



INTRODUCTION

This week, Gov. Roy Cooper announced that several COVID-19 restrictions would be eased. The Governor made the announcement as the state's number of new cases continued to drop since the start of the year. "We're sticking with the science and the data," Cooper said, "and that is what has told us to ease these restrictions the way we have." Executive Order 195 went in to effect on Friday at 5 p.m. and will last until March 26th. The Republican General Assembly is taking credit for these changes as several bills to ease restriction are moving through the process with a great deal of support.

Here's a breakdown of the new restrictions:

- The curfew from 10 p.m. to 5 a.m. will be lifted;
- Bars will be allowed to reopen at 30% capacity, capped at 250 people. This would include indoors;
- Social gathering sizes can be raised from 10 people indoors to 25, and 50 people outdoors;
- Alcohol sales will be allowed until 11 p.m., a two-hour extension from the previous 9 p.m. cutoff;
- Businesses that were operating at 30% capacity no longer have a 100-person capacity limit. However, indoor spaces will still be capped at 250 people;
- More spectators will be allowed at high school, college and professional sports events. The capacity limit for each will be determined by venue size;
- Indoor arenas with a capacity of as many as 5,000 people will be allowed to open with up to 15% capacity (not including workers, athletes, entertainers, and staff). They must adhere to safety guidelines;
- The 50% capacity restriction on businesses and retail establishments, including restaurants, breweries and wineries, retail, gyms, museums, aquariums, barbers and personal care venues, pools and outdoor areas of amusement parks will continue to be in effect under the new order.

LOCAL BILL TO CIRCUMVENT EXECUTIVE ORDERS

The nearly year-long dispute between Republican legislators and Democratic Governor Cooper's executive orders shows no sign of stopping, with Republican members now considering legislative fixes for their districts to avoid Gov. Cooper's statewide restrictions. Rep. David Rogers filed House Bill 166



NORTH CAROLINA SECURITY AND LOW VOLTAGE ASSOCIATION



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FOR MORE INFORMATION:

Colleen Kochanek
NCSLVA Legislative Counsel
P.O. Box 1038
Wake Forest, NC 27588
919.809.5600
colleen@kochaneklawgroup.com
www.kochaneklawgroup.com

this week to do just that. The bill would go one step further, and exempt Rutherford and Polk counties from all executive orders issued in any state of emergency, not just orders issued during the COVID-19 pandemic. The bill provides two ways for executive orders to apply to the specified counties: if the executive order receives concurrence from a majority of the Council of State, or if the county commissioners vote to accept them. The bill has yet to be referred to any committees.

SUMMER SCHOOLS

As expected, the Speaker-backed summer school bill has flown through the House this week. Under this bill, the state's school districts would have to offer students at least 150 hours of summer in-person instruction, along with activities such as sports, music and arts. The program is focused on students who have fallen behind during the pandemic, but attendance is voluntary and is open to any student, so long as space will allow. House Bill 82 passed the House unanimously, and is now off to the Senate where it has been referred to the Committee on Rules and Operations of the Senate.

ABC PERMITS

Gov. Roy Cooper has signed House Bill 4 into law, giving bar owners a much-needed break on ABC permit fees while COVID-19 continues to place restrictions on their businesses. This act will delay ABC permit fees until three months after COVID-related restrictions are lifted. This bill has received unanimous, bipartisan support along the way to becoming law.

VACCINE UPDATE

Along with health care workers and people age 65 and older, teachers, educators, and childcare workers are now eligible to receive the coronavirus vaccine. Other frontline essential workers will be eligible starting March 10th. There have been 2.13 million doses of COVID-19 vaccine administered in North Carolina as of last week, with 1.36 million people receiving at least one dose. Due to winter storms, all the expected vaccine from Moderna and some of the Pfizer supply were prevented from reaching our providers in the state. As a result, many providers had to delay vaccination appointments last week. According to DHHS Secretary Mandy Cohen, those doses started arriving early this week. In a House Health Committee meeting earlier this week, Sec. Cohen said supply continues to be an issue for the state. Sec. Cohen was hopeful that Johnson & Johnson's vaccine would get the green light soon, so that the state would have another resource to get our state vaccinated.

BILLS OF INTEREST

HOUSE BILL 128, Increase Access to Sporting Venues in Schools, would allow increased access to certain indoor and outdoor sporting facilities for sporting events in public and nonpublic schools, community colleges, and constituent institutions of the University of North Carolina by providing that, for each sporting facility with a certificate of occupancy in accordance with the North Carolina State Building Code, the number of spectators who are permitted to attend will be no more than 50% of that capacity and no less than 25% of that capacity. **Introduced by Representatives K. Hall, Elmore, D. Hall, and Willis and referred to the House Education K-12 Committee.**

HOUSE BILL 158, Const. Amend./Life at Fertilization, would amend the State Constitution, if approved by a majority of qualified voters of the State at the general election in 2022, to recognize that a distinct and separate human life begins at the moment of fertilization, and this individual person is entitled to the protection of the laws of the State from the moment of fertilization until the moment of natural death. The bill would provide that any person who willfully seeks to destroy the life of another person, by any means, at any stage of life, or succeeds in doing so, would be held accountable for attempted murder or for first degree murder, respectively, and that any person has the right to defend his or her own life or the life of another person, even by the use of deadly force if necessary, from willful destruction by another person. The bill further provides that the State has an interest and a duty to defend innocent persons from willful destruction of their lives and to punish those who take the lives of persons, born or unborn, who have not committed any crime punishable by death. **Introduced by Representatives Pittman and Brody and referred to the House Judiciary 1 Committee.**

