) and adopt permanent rules by October 1, 2023.

This section becomes effective October 1, 2022, and applies to actions taken by a governing body, sheriff, or other administrator of a local confinement facility related to inspection reports received on or after that date.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9K.2: Clarify Treatment of Pregnant Female Inmates. (SL 2022-74)**

Section 9K.2 of S.L. 2022-74 amends the statute (G.S. 153A-221) establishing the minimum standards for the operation of local confinement facilities to require compliance with the Dignity for Women Incarcerated in Local Confinement Facilities law (Part 2B of Article 10 of Chapter 153A). Additionally this section amends the statute (G.S. 153A-229.2(c)) pertaining to nutrition for pregnant female incarcerated persons to require that local confinement facilities follow the orders of a physician or physician staff regarding dietary needs or restrictions for any particular pregnant incarcerated person or follow the guidelines for women who are pregnant or lactating, as set forth in the most recent edition of Dietary Guidelines for Americans published by the U.S. Department of Health and Human Services and the U.S. Department of Agriculture.

This section became effective July 11, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9K.3: Temporary Authorization of Behavior Analysts to Practice Without Supervision. (SL 2022-74)**

Section 9K.3 of S.L. 2022-74 authorizes an individual to engage in the practice of behavior analysis without the supervision of a licensed psychologist under the following circumstances:

- The individual is licensed or certified in another state or jurisdiction as a behavior analyst, assistant behavior analyst, or behavior technician, as defined in the statutes (G.S. 90-732).
- The individual is nationally accredited by the Behavior Analyst Certification Board, or its successor, as a board-certified behavior analyst, board-certified assistant behavior analyst, or registered behavior technician.
- The individual is nationally accredited by the Qualified Applied Behavior Analysis Credentialing Board, or its successor, as a qualified behavior analyst, qualified autism services practitioner supervisor, or applied behavior analysis technician.

The section further provides that assistant behavior analysts, behavior technicians, or their nationally accredited equivalents authorized to practice under this section must be supervised by a behavior analyst in accordance with the law (Article 43 of Chapter 90 of the General Statutes).

This section became effective July 11, 2022, and expires 60 calendar days from the date the North Carolina Behavior Analysis Board accepts licensure applications for behavior analysts, assistant behavior analysts, and behavior technicians.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9K.4: Interchangeable Biological Product Definition Modification and Biological Product Electronic Record Requirement. (SL 2022-74)**

Section 9K.4 of S.L. 2022-74 amends the statutory definition (G.S. 90-85.27(3a)) of an interchangeable biological product to clarify that interchangeability must meet the standards established in federal law (42 U.S.C. § 262(k)(4)). The section also reenacts and amends a previously expired subsection to require a pharmacist or designee to notify the prescriber of the name and manufacturer of a biological product dispensed to a patient. This notification must happen within five business days of dispensing and be communicated through an electronically accessible record system available to the prescriber of the biological product requiring a prescription.

This section becomes effective October 1, 2022, and applies to the dispensing of biological products requiring a prescription on or after that date.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 9L.2(a): Allow Portion of Child Care and Development Block Grant ARPA Funds for Temporary Increase of Child Care Subsidy Rates to 2018 Market Study Rates . (SL 2022-74)**

Section 9L.2(a) of S.L. 2022-74 amends the Child Care and Development Block Grant appropriation in the 2021 Appropriations Act (Sec. 9L.2(b)(1)a. of S.L. 2021-180) to allow the Division of Child Development and Early Education, Department of Health and Human Services, to use a portion of the funds to temporarily increase the child care subsidy reimbursement rates to those recommended in the 2018 Child Care Market Rate Study until the funds expire on September 30, 2024.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 19D.2: Juvenile Justice HIE Network Report. (SL 2022-74)**

Section 19D.2 of S.L. 2022-74 requires the Department of Public Safety to report to the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division, on the use of funds appropriated to the Department of Public Safety, Division of Juvenile Justice and Delinquency Prevention, for the digitization of juvenile health records and the ongoing resources necessary to report digital health records to the Health Information Exchange network. The report is required no later than April 1, 2023.

This section became effective July 1, 2022.

### **H103 - 2022 Appropriations Act.**

#### **Sec. 19E.1: 211 System Collaboration. (SL 2022-74)**

Section 19E.1 of S.L. 2022-74 requires the Division of Emergency Management and other responding State agencies to consult with the operating entity of NC 2-1-1 when planning initiatives or programs involving telephonic or text communications to individuals affected by disaster declarations or state of emergency declarations.

This section becomes effective October 1, 2022.

### **H159 - Education Law Changes.**

#### **Sec. 1.1 Create Additional Ways for Individuals to Earn a North Carolina Early Childhood Credential. (SL 2022-71)**

Section 1.1 of S.L. 2022-71 directs the North Carolina Child Care Commission to adopt a rule to expand how a North Carolina Early Childhood Credential can be earned by including the following additional pathways:

- Hold a currently active Child Development Associate Credential from the Council for Professional Recognition, a Certified Child Care Professional Credential from the National Early Childhood Program Accreditation, or a Montessori Credential.
- Earn a passing score on a test developed by the early childhood faculty of the North Carolina Community College System.
- Meet other equivalencies as determined by the Department of Health and Human Services, Division of Child Development and Early Education.

This section became effective July 8, 2022.

### **H159 - Education Law Changes.**

#### **Sec. 1.2 Modify North Carolina Pre-K Teacher Assistant Qualification Requirements. (SL 2022-71)**

Section 1.2 of S.L. 2022-71 prohibits the Division of Child Development and Early Education from requiring an individual working towards an Associate Degree to complete a minimum number of semester hours per year in order to be eligible for employment as an NC Pre-K teacher assistant.

This section became effective July 8, 2022, and expires December 31, 2023.

### **H791 - Licensed Counselors Compact/DHHS Contracting. (SL 2022-52)**

S.L. 2022-52 makes North Carolina a member of the Professional Counseling Licensure Compact, an interstate licensure compact for licensed professional counselors, and implements procedures for contract reform within the Department of Health and Human Services. It also changes the process by which the Department of Health and Human Services enters into contracts with nonprofit grantees.

The Compact provisions will be effective when the tenth member state enacts the Compact. The North Carolina Board of Licensed Clinical Mental Health Counselors must report to the Revisor of Statutes when the tenth member state has enacted the Compact. The contracting provisions became effective July 15, 2022.

### **H823 - Child Advocacy Centers/Share Information. (Ratified)**

HB 823 would have established criteria for Children's Advocacy Centers to receive State funds, established certain requirements for the sharing of information and access to records held by Children's Advocacy Centers and multidisciplinary teams, and established immunity from liability for certain circumstances for the multidisciplinary team, individuals and volunteers working for a Children's Advocacy Center.

HB 823 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

### **H911 - Regulatory Reform Act of 2022.**

#### **Sec. 18: Change Pertaining to the Reorganization of Child and Family Well-Being Programs and Services Within the Department of Health and Human Services. (SL 2022-75)**

Section 18 of S.L. 2022-75 repeals Section 9B.1(c) of S.L. 2022-74, which would have prohibited the Department of Health and Human Services (DHHS) from reorganizing its child and family wellbeing programs and services and associated funding without express authorization from the General Assembly.

This section became effective July 1, 2022.

### **S138 - Funeral Director Exam/Death Certificates. (SL 2022-63)**

S.L. 2022-63 adds a definition for "entry level examination in funeral directing" to G.S. 90-210.20, allows greater flexibility granting North Carolina licenses to individuals who are licensed as funeral directors in other states, allows more time for individuals selling preneed funeral contracts to pay their fees to the Board of Funeral Services, requires local health departments and registers of deeds to accept paper death certificates through August 31, 2022, and creates a penalty to be assessed against individuals who do not certify death records through the electronic system.

