

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 600
Committee Substitute Favorable 5/3/23
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Short Title: Regulatory Reform Act of 2023.

(Public)

Sponsors:

Referred to:

April 17, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL RESOURCES**
7 **PROVISIONS**

8
9 **AMEND LAWS FOR DISPOSAL OF ANIMALS SURRENDERED TO AN ANIMAL**
10 **SHELTER**

11 **SECTION 1.(a)** G.S. 19A-32.1 reads as rewritten:

12 **"§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of**
13 **animals in animal shelters; disposition of animals.**

14 (a) Except as otherwise provided in this section, all animals received by an animal shelter
15 or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or
16 for any longer minimum period established by a board of county commissioners, prior to being
17 euthanized or otherwise disposed of.

18 (a1) Notwithstanding G.S. 14-361.1, healthy cats impounded at an animal shelter without
19 discernible indicia of ownership may be sterilized, ear-tipped, vaccinated for rabies, administered
20 other vaccinations as recommended by the treating veterinarian, and returned to the location
21 where trapped. The minimum hold requirement for a specific cat impounded pursuant to this
22 subsection may be waived if all of the following apply:

23 (1) The trapping of the cat was conducted in accordance with rules adopted by the
24 Board of Agriculture.

25 (2) When the cat is trapped on private property, the owner of the property where
26 the cat was trapped provides dated, written permission for the animal shelter
27 to trap the cat on the owner's property.

28 (3) The treating veterinarian determines that the cat is healthy enough to undergo
29 the sterilization, microchipping, vaccinations, and other surgeries or
30 procedures required by this subsection or the treating veterinarian.

31 (4) The cat is microchipped by a licensed veterinarian. The microchip shall be
32 registered with the name and identification number of the animal shelter that
33 impounded the cat.

34 (5) The sterilization of the cat is conducted by the treating veterinarian.



- 1 (6) The rabies vaccine is administered by a person authorized to do so pursuant
 2 to G.S. 130A-185.
- 3 (7) The animal shelter creates photographic record of the cat, retains that record
 4 for a period of at least three years, and makes the record available upon
 5 request.
- 6 (8) Before the cat may be released by the animal shelter, the treating veterinarian
 7 examines the cat and makes the determination that releasing the cat will not
 8 pose an immediate health risk to the cat or the public.
- 9 (9) When the cat is released onto private property, the owner of the property
 10 where the cat was released provides dated, written permission for the animal
 11 shelter to release the cat on the owner's property.

12 ...

13 (j) Animal shelters shall maintain a record of all animals impounded at the shelter,
 14 including cats impounded and disposed of pursuant to subsection (a1) of this section, shall retain
 15 those records for a period of at least three years from the date of impoundment, and shall make
 16 those records available for inspection during regular inspections pursuant to this Article or upon
 17 the request of a representative of the Animal Welfare Section. These records shall contain, at a
 18 minimum:

- 19 (1) The date of impoundment.
- 20 (2) The length of impoundment.
- 21 (3) The disposition of each animal, including the name and address of any person
 22 to whom the animal is released, any institution that person represents, and the
 23 identifying information required under subsection (i) of this section.
- 24 (4) Other information required by rules adopted by the Board of Agriculture."

25 **SECTION 1.(b)** G.S. 19A-65 reads as rewritten:

26 "**§ 19A-65. Annual Report Required From Every Animal Shelter in Receipt of State or**
 27 **Local Funding.**

28 Every county or city animal shelter, or animal shelter operated under contract with a county
 29 or city or otherwise in receipt of State or local funding shall prepare an annual report in the form
 30 required by the Department of Agriculture and Consumer Services setting forth the numbers, by
 31 species, of animals received into the shelter, the number adopted out, the number transferred to
 32 other animal welfare organizations, the number returned to owner, the number of cats returned
 33 to the location where trapped under G.S. 19A-32.1(a1), and the number destroyed. The report
 34 shall also contain the total operating expenses of the shelter and the cost per animal handled. The
 35 report shall be filed with the Department of Agriculture and Consumer Services by March 1 of
 36 each year. A city or county that does not timely file the report required by this section is not
 37 eligible to receive reimbursement payments under G.S. 19A-64 during the calendar year in which
 38 the report was to be filed."

