



## INTRODUCTION

We are now almost one month past the start of the fiscal year for North Carolina and not only do we not have a budget – we do not even have a draft budget proposal from the House! The past three weeks have included some bills moving but everyone seems to be waiting on the House budget and both chambers seem to be slowing down bills as a way to “encourage” the other chamber to follow their bidding. This week both the House and Senate are not meeting (the House did have a session on Monday night briefly) so that the budget writers can finish their work and so that some members can attend a popular right leaning conference out of State. The House is expected to provide a timeline and move their budget proposal through committees in August. Of course, that only starts the negotiations with the Senate and the Governor.

The other big topic, of course, is COVID. There seems to be debate about all aspects of the virus, including vaccinations, mask wearing and schools and businesses operating. Many Hospitals have announced this week that they will require all of their healthcare workforce to be vaccinated and many private colleges are making attendance dependent on being fully vaccinated. The Legislature does not favor required vaccinations or mask wearing so the battle between the Governor and the Department of Health and Human Services and the Legislative Leadership continues. Many schools are trying to make difficult decisions about mask requirements both for vaccinated and unvaccinated students and although the Governor is encouraging mask wearing for those 12 and under who are not eligible for vaccinations, it is clear that some schools will not require masks this Fall. Of course, the directions from the CDC and DHHS seem to be ever changing in light of increased cases so this will be out of date before we send out the report!

Hope you and your families are well!



## NORTH CAROLINA SECURITY AND LOW VOLTAGE ASSOCIATION



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## BILLS OF INTEREST

SENATE BILL 729, Public Nondiscrimination Amendment, would amend the State Constitution, if approved by a majority of the qualified voters of the State at the statewide primary election to be held in 2022, to prohibit the State and its political subdivisions, including the free public schools and public institutions of higher education, from discriminating or granting preferential treatment on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, or public contracting. **Introduced by Senators Berger and Ballard and referred to the Senate Rules Committee. This bill is intended to address Critical Race Theory in the public schools.**

## BILL UPDATES

HOUSE BILL 91, Accountability and Fair Play in Athletics. The provisions of this bill were removed in the Senate Education/Higher Education Committee and replaced with new provisions that would restructure oversight of public high school interscholastic athletics. The bill would direct the State Board of Education to adopt student participation rules governing student eligibility for interscholastic athletic activities conducted by public schools and establish the North Carolina Interscholastic Athletic Commission (whose members would be appointed by the Governor, President Pro Tem of the Senate and Speaker of the House) to replace the North Carolina High School Athletic Association (NCHSAA) as the designated organization to apply and enforce the State Board of Education's rules governing participation in interscholastic athletic activities. The bill includes provisions regarding concussion/head injuries, various reporting requirements, and appeals process for students. **The bill as amended was approved by the Senate Education/Higher Education and Finance Committees and will next be considered by the Senate Rules Committee.**

SENATE BILL 116, Putting North Carolina Back to Work Act, would stop payments under the Federal Pandemic Unemployment Compensation and the Mixed Earners Unemployment Compensation programs, effective 30 days after the date the act becomes law. These programs provide \$300 weekly in extra unemployment benefits through September 6, 2021. The stated goal of the legislation was to address workforce shortages, and it was supported by the North Carolina Chamber and other employer organizations. The bill also included \$250 million in ARP funds for subsidized child care for eligible children, if the unemployment payments were stopped. **Governor Cooper vetoed the bill on July 2, 2021.**

SENATE BILL 300, Criminal Justice Reform, was amended in the House Judiciary 2 Committee to:

- modify the proposed statute regarding persons certified by the NC Criminal Justice Education and Training Standards Commission and the NC Sheriffs' Education and Training Standards Commission which require the certified individual, or any individual who has received a conditional offer of employment, who has been notified that the individual will not be called to testify at trial based on bias, interest, or lack of credibility to report to and provide a copy of the notification to the Criminal Justice Standards Division or the Justice Officers' Standards Division, as appropriate, within 30 days of receiving the notification to expand the criteria for notifications that trigger this requirement to include notifications in writing by a superior court judge, district court judge, federal judge, district

attorney, assistant district attorney, US attorney, assistant US attorney, or the person's agency head;