The portions of the act pertaining to funeral directors and contracts become effective October 1, 2022. The remainder of the act became effective July 8, 2022.

#### **S448 - Amendments to Schedule VI of the Controlled Substances Act. (SL 2022-9)**

S.L. 2022-9 automatically allows a prescription drug approved under federal law and classified as a Schedule VI controlled substance in North Carolina, to be lawfully used.

This act became effective July 14, 2022, and applies to prescription drugs approved by the FDA on or after that date.

#### **S455 - Conform Hemp with Federal Law. (SL 2022-32)**

S.L. 2022-32, as amended by S.L. 2022-73, permanently excludes hemp and hemp products from the North Carolina Controlled Substances Act, as well as tetrahydrocannabinols (THC) found in products with a delta-9 THC concentration of not more than 0.3%.

This act became effective June 30, 2022.



# Information Technology

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 9B.3: Further Study of the Statewide Health Information Exchange Network and the Statewide Health Information Exchange Act; and Temporary Suspension of the Health Information Exchange Act Provision Conditioning the Receipt of State Funds on Connecting to and Submitting Data to the Health Information Exchange Network. (SL 2022-74)**

Section 9B.3 of S.L. 2022-74 requires the Health Information Exchange Advisory Board to submit a report to the Joint Legislative Oversight Committee on Health and Human Services on the status of the Health Information Exchange. The report must be submitted by March 31, 2023, and contain (i) an update regarding the connectivity status of providers and entities required by the Health Information Exchange Act (HIEA) to connect to and submit data through the Health Information Exchange, and (ii) recommendations for features or actions, including legislative or administrative proposals, to support enforcement of the HIEA. This section clarifies that, notwithstanding the provisions of the HIEA, connection to the Health Information Exchange cannot be a requirement for receipt of State funds until the appointment of an agency responsible for enforcing the provisions of the HIEA.

This section became effective July 11, 2022.

## **H661 - Age Requirement Modifications/Capital Projects Oversight/BEAD Corrections. (SL 2022-69)**

S.L. 2022-69 does the following:

- Clarifies that qualified youth 15 years of age and older can enroll in fire training courses at community colleges on or after January 1, 2021.
- Reduces the age requirement for malt beverage wholesaler salesmen from 21 to 18 years.
- Allows persons 15 years of age to work inside premises that serve alcohol until December 31, 2023.
- Eliminates a requirement that the State Building Commission and Director of the Budget approve guidelines adopted by the State Board of Community Colleges that must be met by community colleges in order to be delegated authority over capital improvement projects.
- Provides that the Department of Administration is not required to review and approve plans and specifications for a State-funded capital improvement project costing less than \$2 million that has been delegated to a community college unless requested to do so in writing by the State Board of Community Colleges.
- Eliminates an annual reporting obligation of the Community Colleges System Office for capital improvement projects estimated to require expenditure of less than \$2 million of public funds.
- Makes a technical correction to the 2022 Appropriations Act relating to the use of federal infrastructure funds by the Department of Information Technology for grants in the Broadband Equity, Access, and Deployment Program.

Except as otherwise provided, this act became effective July 8, 2022.



# Insurance

**See full summary documents for additional detail**

## **S347 - Captive Insurance Amendments. (SL 2022-7)**

S.L. 2022-7 makes a number of technical and substantive changes to the laws governing captive insurance companies in the State. This act has various effective dates. Please see the full summary for more detail.

## **S347 - Captive Insurance Amendments.**

### **Sec. 5: Captive Insurance Company Tax Changes. (SL 2022-7)**

Section 5 of S.L. 2022-7 makes the following tax-related changes regarding captive insurance companies:

- Provides that two or more captive insurance companies under common ownership and control will be taxed as separate companies if they are either a protected cell captive insurance company or a special purpose captive insurance company with a cell or series structure. It also specifies the aggregate amount of tax payable by a special purpose captive insurance company with a cell or series structure with more than 10 cells or series. This provision is effective for premium taxes imposed for taxable years beginning on or after January 1, 2022.
- Provides that if a licensed captive insurance company formed and licensed in another jurisdiction redomesticates to North Carolina with the approval of the Commissioner prior to December 31, 2022, it is exempt from premium taxes otherwise due for the remainder of the year in which redomestication occurs and for the calendar year following its redomestication. This provision is effective for premium taxes imposed for taxable years beginning on or after January 1, 2021, and expires for taxable years beginning on or after January 1, 2024.

## **S496 - DOI Omnibus Bill. (SL 2022-46)**

S.L. 2022-46 does the following:

- Makes various changes to North Carolina's insurance laws, as recommended by the Department of Insurance (DOI), including:
  - Removes personal delivery as a delivery option for certain DOI forms.
  - Expands quality limitations to include certain obligations held by subsidiaries and affiliated corporations.
  - Discontinues certain notification requirements to the Commissioner of Insurance (COI) from licensed professional employer organizations.
  - Extends certain requirements applicable to Prepaid Health Plans (PHP) to Health Maintenance Organizations (HMO).
  - Clarifies continuation of health care service requirements for PHPs when impacted by insolvency.
  - Requires public educational entities to annually report to the Commissioner certain insured property information.
  - Conforms penalties related to manufactured housing standards with federal law.
  - Updates contact information for the Seniors' Health Insurance Information Program.

- Prevents businesses with a revoked or suspended license in North Carolina from offering insurance products to North Carolina residents through another state's licensure.
- Modifies state of disaster and public health emergency provisions for property and casualty insurance companies, premium finance companies, and collection agencies.
- Expands the types of program enhancements insurers may offer to consumers.
- Provides additional notice to consumers regarding exclusions contained in travel insurance.
- Removes the requirement that a licensed insurance agent must obtain a broker license and post a bond in order to broker business and makes technical and conforming changes throughout Chapter 58 (Insurance) of the General Statutes.
- Allows a certificate of self-insurance to serve as evidence of proof of financial responsibility and removes a vehicle requirement on religious organizations to be self-insured.
- Prohibits a person from requiring an insurance company or agent to disclose the replacement cost estimator for the lending of money or extension of credit to be secured by real property.
- Amends certain appointments made by the COI to the North Carolina Reinsurance Facility's Board of Governors.
- Amends an annual reporting deadline for members of the North Carolina Insurance Underwriting Association.
- Creates exemptions for certain DOI employment contracts.
- Under the North Carolina Life and Health Insurance Guaranty Association Act, amends the definition of "member insurer" to replace the phrase "hospital or medical service corporation" with the phrase "full-service corporation."
- Prohibits the North Carolina Innovation Council or any applicable State agency from granting an innovation waiver that alters or amends Article 36 (North Carolina Rate Bureau) or Article 37 (North Carolina Motor Vehicle Reinsurance Facility) of Chapter 58 (Insurance) of the General Statutes, or all financial and solvency requirements that apply to nonadmitted domestic surplus lines insurers.
- Revises the primary automobile liability and combined uninsured and undersinsured insurance requirements for transportation network companies.
- Authorizes the North Carolina Global TransPark Authority to receive and administer grant funding for the National Telecommunications and Information Administration for the expansion of broadband infrastructure and access in Lenoir County.
- Requires home inspection reports to be provided within 3 days after an inspection is performed, unless modified by a written agreement.
- Allows an individual to take the home inspector license examination once every 90 days instead of once every 180 days.
- Amends the Building Code to require different minimum insulation requirements for unconditioned attic spaces.