39 **SECTION 1.(c)** G.S. 130A-190(a) reads as rewritten:

40 "(a) Issuance. – A person who administers a rabies vaccine shall issue a rabies vaccination
 41 tag to the owner of the animal. The rabies vaccination tag shall show the year issued, a
 42 vaccination number, the words "North Carolina" or the initials "N.C." and the words "rabies
 43 vaccine." Dogs shall wear rabies vaccination tags at all times. Cats and ferrets must wear rabies
 44 vaccination tags unless they are exempt from wearing the tags by local ~~ordinance~~ ordinance, or
 45 are unowned outdoor cats that have been ear-tipped to indicate sterilization and vaccination as
 46 set forth in G.S. 130A-192."

47 **SECTION 1.(d)** G.S. 130A-192 reads as rewritten:

48 "**§ 130A-192. Animals not wearing required rabies vaccination tags.**

49 (a) The Animal Control Officer shall canvass the county to determine if there are any
 50 animals not wearing the required rabies vaccination tag. If an animal required to wear a tag is
 51 found not wearing one, the Animal Control Officer shall check to see if the owner's identification

1 can be found on the ~~animal~~-animal, or if the animal is a cat with a tipped ear. A cat with a tipped
2 ear indicating that the cat has been sterilized and vaccinated is exempt from the requirement to
3 wear a rabies tag. If the animal is wearing an owner identification tag with information enabling
4 the owner of the animal to be contacted, or if the Animal Control Officer otherwise knows who
5 the owner is, the Animal Control Officer shall notify the owner in writing to have the animal
6 vaccinated against rabies and to produce the required rabies vaccination certificate to the Animal
7 Control Officer within three days of the notification. If the animal is not wearing an owner
8 identification tag and the Animal Control Officer does not otherwise know who the owner is, the
9 Animal Control Officer may impound the animal. The duration of the impoundment of these
10 animals shall be established by the county board of commissioners, but the duration shall not be
11 less than 72 hours. Notwithstanding G.S. 14-361.1, healthy cats without discernable indicia of
12 ownership may be sterilized, ear-tipped, vaccinated for rabies, administered other vaccinations
13 as recommended by the treating veterinarian, and returned to the location where they were
14 trapped. Healthy cats impounded in this manner may be released before the minimum holding
15 period has passed provided that the requirements for waiving the minimum holding period in
16 subsection (a1) of this section are met. During the impoundment period, the Animal Control
17 Officer shall make a reasonable effort to locate the owner of the animal. If the Animal Control
18 Officer has access at no cost or at a reasonable cost to a microchip scanning device, the Animal
19 Control Officer shall scan the animal and utilize any information that may be available through
20 a microchip to locate the owner of the animal, if possible. If the animal is not reclaimed by its
21 owner during the impoundment period, the animal shall be disposed of in one of the following
22 manners: returned to the owner; adopted as a pet by a new owner; sterilized, ear-tipped,
23 vaccinated for rabies and administered other vaccinations as recommended by the treating
24 veterinarian, and returned to the location where it was trapped; or put to death by a procedure
25 approved by rules adopted by the Department of Agriculture and Consumer Services or, in the
26 absence of such rules, by a procedure approved by the American Veterinary Medical Association,
27 the Humane Society of the United States or of the American Humane Association.

28 ...

29 (a3) The Animal Control Officer shall maintain a record of all animals impounded under
30 this section which shall include the date of impoundment, the length of impoundment, the method
31 of disposal of the animal and the name of the person or institution to whom any animal has been
32 released. The Animal Control Officer shall also maintain a record of any cats sterilized,
33 ear-tipped, vaccinated, and returned to the location where trapped, including the location where
34 the cat was trapped and released."

35 **SECTION 1.(e)** The Board of Agriculture shall adopt temporary rules to implement
36 this section and shall adopt permanent rules to replace the temporary rules. Temporary rules
37 adopted in accordance with this section shall remain in effect until permanent rules that replace
38 the temporary rules become effective.

39 **SECTION 1.(f)** Section 1(e) of this act and this subsection are effective when they
40 become law. Sections 1(a) through 1(d) of this act become effective 60 days after the temporary
41 rules adopted by the Board of Agriculture as required by Section 1(e) of this act become effective.