HOUSE BILL 170, North Carolina CROWN Act, would prohibit a person, firm, corporation, unincorporated association, State agency, unit of local government, or any public or private entity from denying or refusing employment to any person or discharging any person from employment because of traits historically associated with race or on account of the person's hair texture or protective hairstyles. Protective hairstyles would include, but not be limited to, such hairstyles as bantu knots, braids, locks, and twists. Race would include traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles. **Introduced by Representatives K. Smith, Logan, Alston, and A. Baker and has not yet been assigned to a House committee.**

HOUSE JOINT RESOLUTION 172, Term Limits for Congress, would apply to Congress to call for a convention of the States limited to proposing an amendment to the US Constitution to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives and as a Member of the United States Senate. **Introduced by Representative Clampitt and has not yet been assigned to a House committee.**

HOUSE BILL 178, Access to Prescription Drug Cost Information, would enact new provisions regarding Access to Prescription Drug Benefit Cost Information. The bill would:

- require health benefit plans, pharmacy benefits managers, or any entities' action on behalf of a health benefit plan to electronically provide to any point of prescribing of a prescription drug, any point of dispensing of a prescription drug, or any patient-facing real-time benefit tool, the minimum information described to inform patient prescription price transparency and patients' access to their prescribed medications;
- require those involved in the process of prescribing, dispensing, paying for, and exchanging information relating to prescription drugs, to take any actions necessary to facilitate the creation of, access to, and use of this technology;
- provide that patient prescription price transparency technology must not be prohibited from displaying patient financial and resource assistance when that information is available for the prescription drug selected by a provider;
- require requests for patient-specific drug benefit and cost information through the technology required and any responses using that technology to be sent and received in real time;
- require electronic health records to display the most up-to-date patient-specific eligibility information; patient-specific information must be provided in real time;

- require those involved in the process of prescribing, dispensing, paying for, and exchanging information relating to prescription drugs to partner with intermediaries to ensure the delivery of accurate patient-specific prescription price transparency information;
- provide that these provisions do not interfere with patient choice and a health care professional's ability to convey the full range of prescription drug cost options to a patient. Prohibits restricting a health care professional from communicating prescription cost options to a patient;
- specify that payors must not prohibit the display of patient-specific prescription drug benefit and cost information at the point of prescribing that reflects options available for covering the cost of a prescription drug other than what may be available under the patient's health benefit plan;
- require providers to communicate to a patient the most therapeutically appropriate treatment for the patient's diagnosis and prescription drug cost information;
- provide that these provisions may not be construed to interfere with a patient's choice of prescription drug cost coverage or to interfere with patient choice and the ability of a health care professional to convey the full range of prescription drug cost options to a patient; and
- prohibit restricting a health care professional from communicating prescription cost options to a patient.

Introduced by Representative Sasser and has not yet been assigned to a House committee.

SENATE BILL 138, Allow Remote Shareholder Meetings, would amend provisions of the Business Corporation Act to:

- authorize a corporation's board of directors, in its sole discretion, to determine that any shareholder meeting will be held solely by means of remote communication, unless prohibited by the articles of incorporation or bylaws, if existing measures for remote participation are implemented;
- allow for an annual or special shareholders' meeting that is adjourned to a different date to be continued solely by remote communication if it is announced at the meeting before adjournment and the new date and time are noticed the same, unless the bylaws require otherwise; and
- deem that further notice in accordance with the time restraints above is not required when a governmental order restricts travel or group gatherings applicable to the place of the meeting or principal office in effect and in good faith are anticipated to be in effect at the date and time set forth in the initial notification.

Introduced by Senators Newton and Galey and referred to the Senate Judiciary Committee.

SENATE BILL 165, North Carolina CROWN Act, is identical to House Bill 170, summarized above in this Legislative Report. **Introduced by Senators Murdock, Salvador, and Foushee and has not yet been assigned to a Senate committee.**

BILL UPDATES

SENATE BILL 31, Political Subdivisions/Local Bidders Notice, was amended on the Senate floor to amend the proposed changes regarding public construction, repair, or purchases that require the estimated expenditure of public monies equal to or exceeding \$50,000, to require political subdivisions to notify, by regular or electronic mail or by posting to a website or service that generates notice, persons or businesses located within the respective jurisdictional boundaries of

the political subdivision if the person or business made a written request to the clerk of the board of the political subdivision or the clerk's designee for notice of construction or repair work, or the purchase of apparatus, supplies, materials, or equipment being bid subject to the notification requirement. The bill would require the notice to: (1) be sent at least seven full days before the contract award rather than the opening of bids; and (2) contain a description of the requested construction or repair work, or purchase of apparatus, supplies, materials, or equipment, rather than referencing the information required of other public contract advertisements. **The bill as amended was approved by the full Senate and will next be considered by the House Rules Committee.**

- Colleen Kochanek
NCSLVA Legislative Counsel
P.O. Box 1038
Wake Forest, NC 27588
919.809.5601
colleen@kochaneklawgroup.com
www.kochaneklawgroup.comⁱ

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