This act has various effective dates. Please see full summary for more detail.

# Labor and Employment

See full summary documents for additional detail

## H103 - 2022 Appropriations Act.

### Sec. 8.4: UNC and ECU Dental School Clinical Operations Personnel Flexibility. (SL 2022-74)

Section 8.4 of S.L. 2022-74 modifies the employment requirements that apply to personnel of Dental School Clinical Operations at the University of North Carolina at Chapel Hill and East Carolina University. Employees of both entities are deemed to be State employees and subject to relevant provisions of State law, including the following provisions of Chapter 126:

- Article 5 (Political Activity of Employees)
- Article 6 (Equal Employment and Compensation Opportunity; Assisting in Obtaining State Employment)
- Article 7 (The Privacy of State Employee Personnel Records)
- Article 14 (Protection for Reporting Improper Government Activities)

Except for the provisions described above, these employees are not subject to Chapter 126 of the General Statutes. Each entity's respective board of trustees is responsible for setting policies and procedures governing the terms and conditions of employment for these employees, including:

- Leave policies.
- Partial pay supplementing workers' compensation payments.
- Working conditions.
- Service awards and incentive award programs.
- Grounds for dismissal, demotion, or discipline.
- Other personnel policies or measures that promote the hiring and retention of capable, diligent, and effective career employees.
- Setting office hours, workdays, and holidays to be observed.
- Establishing boards, committees, or councils to conduct hearings upon the appeal of employees who have been suspended, demoted, otherwise disciplined, or discharged.

The board of trustees must submit initial classification and pay plans, as well as other rules and regulations, to the Office of State Human Resources for review.

Employees who achieve career State employee status by June 30, 2022, cannot have their compensation reduced by any rules or regulations adopted by the board of trustees pursuant to this authority. Additionally, these career status employees must be subject to the discipline or discharge rules that were effective on June 30, 2022, and not any rules adopted after that date.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 13.1: Occupational Health and Safety Division Issuance of Citations. (SL 2022-74)**

Section 13.1 of S.L. 2022-74 amends the Occupational Safety and Health Act of North Carolina to provide that no citation may be issued after six months following the initiation of an inspection, rather than six months after the occurrence of a violation.

This section becomes effective October 1, 2022, and applies to inspections initiated on or after that date.

## **H103 - 2022 Appropriations Act.**

### **Sec. 13.2: OSH Penalty Modifications. (SL 2022-74)**

Section 13.2 of S.L. 2022-74 amends statutes setting out the civil penalties assessed against an employer who violates occupational safety and health requirements. The section increases from \$14,000 to \$29,000 the maximum amount assessed for each serious violation that involves injury to an employee under the age of 18. The section also removes all other dollar amounts for penalties set out in statute but requires the Commissioner of Labor to adjust minimum and maximum civil penalties in accordance with the requirements established in the United States Consumer Price Index for All Urban Consumers published by the US Department of Labor, as necessary to comply with federal law. The Commissioner has 60 calendar days from the date the final rule is published in the Federal Register to publish the civil penalties in the North Carolina Register.

The section becomes effective October 1, 2022, and applies to civil penalties assessed on or after that date.

## **H103 - 2022 Appropriations Act.**

### **Sec. 19.C.1: Make Prison Wardens Exempt Employees. (SL 2022-74)**

Section 19.C.1 of S.L. 2022-74 makes wardens of State adult correctional facilities generally exempt from the State Human Resources Act. Articles 6 and 7 of that Act, dealing with equal employment and compensation opportunity and privacy of State employee personnel records, still apply to prison wardens. Additionally, policies and rules adopted by the State Human Resources Commission under specified statutes also apply to prison wardens. Employees in these positions are public servants and must file Statements of Economic Interest.

This section became effective July 1, 2022, and applies to persons hired before, on, or after that date.

\*Please note that Sec. 20 of S.L. 2022-58 makes a similar change to the same statute.

## **H560 - Public Safety Reform.**

### **Sec. 20: Make Prison Wardens Exempt Employees. (SL 2022-58)**

Section 20 of S.L. 2022-58 makes wardens of State adult correctional facilities generally exempt from the State Human Resources Act. Articles 6 and 7 of that Act, dealing with equal employment and compensation

opportunity and privacy of State employee personnel records, still apply to prison wardens. Additionally, policies and rules adopted by the State Human Resources Commission under specified statutes also apply to prison wardens. This section became effective July 1, 2022, and applies to persons hired on or after that date.

\*Please note that Sec. 19C.1 of S.L. 2022-74 makes a similar change to the same statute.

## **H661 - Age Requirement Modifications/Capital Projects Oversight/BEAD Corrections. (SL 2022-69)**

S.L. 2022-69 does the following:

- Clarifies that qualified youth 15 years of age and older can enroll in fire training courses at community colleges on or after January 1, 2021.
- Reduces the age requirement for malt beverage wholesaler salesmen from 21 to 18 years.
- Allows persons 15 years of age to work inside premises that serve alcohol until December 31, 2023.
- Eliminates a requirement that the State Building Commission and Director of the Budget approve guidelines adopted by the State Board of Community Colleges that must be met by community colleges in order to be delegated authority over capital improvement projects.
- Provides that the Department of Administration is not required to review and approve plans and specifications for a State-funded capital improvement project costing less than \$2 million that has been delegated to a community college unless requested to do so in writing by the State Board of Community Colleges.
- Eliminates an annual reporting obligation of the Community Colleges System Office for capital improvement projects estimated to require expenditure of less than \$2 million of public funds.
- Makes a technical correction to the 2022 Appropriations Act relating to the use of federal infrastructure funds by the Department of Information Technology for grants in the Broadband Equity, Access, and Deployment Program.

Except as otherwise provided, this act became effective July 8, 2022.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 13: Waterslide Dispatcher Change. (SL 2022-75)**

Section 13 of S.L. 2022-75 defines "waterslide dispatcher" as an employee stationed at the top of a waterslide for the purpose of managing the ride queue and dispatching waterslide users and provides that waterslide dispatchers must be at least 16 years of age.

This section became effective July 12, 2022.

# Local Government

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 5.7: Authorize Sanitary Districts to Create, Maintain, and Operate Parks and Recreation Programs and Facilities. (SL 2022-74)**

Section 5.7 of S.L. 2022–74 authorizes sanitary districts to provide for the creation, maintenance, and operation of parks and recreation programs and facilities. However, sanitary districts are prohibited from using the power of eminent domain to acquire real property for parks and recreation programs or facilities.

This section became effective July 1, 2022.

## **H211 - Social District/Common Area Clarifications. (SL 2022-49)**

S.L. 2022-49 recodifies and revises the statutes related to common area entertainment permits and social districts to make them more uniform and clarifies (i) the areas that can be included under a common area entertainment permit or a social district and (ii) the activities that may occur within a designated consumption area under a common area entertainment permit or a social district.

This act became effective July 7, 2022.

## **H315 - Arson Law Revisions. (SL 2022-8)**

S.L. 2022-8 makes the following changes to various laws related to arson:

- Increases the punishment for certain arson offenses. This section becomes effective December 1, 2022, and applies to offenses committed on or after that date.
- Creates a new Class F felony for "serious injury" suffered by a firefighter, law enforcement officer, fire investigator, or emergency medical technician in responding to a fire caused by arson. This section becomes effective December 1, 2022, and applies to offenses committed on or after that date.
- Requires criminal history background checks of applicants to fire departments, requires applicants to disclose certain convictions, and prohibits persons convicted of certain crimes from serving as a volunteer or paid member of a fire department. This section became effective June 14, 2022, and applies to applications submitted on or after that date.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 3: Authorize Sanitary Districts to Create, Maintain, and Operate Parks and Recreation Programs and Facilities. (SL 2022-75)**

Section 3 of S.L. 2022–75 authorizes sanitary districts to provide for the creation, maintenance, and operation of parks and recreation programs and facilities. However, sanitary districts are prohibited from using the power of eminent domain to acquire real property for parks and recreation programs or facilities.