43 **CHANGES TO REQUIREMENTS FOR DEVELOPMENT IN VEGETATIVE BUFFERS**

44 **SECTION 2.** G.S. 143-214.7(b2) reads as rewritten:

45 "(b2) For purposes of implementing stormwater programs, "built-upon area" means
46 impervious surface and partially impervious surface to the extent that the partially impervious
47 surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon
48 area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57
49 stone, as designated by the American Society for Testing and Materials, laid at least four inches
50 thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved
51 as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters

per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection. For State stormwater programs and local stormwater programs approved pursuant to subsection (d) of this section, all of the following shall apply:

- ...
- (2) Development may occur within the area that would otherwise be required to be placed within a vegetative buffer required by the Commission pursuant to G.S. 143-214.1 and G.S. 143-214.7 provided the stormwater runoff from the entire impervious area of the development built-upon area within the vegetative buffer is collected, treated, and discharged so that it passes through a segment of the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.
-"

CHANGES TO STORMWATER TREATMENT REQUIRED WHEN PREEXISTING DEVELOPMENT IS REDEVELOPED AND FOR EXEMPTION FROM DENSITY LIMITATIONS IN WATER SUPPLY WATERSHED

SECTION 3. G.S. 143-214.7(b3) reads as rewritten:

"(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. Provided, however, a redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. A property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding exceed allowable density under the applicable water supply watershed rules as provided in G.S. 143-214.5(d3). G.S. 143-214.5(d3) by treating the stormwater resulting from the net increase in built-upon area. This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances."

EXEMPTION FROM REQUIREMENTS OF POST-CONSTRUCTION STORMWATER RULE

SECTION 4.(a) Definitions. – For purposes of this section, "Post-Construction Stormwater Rule" means 15A NCAC 02H .1001 (Post-Construction Stormwater Management: Purpose and Scope).

SECTION 4.(b) Post-Construction Stormwater Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Post-Construction Stormwater Rule as provided in subsection (c) of this section.

SECTION 4.(c) Implementation. – Linear transportation projects undertaken by an entity other than the North Carolina Department of Transportation, which are part of a common plan of development, shall be exempt from the requirements of the Post-Construction Stormwater Rule.

1 **SECTION 4.(d)** Additional Rulemaking Authority. – The Commission shall adopt
2 a rule to amend the Post-Construction Stormwater Rule consistent with subsection (c) of this
3 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
4 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
5 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
6 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
7 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
8 G.S. 150B-21.3(b2).

9 **SECTION 4.(e)** Sunset. – This section expires when permanent rules adopted as
10 required by subsection (d) of this section become effective.

11
12 **MODIFY CERTAIN RULES RELATED TO DEVELOPMENT DENSITY IN WATER**
13 **SUPPLY WATERSHEDS, AS APPLICABLE IN IREDELL COUNTY AND THE TOWN**
14 **OF MOORESVILLE**

15 **SECTION 5.(a)** Definitions. – For purposes of this section and its implementation,
16 "Water Supply Watershed Project Density Rule" means 15A NCAC 02B .0624 (Water Supply
17 Watershed Protection Program: Nonpoint Source and Stormwater Pollution Control).

18 **SECTION 5.(b)** Water Supply Watershed Project Density Rule. – Until the effective
19 date of the revised permanent rule that the Environmental Management Commission is required
20 to adopt pursuant to subsection (d) of this section, the Commission shall implement the Water
21 Supply Watershed Project Density Rule as provided in subsection (c) of this section.

22 **SECTION 5.(c)** Implementation. – Notwithstanding 15A NCAC 02B .0624(7),
23 Iredell County and the Town of Mooresville may regulate new development outside of WS-I
24 watersheds and the critical areas of WS-II, WS-III, and WS-IV watersheds in accordance with
25 the following requirement: a maximum of twenty percent (20%) of the land area of a water supply
26 watershed outside of the critical area and within the local government's planning jurisdiction may
27 be developed with new development projects and expansions of existing development of up to
28 seventy percent (70%) built-upon area.

29 **SECTION 5.(d)** Additional Rulemaking Authority. – The Commission shall adopt
30 a rule to amend the Water Supply Watershed Project Density Rule consistent with subsection (c)
31 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
32 to this section shall be substantively identical to the provisions of subsection (c) of this section.
33 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
34 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
35 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
36 in G.S. 150B-21.3(b2).