- require the SBI, when requested by the Governor, a sheriff, chief of police, head of a State law enforcement agency, district attorney, or the Commissioner of Prisons, to investigate and prepare evidence in the event of: (1) a sworn law enforcement officer with the power to arrest using force against an individual in the performance of the officer's duties that results in the death of the individual (**no longer including serious bodily injury** to the individual) or (2) an individual in the custody of DPS, a State prison, a county jail, or a local confinement facility, regardless of the individual's physical location, dies (**no longer including serious bodily injury**);
- remove the provision that required the Administrative Office of the Courts to automatically enroll all criminal defendants into its court date reminder system and the provisions that added to and increased the punishments for rioting offenses;
- establish the duty of law enforcement officers who observe another officer using excessive force to intervene, if safe to do so, to prevent the use of excessive force and to report use of excessive force, even if the officer was unable to intervene, within 72 hours, and remove the provision that specifies that the report is required even if the observing officer did not have a reasonable opportunity to intervene;
- remove the proposed changes concerning law enforcement agency recordings;
- create the nine-member Bipartisan NC Legislative Working Group on Criminal Law Recodification to make recommendations regarding a streamlined, comprehensive, orderly, and principled criminal code that includes all common law, statutory, regulatory, and ordinance crimes. The Working Group would establish general principles that meet specified criteria, including incorporation of existing statutory and common law offenses into GS Chapter 14 (Criminal Law), specifying the required mental state or that an offense is a strict liability crime, and eliminating redundant crimes, unconstitutional provisions, and outdated laws, and would provide certain information related to common law crimes and crimes included in the General Statutes, crimes created by local ordinances, and crimes created by administrative boards and bodies.

**The bill as amended was approved by the House Judiciary 2 Committee and will next be considered by the House Rules Committee.**

SENATE BILL 711, NC Compassionate Care Act. A variety of amendments were made to this bill that would allow the medical use of cannabis in the Senate Judiciary Committee, including provisions to:

- add checking the patient's prescription history in the physician's duty under a *bona-fide physician-patient relationship*;
- include an edible cannabis product, topical product, ointment, oil, patch, spray, suppository, or tincture in the definition of cannabis-infused product;
- expand upon the diagnoses for which a physician provides a written certification that constitutes a *debilitating medical condition*;
- *define designated caregiver* as a person who has a valid registry identification card issued by DHHS authorizing the person to assist a qualifying patient with the medical use of cannabis, who is at least 21, unless the person is the parent or legal guardian of each qualifying patient the person assists;
- *define medical use of cannabis or medical use* as the acquisition, administration, possession, preparation, transportation, or use of cannabis and cannabis-infused products, or paraphernalia used to administer cannabis products, to treat or alleviate a qualifying

patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition and includes the transfer of cannabis products from a designated caregiver to a qualifying patient whom the designated caregiver is authorized to assist; excludes the extraction of resin from cannabis by solvent extraction other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol (ethyl alcohol), unless the extraction is done by a processing facility;

- establish a 13-member Medical Cannabis Advisory Board which would have the authority to approve adding a debilitating medical condition by majority vote;
- require DHHS to create a secure, confidential, electronic medical cannabis registry database of all qualified patients and designated caregivers to whom DHHS has issued cards, consisting of the name, address, and photo of the cardholder and the name, address, and hospital affiliation of the physician that issued the respective written certification;
- require DHHS to monitor the database and informing the Attorney General's Office of any patterns of unusual written certifications found, and the AG to determine whether to report findings to the SBI and the appropriate sheriff for possible legal violations;
- make it a Class 2 misdemeanor (was, Class 1 misdemeanor) for any person (including a State or local employee) to breach confidentiality of such protected information;
- establish the North Carolina Medical Cannabis Program Fund within DHHS;
- protect a registry identification cardholder from arrest, prosecution, or penalty for the possession or purchase of cannabis or medical use by the qualified patient of the quantity if the cannabis possessed or purchased does not exceed an adequate supply; sets out provisions for calculating the amount the patient possesses;
- prohibit arresting, prosecuting, or penalizing a supplier for producing, possessing, distributing, or dispensing cannabis or cannabis-infused products in a manner that is consistent with this Article;
- require DHHS, in consultation with medical professionals, to develop an education campaign about the regulated medical cannabis supply system, with the campaign regularly advertised through television, online, or social media. Sets out elements that must be included in the educational campaign and to make the information available online; and
- require the North Carolina Medical Board, no later than 30 days after the act becomes effective, to approve a three-hour continuing medical education course and a one-hour supplemental medical education course on cannabis and cannabis-infused products.

**The bill as amended was approved by the Senate Judiciary and Finance Committees and will next be considered by the Senate Health Care Committee.**

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