This section became effective July 12, 2022.

**H911 - Regulatory Reform Act of 2022.**

**Sec. 10: Extend Deadline for Small Municipalities to Adopt Comprehensive Land-Use Plans. (SL 2022-75)**

Section 10 of S.L. 2022-75 gives municipalities with a population of 1,500 or less an extra year to adopt a comprehensive land-use plan as required by the 2019 reorganization of State's land-use regulatory laws.

This section became effective July 12, 2022.

**H911 - Regulatory Reform Act of 2022.**

**Sec. 14: Allow Local Governments to Enter Intergovernmental Support Agreements with Military to Provide Installation-Support Services. (SL 2022-75)**

Section 14 of S.L. 2022-75 allows counties and cities to enter into agreements to provide installation-support with military installations, consistent with federal law.

This section became effective July 12, 2022.

**S101 - Require Cooperation with ICE 2.0. (Ratified)**

SB 101 would have done the following:

- Require that Immigration and Customs Enforcement of the United States Department of Homeland Security (ICE) be queried when an individual charged with certain offenses was in custody and that person's legal residency or United States citizenship status was undetermined.
- Require a judicial official to order that a prisoner subject to a detainer and administrative warrant be held in custody for 48 hours or until ICE resolves the request.
- Create reporting requirements related to ICE queries.

SB 101 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

**S265 - Bond Info Transparency/LGC Toolkit II. (SL 2022-53)**

S.L. 2022-53 does the following:

- Requires units to provide a statement of disclosures that contain the estimated interest costs of the bond issuance, estimated property tax rate changes, if any, needed to service the proposed debt, and a calculation of the two-thirds bonds capacity of the unit for the current fiscal year (Sections 1-4).

- Requires units to file interim reports with the Local Government Commission (LGC) for events that will or may have a material, adverse effect on the financial health, operations, or internal controls of the unit (Section 5).
- Limits the amount of debt a unit on the most recently published Unit Assistance List could incur without LGC approval (Section 6).
- Repeals a provision requiring the State Health Plan to charge interest on late premiums to local governments and charter schools as the provision is not cost-effective to administer (Section 7).
- Requires notice to the LGC of the creation of any new public authority or unit that is subject to the Local Government Budget and Fiscal Control Act (Section 8).
- Increases the fidelity bond requirements for finance officers to protect the assets of local governments and public authorities (Section 9). This section becomes effective January 1, 2023.
- Authorizes charter schools to participate in the State Treasurer's Ancillary Governmental Participant Investment Program (AGPIP) (Section 9.5).

Except as otherwise provided, this act became effective July 7, 2022, and applies to bonds issued under bond orders introduced on or after October 1, 2022, and to contracts entered into on or after October 1, 2022.

### **S435 - Terminations of States of Emergency. (SL 2022-57)**

S.L. 2022-57 establishes certain notice requirements when prohibitions or restrictions enacted during a local state of emergency expire or terminate, effective July 8, 2022.

### **S762 - North Carolina Farm Act of 2022.**

#### **Sec. 1: Clarify the Applicability of the Farm Building Exception to the Building Code. (SL 2022-55)**

Section 1 of S.L. 2022-55 provides that a building used primarily for storage of agricultural commodities or products, or storage and use of materials for agricultural purposes, is considered a farm building for purposes of the North Carolina Building Code, regardless of whether the building is located on the same property where the agricultural commodities or products were produced. The building must be surrounded by at least 60 feet of open space and be placarded as "Ag Exempt."

This section became effective July 8, 2022.

### **S762 - North Carolina Farm Act of 2022.**

#### **Sec. 2: Agricultural Use Clarification. (SL 2022-55)**

Section 2 of S.L. 2022-55 clarifies that for purposes of county zoning, a building or structure that is used solely for the storage of cotton, peanuts, or sweetpotatoes, or any of the byproducts of those commodities, is a bona fide farm purpose.

This section became effective July 8, 2022.



# Military, Veterans, and Indian Affairs

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 20.4: Remove Covenants From Department of Administration Property Sale to Lumbee Tribal Administration/Repeal Lumbee Tribe Trust Fund . (SL 2022-74)**

Section 20.4 of S.L. 2022-74 removes all restrictive covenants on certain lands owned by the Lumbee Tribe of North Carolina and eliminates the Lumbee Tribe of North Carolina Trust Fund.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Part 42: Finance. (SL 2022-74)**

Part XLII of S.L. 2022-74 makes the following tax-related changes:

- Section 42.1 – Expands the individual income tax exclusion of military retirement pay to include retirement pay for service in all uniformed services. The exclusion enacted in Section 42.1A of S.L. 2021-180 applied only to members of the Armed Forces; this provision extends the exclusion to retirees of the commissioned corps of the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Public Health Service. This provision became effective for taxable years beginning on or after January 1, 2022.
- Section 42.2 – Exempts from sales and use tax purchases by interstate air and ground couriers of certain equipment, including conveyor systems, and related parts and accessories, purchased for use at package sorting facilities. Minimum investment and employment thresholds must be met to be eligible for and to maintain the exemption. This provision became effective July 1, 2022, and applies to purchases made on or after that date.
- Section 42.3 – Transfers a portion of the sales and use tax proceeds, ranging from 2%-6% over three years, to the Highway Fund and Highway Trust Fund for transportation needs. This provision became effective July 1, 2022.
- Section 42.4 – Shifts from annual to quarterly the motor fuel tax refund available for the off-highway use of motor fuel. This provision becomes effective January 1, 2023, and applies to purchases of motor fuel on or after that date.

## **H103 - 2022 Appropriations Act.**

### **Sec. 42.1: Expand Income Tax Exclusion of Military Retirement Pay to NOAA and U.S. Public Health Service Retirees. (SL 2022-74)**

Section 42.1 of S.L. 2022-74 expands the individual income tax exclusion of military retirement pay to include retirement pay for service in all uniformed services. The exclusion enacted in Section 42.1A of S.L. 2021-180 applied to members of only the Armed Forces; this provision extends the exclusion to retirees of the commissioned corps of the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Public Health Service.

This section became effective for taxable years beginning on or after January 1, 2022.

## **H159 - Education Law Changes.**

### **Sec. 2.5: Extending Benefits of Interstate Compact on Educational Opportunity for Military Children. (SL 2022-71)**

Section 2.5 of S.L. 2022-71 provides children of inactive members of the National Guard and military reserves certain intrastate and interstate services related to school transfers if the student's parent is required to move to perform military service-related responsibilities. The required services are similar to those provided to military children under the Interstate Compact on Educational Opportunity for Military Children.

This section became effective July 8, 2022, and applies beginning with the 2022-2023 academic school year.

## **H159 - Education Law Changes.**

### **Sec. 3.6: Clarify Eligibility of Disabled Veterans for Patriot Star Family Scholarship Programs. (SL 2022-71)**

Section 3.6 of S.L. 2022-71 clarifies the definition of "eligible disabled veteran" to include veterans who incurred traumatic injuries, wounds, or illness as a member of the Armed Forces while training in preparation for future conflicts if the veteran is receiving compensation of at least 50% as rated by the U.S. Department of Veterans Affairs as a result of those injuries, wounds, or illness.

This section became effective July 1, 2021, and applies to applications for scholarship awards submitted on or after that date.