37 **SECTION 5.(e)** Sunset. – This section expires when permanent rules adopted as
38 required by subsection (d) of this section become effective.

39
40 **MODIFY THE APPLICATION OF RIPARIAN BUFFER RULES REGARDING**
41 **AIRPORT FACILITIES**

42 **SECTION 6.(a)** Definitions. – For purposes of this section and its implementation,
43 the following definitions apply:

- 44 (1) Airport Impacted Property. – Any tract of property that is part of or contiguous
45 to an airport located in the Neuse River Basin that accommodates greater than
46 10,000,000 passengers annually that is impacted by the construction of one or
47 more borrow pit areas in connection with the construction of a new or
48 relocated runway in excess of 10,000 feet in length at that airport.
- 49 (2) Neuse River Basin. – The Neuse River Basin shall mean the area defined by
50 waters and buffer areas included in 15A NCAC 02B .0315, or that are

1 otherwise covered by the provisions of 15A NCAC 02B .0710 through .0715
2 of the Neuse River Basin Riparian Buffer Rules.

- 3 (3) Neuse River Basin Riparian Buffer Rules. – The Neuse River Basin Riparian
4 Buffer Rules shall mean the provisions of Sections .0200, .0600, and .0700 of
5 Subchapter 02B of Title 15A of the North Carolina Administrative Code that
6 apply to the Neuse River Basin.

7 **SECTION 6.(b)** Neuse River Basin Riparian Buffer Rules. – Until the effective date
8 of the revised permanent rule that the Environmental Management Commission is required to
9 adopt pursuant to subsection (d) of this section, the Commission shall implement the Neuse River
10 Basin Riparian Buffer Rules as provided in subsection (c) of this section.

11 **SECTION 6.(c)** Implementation. –

- 12 (1) The term "airport facilities" as defined in 15A NCAC 02B .0610 and 15A
13 NCAC 02B .0267 shall (i) include all areas used or suitable for use as borrow
14 areas, staging areas, or other similar areas of the airport that are used or
15 suitable for use directly or indirectly in connection with the construction,
16 dismantling, modification or similar action pertaining to any of the properties,
17 facilities, buildings, or structures set forth in sub-subdivisions (a) through (q)
18 of subdivision (1) of those rules and (ii) the term as amended by this section
19 shall apply to all Neuse River Basin Riparian Buffer Rules.

- 20 (2) Notwithstanding any provisions of the Neuse River Basin Riparian Buffer
21 Rules, no Authorization Certificate under 15A NCAC 02B .0611(b) shall be
22 required for any work in connection with an Airport Impacted Property, but
23 such work shall be required to provide for mitigation in conformance with
24 applicable Neuse River Basin Riparian Buffer Rules.

25 **SECTION 6.(d)** Additional Rulemaking Authority. – The Commission shall adopt
26 a rule to amend the Neuse River Basin Riparian Buffer Rules consistent with subsection (c) of
27 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
28 this section shall be substantively identical to the provisions of subsection (c) of this section.
29 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
30 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
31 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
32 in G.S. 150B-21.3(b2).

33 **SECTION 6.(e)** Sunset. – This section expires when permanent rules adopted as
34 required by subsection (d) of this section become effective.

35
36 **MODIFY CERTAIN PROVISIONS OF THE FLOODPLAIN REGULATION**
37 **STATUTES TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO ISSUE**
38 **FLOODPLAIN PERMITS FOR CERTAIN AIRPORT PROJECTS**

39 **SECTION 7.(a)** G.S. 143-215.52 reads as rewritten:

40 **"§ 143-215.52. Definitions.**

- 41 (a) As used in this Part:

42 ...

- 43 (3) "Local government" means any county or city, as defined in ~~G.S.~~
44 ~~160A-1~~G.S. 160D-102.

45 ...

46 (c) As used in applying this Part to airport projects, in addition to any other applicable
47 definitions in this section where those definitions do not conflict:

- 48 (1) "Airport authority" means any authority that is authorized or governed by
49 Chapter 63 of the General Statutes or other laws enacted by the General
50 Assembly to acquire, establish, construct, maintain, improve, and/or operate
51 airports or other air navigation facilities; provided, however, that this

1 definition of "airport authority" shall not include any local government as
2 defined by this section.