## **H252 - Bail Bond/Bondsmen Provisions/Other Changes. (SL 2022-73)**

S.L. 2022-73 does all of the following:

- Revises the qualifications and examination requirements for bail bondsmen and runners.
- Modifies the grounds for setting aside a bail bond forfeiture and makes conforming changes to the disclosures required to be contained in a notice of forfeiture.
- Authorizes the State to exercise concurrent jurisdiction for offenses committed by juveniles on United States military bases located within the State.
- Authorizes all Department of Defense special agents to assist State and local law enforcement agencies.
- Provides the process for conducting an election held following a vacancy in the office of district court judge as required by S.L. 2021-180, depending on when in the election cycle the vacancy occurs.
- Makes technical corrections to other legislation.

This act contains varying effective dates. Please see the full summary for details.

**H911 - Regulatory Reform Act of 2022.**

**Sec. 14: Allow Local Governments to Enter Intergovernmental Support Agreements with Military to Provide Installation-Support Services. (SL 2022-75)**

Section 14 of S.L. 2022-75 allows counties and cities to enter into agreements to provide installation-support with military installations, consistent with federal law.

This section became effective July 12, 2022.

# Occupational Boards and Licensing

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 9K.3: Temporary Authorization of Behavior Analysts to Practice Without Supervision. (SL 2022-74)**

Section 9K.3 of S.L. 2022-74 authorizes an individual to engage in the practice of behavior analysis without the supervision of a licensed psychologist under the following circumstances:

- The individual is licensed or certified in another state or jurisdiction as a behavior analyst, assistant behavior analyst, or behavior technician, as defined in the statutes (G.S. 90-732).
- The individual is nationally accredited by the Behavior Analyst Certification Board, or its successor, as a board-certified behavior analyst, board-certified assistant behavior analyst, or registered behavior technician.
- The individual is nationally accredited by the Qualified Applied Behavior Analysis Credentialing Board, or its successor, as a qualified behavior analyst, qualified autism services practitioner supervisor, or applied behavior analysis technician.

The section further provides that assistant behavior analysts, behavior technicians, or their nationally accredited equivalents authorized to practice under this section must be supervised by a behavior analyst in accordance with the law (Article 43 of Chapter 90 of the General Statutes).

This section became effective July 11, 2022, and expires 60 calendar days from the date the North Carolina Behavior Analysis Board accepts licensure applications for behavior analysts, assistant behavior analysts, and behavior technicians.

## **H791 - Licensed Counselors Compact/DHHS Contracting. (SL 2022-52)**

S.L. 2022-52 makes North Carolina a member of the Professional Counseling Licensure Compact, an interstate licensure compact for licensed professional counselors, and implements procedures for contract reform within the Department of Health and Human Services. It also changes the process by which the Department of Health and Human Services enters into contracts with nonprofit grantees.

The Compact provisions will be effective when the tenth member state enacts the Compact. The North Carolina Board of Licensed Clinical Mental Health Counselors must report to the Revisor of Statutes when the tenth member state has enacted the Compact. The contracting provisions became effective July 15, 2022.

## **H792 - Barbers/Electrolysis Boards/Merger. (SL 2022-72)**

S.L. 2022-72 does the following:

- Amends the statutes pertaining to the practice of barbering and electrolysis as follows:
  - Merges the existing State Board of Barber Examiners and the Board of Electrolysis Examiners into a single board to be known as the North Carolina Board of Barber and

Electrolysis Examiners (Board). The terms of the newly created Board begin on January 1, 2023.

- Authorizes mobile barbershops.
  - Revises barber school requirements.
  - Establishes an electrolysis apprenticeship program.
  - Modifies certain fee provisions.
- Increases the annual Job Development Investment Grant for any business headquarters in the State by 20% if the business meets certain requirements, such as relocating its out-of-state manufacturing operation to a development tier 1 or tier 2 area.
  - Makes a technical correction to the effective date of language in S.L. 2022-73.

Section 1 and Section 2 of this act become effective January 1, 2023, and apply to applications for licensure, examination, and renewal submitted on or after that date. The remainder of this act became effective July 8, 2022.

### **H869 - State Bar Grievance Process/Ethics Records. (SL 2022-61)**

S.L. 2022-61 creates a grievance review panel to allow respondents to appeal privately a public discipline decision by the Grievance Committee before appealing to the Disciplinary Hearing Commission (DHC) and provides that documents in the possession of the State Bar or its staff, employees, legal counsel, councilors, or Ethics Committee advisory members concerning any request for ethics advice are not public records, unless the material, with the consent of the inquiring party, appears in a public agenda of the Ethics Committee.

This act became effective July 8, 2022, and the section of the act pertaining to the grievance review panel applies to grievances and proceedings existing on or commenced on or after that date.

### **H911 - Regulatory Reform Act of 2022.**

#### **Sec. 4: Clarify NC Veterinary Medical Board Authority to Issue Certain Civil Penalties. (SL 2022-75)**

Section 4 of S.L. 2022-75 provides that the North Carolina Veterinary Medical Board (Board) may impose and collect from licensees and veterinary facility permittees a civil penalty of up to \$5,000 for each violation of the veterinary licensing Article.

This section became effective July 12, 2022 and applies to civil penalties issued on or after that date.

### **H911 - Regulatory Reform Act of 2022.**

#### **Sec. 12: Clarify Scope of Licensed Water Heater Installation and Repair. (SL 2022-75)**

Section 12 of S.L. 2022-75 clarifies the scope of plumbing, heating, and fire sprinkler contracting to include the installation of certain heating, ventilation, and air conditioning systems and water heaters, and excludes



from the scope of business those who clean plumbing drains. This section also makes a change to the required contract for water heater sale and installation.

This section became effective July 12, 2022.

### **H911 - Regulatory Reform Act of 2022.**

#### **Sec. 15: Amend Licensure Requirements for Cosmetic Arts. (SL 2022-75)**

Section 15 of S.L. 2022-75 amends the licensure requirements for Cosmetic Arts to reduce the experience requirements to one year for all applicants for cosmetic art licensure and require applicants for licensure as a natural hair care teacher to pass a Board-conducted examination.

This section becomes effective October 1, 2022, and applies to applications for licensure on or after that date.

### **S138 - Funeral Director Exam/Death Certificates. (SL 2022-63)**

S.L. 2022-63 adds a definition for "entry level examination in funeral directing" to G.S. 90-210.20, allows greater flexibility granting North Carolina licenses to individuals who are licensed as funeral directors in other states, allows more time for individuals selling preneed funeral contracts to pay their fees to the Board of Funeral Services, requires local health departments and registers of deeds to accept paper death certificates through August 31, 2022, and creates a penalty to be assessed against individuals who do not certify death records through the electronic system.

The portions of the act pertaining to funeral directors and contracts become effective October 1, 2022. The remainder of the act became effective July 8, 2022.

### **S372 - Electrical Licensing/Building Code/Development Reform 2022. (SL 2022-11)**

S.L. 2022-11 makes various changes to the electrical licensing, wastewater, Building Code and development laws of the State.

- G.S. 143-151.58(a) as amended by Section 11(b) of this act was subsequently amended by Section 24(a) of S.L. 2022-46.

This act has various effective dates. Please see the full summary for more detail.

### **S424 - Private Protective Services Licensing Modifications. (SL 2022-66)**

S.L. 2022-66 makes a number of changes to the law regulating the private protective services profession. The act has various effective dates. Please see the full summary for more details.

## **S651 - Amend Veterinary Practice Act/DACS Budget. (SL 2022-67)**

S.L. 2022-67 does all the following:

- Defines "staff" and eliminates the phrase "veterinary employee" from the veterinary statutes.
- Defines "veterinary consulting" and clarifies that it does not constitute the practice of veterinary medicine.
- Increases the dollar cap on fee increases for veterinary practice facility inspection, veterinary facility inspection, and sets a dollar fee cap on veterinary facility permit issuance.
- Expands the eligibility for "veterinary student interns" to include currently enrolled students who have satisfactorily completed the second year of an accredited veterinary college.
- Eliminates the position of "veterinary student preceptees" from the veterinary statutes.
- Makes technical and conforming changes to the North Carolina Veterinary Practice Act.
- Allows the Department of Agriculture and Consumer Services (DACS) to use funds allocated to it to repair the restaurant facility at the Piedmont Triad Farmers Market.
- Makes a technical change to a DACS budget provision.

This act becomes effective October 1, 2022, except that the DACS-related provisions became effective July 1, 2022.

# Property, Trusts, and Estates

See full summary documents for additional detail

## **H619 - Weston's Law. (SL 2022-56)**

S.L. 2022-56 imposes new safety requirements for elevators in private residences, cottages, and similar accommodations that are rented for 15 days or more in any calendar year, and directs the Building Code Council to adopt amendments to the North Carolina Building Code consistent with these requirements.

The elevator safety requirements become effective October 1, 2022. The Building Code Council directive became effective June 30, 2022.

## **H674 - Require DNA Various Convict'ns/Other Matters. (SL 2022-50)**

S.L. 2022-50 does the following:

- Adds additional offenses to the list of offenses requiring submission of a DNA sample after a conviction or a finding of not guilty by reason of insanity. This section becomes effective December 1, 2022, and applies to convictions or findings of not guilty by reason of insanity on or after that date.
- Clarifies that medical facilities and medical professionals cannot bill sexual assault victims for forensic medical examinations and updates certain definitions. This section becomes effective October 1, 2022, and applies to forensic medical examinations completed on or after that date.
- Authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.
- Requires that the register of deeds maintains a separately kept backup storage system, that is restorable from any point, for the purposes of disaster recovery, for the index of registered instruments that the register of deeds is required to maintain.

Except as otherwise provided, this act became effective July 7, 2022.

## **H674 - Require DNA Various Convictions/Other Matters.**

### **Sec. 2.1: Deed Stamp Tax Refunds. (SL 2022-50)**

Section 2.1 of S.L. 2022-50 authorizes a county board of commissioners to designate the county finance officer or the county manager to refund the deed stamp tax.

Section 2.1 of S.L. 2022-50 became effective July 7, 2022.

## **H776 - Remote Electronic Notarization. (SL 2022-54)**

S.L. 2022-54 does the following:

- Allows, effective July 1, 2023, authorized North Carolina notaries to remotely perform electronic notarial acts using real time online communication technology. At the time of the remote electronic notarial act, the notary to the transaction would be required to be physically located in North Carolina and the principal anywhere inside the United States or, in certain circumstances, outside the United States.
- Reauthorizes, effective July 8, 2022, temporary use of the emergency video authorization to perform remote notarizations until June 30, 2023.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 17: Amend North Carolina Timeshare Act Transfer Provisions. (SL 2022-75)**

Section 17 of S.L. 2022-75 narrows the definition of "timeshare transfer services" to exclude services "offered" in the State or "offered or provided anywhere in connection with a timeshare program containing timeshare units or a timeshare property located in this State." This section also removes language that could be interpreted to subject out-of-state companies acting out-of-state to personal jurisdiction in a North Carolina court. It narrows this to any business providing such services "in this State."

This section became effective July 12, 2022.

## **H1018 - GSC Bar Association Proposals/Landmark Designation. (SL 2022-64)**

S.L. 2022-64 makes various changes affecting real property; strengthens the personal liability protection for limited liability partnerships; aligns the authority to transfer venue for judicial review of contested cases with other cases; makes conforming changes to account for special fiduciaries in guardianship proceedings; and clarifies and improves the landmark designation procedure, as recommended by the General Statutes Commission.

Except as otherwise provided, the act became effective July 8, 2022.

## **S278 - Property/Family Law-Reimburse Property Expenditures. (SL 2022-12)**

S.L. 2022-12 does the following:

- Clarifies the right of one spouse to reimbursement from the other spouse for expenditures made with respect to property during the time that the property is held as tenants by the entirety. (Section 1)
- Requires certain information to be included in a condominium declaration before it is recorded. (Section 2)
- Clarifies the applicability of certain provisions of the Condominium Act to condominiums created on or before October 1, 1986. (Section 3)
- Exempts provisions contained in a declaration of covenants applicable to condominiums, cooperatives, and most planned communities from being extinguished by operation of the Marketable Title Act. (Section 4)

The Marketable Title Act changes became effective July 1, 2022. The remainder of the act became effective June 29, 2022, and the content requirement for condominium declarations applies to declarations recorded on or after that date.

**S762 - North Carolina Farm Act of 2022.**

**Sec. 4: Preserve Conservation Easements After Property Tax Foreclosures. (SL 2022-55)**

Section 4 of S.L. 2022-55 provides that conservation agreements survive real property tax foreclosure sales.

This section became effective July 8, 2022.

**S769 - GSC Postponement/Judicial & Execution Sales. (SL 2022-60)**

S.L. 2022-60 allows judicial sales and execution sales to be postponed up to 90 days, aligning the postponement authority for judicial and execution sales with that of sales under a contractual power of sale clause. This act also makes numerous conforming, clarifying, and technical changes to each statute amended.

This act becomes effective October 1, 2022, and applies to sales noticed on or after that date.

# Retirement

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 39.20: Increase One-Time COLA Supplement for TSERS, CJRS, LRS Retirees. (SL 2022-74)**

Section 39.20 of S.L. 2022-74 amends Section 39.23 of S.L. 2021-180 to increase from 3% to 4% the one-time cost-of-living supplement for retirees of the Teachers and State Employees Retirement (TSERS), the Consolidated Judicial Retirement System (CJRS) and the Legislative Retirement System (LRS). The section provides that after September 1, 2022, but on or before October 31, 2022, the one-time 4% cost-of-living supplement payment must be made to beneficiaries who are living as of September 1, 2022, and whose retirement commenced on or before September 1, 2022.

This section became law July 1, 2022.

## **H177 - Extend Spiking Moratorium/LGERS Surety. (SL 2022-70)**

S.L. 2022-70 extends the pension-spiking moratorium enacted in S.L. 2021-72 from June 30, 2022, to June 30, 2023, and requires the Local Governmental Employees' Retirement System's (LGERS) Board of Trustees to adopt rules for eligible employers that do not have taxing authority in order to cover a withdrawal liability should they cease participation in the Retirement System.

This act became effective June 30, 2022.

## **H1056 - Ret. & Treasury Admin. Changes Act of 2022. (SL 2022-14)**

S.L. 2022-14 allows a limited exception to the irrevocable election to transfer funds from supplemental plans to the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGERS); makes changes related to the reporting of inactive employees in the TSERS and LGERS; establishes a default option for employing units that fail to select an option for the transfer of assets when a 403(b) plan is discontinued; clarifies the non-assignability of line of duty death benefits for public safety employees; clarifies the administration of long-term disability benefits; amends the criteria for agreements for property finders to include signature requirements; and to clarifies the Local Government Commission authority as it relates to a request for proposal for a guaranteed energy savings contract that involves a financing agreement.. Except as otherwise provided, the act became effective July 1, 2022.