3 (2) "Airport project" includes any "airport facility," as that term is defined under
4 15A NCAC 02B .0610, including any structure or area used in connection
5 with the construction, reconstruction, repair, or other similar action as to any
6 such airport facility.

7 (3) "Eligible flood hazard area" means a flood hazard area to which all of the
8 following criteria apply:

9 a. For which a no-rise certificate has been accepted by the Department.

10 b. That is part of or connected to an airport project.

11 c. That will not involve the construction of a structure, as that term is
12 defined in 44 C.F.R. § 59.1, within the eligible flood hazard area.

13 d. Use of the area will be consistent with the technical criteria contained
14 in 44 C.F.R. § 60.3 for flood-prone areas.

15 e. For which no local government has a clearly demonstrated statutory
16 authority to issue a permit for use of the eligible flood hazard area
17 pursuant to Part 6 of this Article.

18 (4) "No-rise certificate," "no-rise certification," or "no-rise/no-impact
19 certification," or similarly denominated certificate or action that has been
20 accepted by the Department as demonstrating through hydrologic and
21 hydraulic analyses performed in accordance with standard engineering
22 practice that the proposed encroachment would not result in any increase in
23 flood levels within the community during the occurrence of the base flood
24 discharge.

25 (5) "Permit" means any permit, license, or similar approval that grants the right
26 to use of one or more flood hazard areas consistent with the requirements of
27 this Part."

28 **SECTION 7.(b)** G.S. 143-215.56 is amended by adding a new subsection to read:

29 "(i) Notwithstanding any other provision of this Part, or other applicable statutes, the
30 Department shall grant a permit for the use of an eligible flood hazard area in connection with an
31 airport project for which an airport authority received a no-rise certificate for that airport project
32 where there is no local government that has a clearly demonstrated statutory authority to issue
33 such a permit for the airport project for the use of a flood hazard area pursuant to this Part. In the
34 event the Department does not issue a permit for the airport project within 30 days of its receipt
35 of a written request submitted by an airport authority for an airport project, the permit is deemed
36 issued to the airport authority for the airport project by operation of law."
37

38 **WASTEWATER DESIGN FLOW RATE RULE CHANGE**

39 **SECTION 8.(a)** Definitions. – For purposes of this section and its implementation,
40 "Dwelling Wastewater Design Flow Rate Rule" means 15A NCAC 02T .0114 (Wastewater
41 Design Flow Rates) as it applies to dwelling units.

42 **SECTION 8.(b)** Dwelling Wastewater Design Flow Rate Rule. – Until the effective
43 date of the revised permanent rule that the Environmental Management Commission is required
44 to adopt pursuant to subsection (d) of this section, the Commission shall implement the Dwelling
45 Wastewater Design Flow Rate Rule as provided in subsection (c) of this section.

46 **SECTION 8.(c)** Implementation. – In determining the volume of sewage from
47 dwelling units, the flow rate shall be 75 gallons per day per bedroom. The minimum volume of
48 sewage from each dwelling unit shall be 75 gallons per day, and each additional bedroom above
49 two bedrooms shall increase the volume by 75 gallons per day.

50 **SECTION 8.(d)** Additional Rulemaking Authority. – The Commission shall adopt
51 a rule to amend the Dwelling Wastewater Design Flow Rate Rule – consistent with subsection (c)

1 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
2 to this section shall be substantively identical to the provisions of subsection (c) of this section.
3 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
4 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
5 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
6 in G.S. 150B-21.3(b2).

7 **SECTION 8.(e)** Applicability and Sunset. – This section and rules adopted pursuant
8 to this section apply to all dwelling units sewer system permits issued on or after August 1, 2023.
9 This section expires when permanent rules adopted as required by subsection (d) of this section
10 become effective.

11
12 **UTILITIES COMMISSION AUTHORITY TO ALLOW OWNERS' ASSOCIATIONS TO**
13 **CHARGE FOR THE COSTS OF PROVIDING WATER AND SEWER SERVICE**

14 **SECTION 9.** G.S. 62-110(g) reads as rewritten:

15 "(g) In addition to the authority to issue a certificate of public convenience and necessity
16 and establish rates otherwise granted in this Chapter, for the purpose of encouraging water
17 conservation, the Commission may, consistent with the public interest, adopt procedures that
18 ~~allow~~ allow (i) a lessor of any leased residential premises, as that term is defined under
19 G.S. 42-59(3), to charge for the costs of providing water or sewer service to persons who occupy
20 the leased ~~premises.~~ premises, (ii) an owners' association, as that term is defined under
21 G.S. 47F-1-103(3), to charge for the costs of providing water or sewer service to persons who
22 occupy townhomes within a planned community, as that term is defined under
23 G.S. 47F-1-103(23), and (iii) a unit owners' association, as that term is defined under
24 G.S. 47C-1-103(3), to charge for the costs of providing water or sewer service to persons who
25 occupy a condominium, as that term is defined under G.S. 47C-1-103(7). For purposes of this
26 subsection, the term "townhome" means a single-family dwelling unit constructed in a group of
27 three or more attached units. The following provisions shall apply:

28 (1) Except as provided in subdivisions (1a), (1b), and (1c) of this subsection, all
29 charges for water or sewer service shall be based on the user's metered
30 consumption of water, which shall be determined by metered measurement of
31 all water consumed. The rate charged by the ~~lessor~~ lessor, owners' association,
32 or unit owners' association, as applicable, shall not exceed the unit
33 consumption rate charged by the supplier of the service.

34 ...

35 (1b) Notwithstanding the provisions of subdivisions (1), (1a), and (1c) of this
36 subsection, if the Commission approves a flat rate to be charged by a water or
37 sewer utility for the provision of water or sewer services to contiguous
38 dwelling units, the ~~lessor~~ lessor, owners' association, or unit owners'
39 association, as applicable, may pass through and charge the tenants or
40 occupants of the contiguous dwelling units the same flat rate for water or
41 sewer services, rather than a rate based on metered consumption, and an
42 administrative fee as authorized in subdivision (2) of this subsection. Bills for
43 water and sewer service sent by the ~~lessor~~ lessor, owners' association, or unit
44 owners' association, as applicable, to the lessee or occupant shall contain all
45 the information required by sub-sub-subdivisions e.2. through e.5. of
46 subdivision (1a) of this subsection.

47 (1c) The lessor may equally divide the amount of the water and sewer bill for a
48 unit among all the lessees in the unit and may send one bill to each lessee. The
49 amount charged shall be prorated when a lessee has not leased the unit for the
50 same number of days as the other lessees in the unit during the billing period.
51 Each bill may include an administrative fee up to the amount of the

1 then-current administrative fee authorized by the Commission in Rule 18-6
 2 for water service and, when applicable, a late fee in an amount determined by
 3 the Commission. The lessor shall not charge the cost of water and sewer from
 4 any other unit or common area in a lessee's bill sent pursuant to this
 5 subdivision.

6 (2) ~~The lessor~~ lessor, owners' association, or unit owners' association, as
 7 applicable, may charge a reasonable administrative fee for providing water or
 8 sewer service not to exceed the maximum administrative fee authorized by the
 9 Commission.

10 (3) The Commission shall adopt rules to implement this subsection.

11 (4) The Commission shall develop an application that ~~lessors~~ lessors, owners'
 12 associations, or unit owners' associations, as applicable, must submit for
 13 authority to charge for water or sewer service. The form shall include all of
 14 the following:

- 15 a. A description of the applicant and the property to be served.
- 16 b. A description of the proposed billing method and billing statements.
- 17 c. The schedule of rates charged to the applicant by the supplier.
- 18 d. The schedule of rates the applicant proposes to charge the applicant's
 19 customers.
- 20 e. The administrative fee proposed to be charged by the applicant.
- 21 f. The name of and contact information for the applicant and its agents.
- 22 g. The name of and contact information for the supplying water or sewer
 23 system.
- 24 h. Any additional information that the Commission may require.