## **H1058 - Retirement & Treasury Technical Corrections Act of 2022. (SL 2022-16)**

S.L. 2022-16 makes technical and conforming changes to statutes pertaining to the Teachers' and State Employees' Retirement System (TSERS), Local Governmental Employees' Retirement System (LGERS), the Consolidated Judicial System (CJRS), the Separate Insurance Benefits Plan for State and Local

Governmental Law Enforcement Officers, the Achieve a Better Life Experience (ABLE) Program, and the Firefighters' and Rescue Squad Workers' Pension Fund. Specific changes are outlined in the full analysis.

The act became effective July 1, 2022.

# State Government

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 11.6: JMAC Program Expansion. (SL 2022-74)**

Section 11.6 of S.L. 2022-74 expands eligibility for the Job Maintenance and Capital Development (JMAC) program to include a supply-chain impact manufacturing employer that invests at least \$110 million in private funds and retains at least 420 full-time equivalent employees while transitioning away from coal-based energy products.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 11.11: Megasite Readiness Program. (SL 2022-74)**

Section 11.11 of S.L. 2022-74 establishes within the Department of Commerce (Department) the North Carolina Megasite Fund (Fund) to be administered and developed by the Economic Development Partnership of North Carolina (EDPNC). The first \$1 million of the Fund will be used to evaluate locations in the State and determine five megasites best positioned for manufacturing in industries such as aerospace, automotive, clean energy, food processing, and life sciences. The remainder of the Fund will be used as a competitive grant program for local governments to acquire such megasites.

The EDPNC is required to submit an annual report to the Department on or before April 1 of each year documenting the grants awarded, matching funds required, activities needed for the megasites and associated costs, major employers locating to the site, and unallocated grants remaining in the Fund. The Department is required to submit a consolidated version of the EDPNC report by May 1 of each year to the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, House of Representatives Appropriations Committee on Agriculture and Natural and Economic Resources, Joint Legislative Economic Development and Global Engagement Oversight Committee, Office of State Budget and Management, and Fiscal Research Division of the General Assembly.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 19E.1: 211 System Collaboration. (SL 2022-74)**

Section 19E.1 of S.L. 2022-74 requires the Division of Emergency Management and other responding State agencies to consult with the operating entity of NC 2-1-1 when planning initiatives or programs involving telephonic or text communications to individuals affected by disaster declarations or state of emergency declarations.

This section becomes effective October 1, 2022.



## **H103 - 2022 Appropriations Act.**

### **Sec. 21.1: Office of Administrative Hearings Staffing Flexibility. (SL 2022-74)**

Section 21.1 of S.L. 2022-74 provides the Chief Administrative Law Judge the same authority granted each head of a principal State department. Subject to the State Budget Act and the North Carolina Human Resources Act, the Chief Administrative Law Judge of the Office of Administrative Hearings may do the following:

- Create necessary subordinate positions and appoint and remove employees appointed to those subordinate positions.
- Supervise, direct, and control all employees within the Office of Administrative Hearings.
- Transfer officers and employees within offices as determined necessary by the Chief Administrative Law Judge.
- Change the duties, titles, and compensation of existing offices as determined necessary by the Chief Administrative Law Judge.

This section became effective July 1, 2022.

## **H103 - 2022 Appropriations Act.**

### **Sec. 23.1: OSBM/Report to Oversight Committee on New Positions. (SL 2022-74)**

Section 23.1 of S.L. 2022-74 requires the Office of State Budget and Management to report quarterly to the Joint Legislative Oversight Committee on General Government (Committee) and the Fiscal Research Division of the General Assembly on the number of new positions established by a State agency under the purview of the Committee and approved by the Director of the Budget. Pursuant to G.S. 143C-2-1, the Governor is the Director of the Budget.

The report must include all of the following: (i) the justification for each position established, (ii) the position title and duties of each position, (iii) the salary for each position, and (iv) the source of funds used to establish each position.

This section became effective July 1, 2022.

## **H177 - Extend Spiking Moratorium/LGERS Surety. (SL 2022-70)**

S.L. 2022-70 extends the pension-spiking moratorium enacted in S.L. 2021-72 from June 30, 2022, to June 30, 2023, and requires the Local Governmental Employees' Retirement System's (LGERS) Board of Trustees to adopt rules for eligible employers that do not have taxing authority in order to cover a withdrawal liability should they cease participation in the Retirement System.

This act became effective June 30, 2022.

## **H219 - Amend Environmental Laws. (SL 2022-43)**

S.L. 2022-43 does the following:

- Sets a deadline for reversion for certain directed infrastructure projects.
- Expands the Department of Environmental Quality's (DEQ) authorization for use of river debris funding.
- Makes a technical correction to a Flood Resiliency Blueprint provision.
- Provides the Division of Marine Fisheries flexibility in maintaining its aircraft.
- Aligns Coastal Area Management Act public notice requirements for land-use plan hearings with existing local government notice requirements.
- Directs DEQ to study the express permit and certification review program and the fast-track stormwater permitting program.
- Authorizes DEQ to allow limited wastewater discharges to waters with naturally occurring low dissolved oxygen levels.
- Makes changes to the mining permit notice requirements and appeal deadlines.

This act has various effective dates. Please see the full summary for more details.

## **H332 - State Nature and Historic Preserve Additions/Deletions. (SL 2022-31)**

S.L. 2022-31 does the following:

- Accepts certain properties as part of the State Nature and Historic Preserve (Preserve).
- Removes certain properties from the Preserve.
- Makes various conforming and technical changes to the State Nature and Historic Preserve Dedication Act.

This act became effective June 30, 2022.

## **H619 - Weston's Law. (SL 2022-56)**

S.L. 2022-56 imposes new safety requirements for elevators in private residences, cottages, and similar accommodations that are rented for 15 days or more in any calendar year, and directs the Building Code Council to adopt amendments to the North Carolina Building Code consistent with these requirements.

The elevator safety requirements become effective October 1, 2022. The Building Code Council directive became effective June 30, 2022.

## **H776 - Remote Electronic Notarization. (SL 2022-54)**

S.L. 2022-54 does the following:

- Allows, effective July 1, 2023, authorized North Carolina notaries to remotely perform electronic notarial acts using real time online communication technology. At the time of the remote electronic notarial act, the notary to the transaction would be required to be physically located in North Carolina and the principal anywhere inside the United States or, in certain circumstances, outside the United States.
- Reauthorizes, effective July 8, 2022, temporary use of the emergency video authorization to perform remote notarizations until June 30, 2023.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 5: State Auditor Technical Change. (SL 2022-75)**

Section 5 of S.L. 2022-75 eliminates outdated statutory language in the State Budget Act directing State agencies to register grant programs and recipients with the State Auditor's office.

This section became effective July 12, 2022.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 7: Sensitive Public Security Information Public Records Changes. (SL 2022-75)**

Section 7 of S.L. 2022-75 broadens the public records exemption for detailed plans and drawings of public buildings and infrastructure to include plans and drawings contained in information storage systems or geographic information system (GIS) databases, as well as design information about energy infrastructure.

This section became effective July 12, 2022.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 9: Exempt Off-Frame Modular Homes from Certain Design Elements Required by the North Carolina Building Code. (SL 2022-75)**

Section 9 of S.L. 2022-75 exempts certain modular home designs from certain requirements for roof pitch, eave projection, minimum heights, siding and roofing materials, and foundations found in in the North Carolina Building Code.

This section became effective July 12, 2022.

## **H1056 - Ret. & Treasury Admin. Changes Act of 2022. (SL 2022-14)**

S.L. 2022-14 allows a limited exception to the irrevocable election to transfer funds from supplemental plans to the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGERS); makes changes related to the reporting of inactive employees in the TSERS and LGERS; establishes a default option for employing units that fail to select an option for the transfer of assets when a 403(b) plan is discontinued; clarifies the non-assignability of line of duty death benefits for public safety employees; clarifies the administration of long-term disability benefits; amends

the criteria for agreements for property finders to include signature requirements; and to clarifies the Local Government Commission authority as it relates to a request for proposal for a guaranteed energy savings contract that involves a financing agreement.. Except as otherwise provided, the act became effective July 1, 2022.

### **H1058 - Retirement & Treasury Technical Corrections Act of 2022. (SL 2022-16)**

S.L. 2022-16 makes technical and conforming changes to statutes pertaining to the Teachers' and State Employees' Retirement System (TSERS), Local Governmental Employees' Retirement System (LGERS), the Consolidated Judicial System (CJRS), the Separate Insurance Benefits Plan for State and Local Governmental Law Enforcement Officers, the Achieve a Better Life Experience (ABLE) Program, and the Firefighters' and Rescue Squad Workers' Pension Fund. Specific changes are outlined in the full analysis.

The act became effective July 1, 2022.

### **H1068 - UNC Non-Appropriated Capital Projects. (SL 2022-15)**

S.L. 2022-15 authorizes the financing and construction of listed capital improvement projects by the constituent institutions of The University of North Carolina. The projects will be financed through revenue bonds, special obligation bonds, and other funds available to the institutions, excluding tuition and appropriations from the General Fund. This act also makes a series of changes related to capital improvement projects included in the 2021 Appropriations Act.

This act became effective June 29, 2022.

### **S372 - Electrical Licensing/Building Code/Development Reform 2022. (SL 2022-11)**

S.L. 2022-11 makes various changes to the electrical licensing, wastewater, Building Code and development laws of the State.

- G.S. 143-151.58(a) as amended by Section 11(b) of this act was subsequently amended by Section 24(a) of S.L. 2022-46.

This act has various effective dates. Please see the full summary for more detail.

### **S435 - Terminations of States of Emergency. (SL 2022-57)**

S.L. 2022-57 establishes certain notice requirements when prohibitions or restrictions enacted during a local state of emergency expire or terminate, effective July 8, 2022.

# Transportation

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 41.10: Exams for Restricted Instruction Permit. (SL 2022-74)**

Section 41.10 of S.L. 2022-74 authorizes driver training instructors to administer exams required for issuance of a restricted instruction permit, which a teen must have prior to taking the behind the wheel portion of driver education. Per administrative rule, the exams are currently administered by a Division of Motor Vehicles representative.

This section becomes effective October 1, 2022, and applies to restricted instruction permits issued on or after that date.

## **H103 - 2022 Appropriations Act.**

### **Sec. 42.3: Use Sales Tax Revenues for Transportation Needs. (SL 2022-74)**

Section 42.3 of S.L. 2022-74 transfers a portion of the sales and use tax proceeds, which are otherwise deposited into the General Fund, to the Highway Fund and Highway Trust Fund for transportation needs. The amount transferred ranges from 2%-6% over three years.

This section became effective July 1, 2022.

## **S201 - Various Motor Vehicle and Transportation Law Changes. (SL 2022-68)**

S.L. 2022-68 makes the following changes to motor vehicle and transportation laws:

- Criminalizes as a Class I felony the unlawful possession of a catalytic converter.
- Extends the revocation effective date for permits or licenses that were revoked due to Driving Eligibility Certificate ineligibility from 10 to 30 days after mailing of the revocation notice.
- Authorizes the Division of Motor Vehicles (DMV) to issue three new special registration plates and repeals authorization to issue one existing special registration plate.
- Requires the DMV to provide a dealer license plate registration card to motor vehicle dealers that lists all valid dealer license plates issued to the dealer.
- Clarifies requirements for displaying a dealer license plate on a motor vehicle.
- Clarifies the applicability of the Move Over Law.
- Amends requirements for temporary dealer licenses issued during a pending license renewal application.
- Makes it an infraction with up to a \$50 penalty for a motor vehicle dealer to fail to inspect a used motor vehicle offered for retail sale as required by law.
- Amends requirements for registration and certificate of title applications for motor vehicles owned by firms, partnerships, corporations, or other entities.
- Authorizes the DMV to charge a fee to authorized individuals to verify registration or liability insurance information from motor vehicle and drivers license records.
- Exempts motor vehicles used by State agencies for research pilot or demonstration projects from highway use tax, certificate of title fees, and registration fees.

- Expands the application of certain Department of Transportation (DOT) contracting laws to rail equipment.
- Specifies the treatment of certain federal funds within the Transportation Investment Strategy (STI) formula.
- Provides for a delay in STI reprioritization for certain projects with route redesignations.
- Clarifies the treatment of net proceeds from the disposition of lands that involve DOT.
- Expands the application of the State's policy to encourage and promote participation by disadvantaged minority-owned and women-owned businesses in contracts let by DOT.
- Directs DOT to increase Small Professional Services Firm contracting.
- Increases the project cost cap for previously authorized project delivery method pilot program.

This act became effective July 8, 2022, except as otherwise specified for certain sections. Please see full summary for more detail.

# Utilities

See full summary documents for additional detail

## **H103 - 2022 Appropriations Act.**

### **Sec. 38.2: Expand GREAT for Wireless Broadband.. (SL 2022-74)**

Section 38.2 of S.L. 2022-74 expands the Growing Rural Economies with Access to Technology (GREAT) Program to provide grants to wireless broadband providers for projects designed to extend broadband service to unserved economically distressed area of the State.

This section became effective on July 11, 2022.

## **H911 - Regulatory Reform Act of 2022.**

### **Sec. 7: Sensitive Public Security Information Public Records Changes. (SL 2022-75)**

Section 7 of S.L. 2022-75 broadens the public records exemption for detailed plans and drawings of public buildings and infrastructure to include plans and drawings contained in information storage systems or geographic information system (GIS) databases, as well as design information about energy infrastructure.

This section became effective July 12, 2022.

# Vetoed Legislation

See full summary documents for additional detail

## **H49 - Concealed Carry Permit Lapse/Revise Law. (Ratified)**

HB 49 would have provided that a concealed carry permittee who allowed the permit to lapse does not have to take another firearms safety and training course upon applying for renewal under certain conditions.

HB 49 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

## **H823 - Child Advocacy Centers/Share Information. (Ratified)**

HB 823 would have established criteria for Children's Advocacy Centers to receive State funds, established certain requirements for the sharing of information and access to records held by Children's Advocacy Centers and multidisciplinary teams, and established immunity from liability for certain circumstances for the multidisciplinary team, individuals and volunteers working for a Children's Advocacy Center.

HB 823 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

## **S101 - Require Cooperation with ICE 2.0. (Ratified)**

SB 101 would have done the following:

- Require that Immigration and Customs Enforcement of the United States Department of Homeland Security (ICE) be queried when an individual charged with certain offenses was in custody and that person's legal residency or United States citizenship status was undetermined.
- Require a judicial official to order that a prisoner subject to a detainer and administrative warrant be held in custody for 48 hours or until ICE resolves the request.
- Create reporting requirements related to ICE queries.

SB 101 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

## **S593 - Schools for the Deaf and Blind. (Ratified)**

SB 593 would have done the following:

- Create a board of trustees for each of the schools for the deaf and blind and provide for governance of those schools by the new boards.
- Establish an admissions process for the schools for the deaf and blind.
- Create a transition process for the schools to governance by the new boards of trustees beginning in 2023-2024.



SB 593 was ratified by the General Assembly on July 1, 2022, and vetoed by the Governor on July 11, 2022.