25 (4a) The Commission shall develop an application that ~~lessors~~ lessors, owners'
 26 associations, or unit owners' associations, as applicable, must submit for
 27 authority to charge for water or sewer service at single-family dwellings that
 28 allows the applicant to serve multiple dwellings in the State, subject to an
 29 approval by the Commission. The form shall include all of the following:

30"

31
 32 **PROHIBIT COUNTIES FROM REGULATING BY ORDINANCE CERTAIN OFF-SITE**
 33 **WASTEWATER SYSTEMS**

34 **SECTION 10.** G.S. 130A-335(c2) reads as rewritten:

35 "(c2) Notwithstanding any other provision of law, a ~~municipality~~ unit of local government
 36 shall not prohibit or regulate by ordinance or enforce an existing ordinance regulating the use of
 37 off-site wastewater systems or other systems approved by the Department under rules adopted
 38 by the Commission when the proposed system meets the specific conditions of the approval."
 39

40 **PROHIBIT SALE OF NUTRIENT OFFSETS FROM MUNICIPAL NUTRIENT OFFSET**
 41 **BANKS TO THIRD PARTIES**

42 **SECTION 11.** G.S. 143-214.26 reads as rewritten:

43 **"§ 143-214.26. Nutrient offset credits.**

44 (a) Nutrient offset credits may be purchased to offset nutrient loadings to surface waters
 45 as required by the Environmental Management Commission. Nutrient offset credits shall be
 46 effective for the duration of the nutrient offset project unless the Department of Environmental
 47 Quality finds the credits are effective for a limited time period. Nutrient offset projects authorized
 48 under this section shall be consistent with rules adopted by the Commission for implementation
 49 of nutrient management strategies.

50 (b) A government entity, as defined in G.S. 143-214.11, may purchase nutrient offset
 51 credits through either:

- 1 (1) Participation in a nutrient offset bank that has been approved by the
2 Department if the Department approves the use of the bank for the required
3 nutrient offsets.
- 4 (2) Payment of a nutrient offset fee established by the Department into the
5 Riparian Buffer Restoration Fund established in G.S. 143-214.21.
- 6 (c) A party other than a government entity, as defined in G.S. 143-214.11, may purchase
7 nutrient offset credits through either:
- 8 (1) Participation in a nutrient offset bank that has been approved by the
9 Department if the Department approves the use of the bank for the required
10 nutrient offsets.
- 11 (2) Payment of a nutrient offset fee established by the Department into the
12 Riparian Buffer Restoration Fund established in G.S. 143-214.21. This option
13 is only available to an applicant who demonstrates that the option under
14 subdivision (1) of this subsection is not available.
- 15 (d) To offset NPDES-permitted wastewater nutrient sources, credits may only be
16 acquired from nutrient offset projects located in either of the following areas:
- 17 (1) The same hydrologic area. For purposes of this subdivision, "hydrologic area"
18 means an eight-digit cataloging unit designated by the United States
19 Geological Survey.
- 20 (2) A location that is downstream from the source and upstream from the water
21 body identified for restoration under the applicable TMDL or nutrient
22 management strategy.
- 23 (e) To offset stormwater or other nutrient sources, credits may only be acquired from an
24 offset project located within the same hydrologic area, as defined in G.S. 143-214.11.
- 25 (f) The permissible credit sources identified in subsections (d) and (e) of this section may
26 be further limited by rule as necessary to achieve nutrient strategy objectives.
- 27 (g) No nutrient offset bank owned by a unit of local government, as defined in
28 G.S. 143-214.11, shall sell nutrient offset credits to a third party."
29

30 PART II. STATE AND LOCAL GOVERNMENT PROVISIONS

31 LIMIT LOCAL GOVERNMENT ZONING AUTHORITY

32 **SECTION 12.(a)** G.S. 160D-702(c) reads as rewritten:

33 "(c) A zoning or other development regulation shall not do any of the following:

- 34 (1) Set a minimum square footage of any structures subject to regulation under
35 the North Carolina Residential Code for One- and Two-Family Dwellings.
- 36 (2) ~~Set a maximum parking space size~~ Require a parking space to be larger than
37 9 feet wide by 20 feet long unless the parking space is designated for handicap,
38 parallel, or diagonal parking.
- 39 (3) Require additional entrances into a residential subdivision that are not in
40 compliance with the number of entrance requirements into a residential
41 subdivision set forth in the Fire Code of the North Carolina Residential Code
42 for One- and Two-Family Dwellings."

43 **SECTION 12.(b)** This section is effective when it becomes law and applies to
44 existing municipal or county ordinances. Any municipal or county ordinance inconsistent with
45 this section is void and unenforceable.
46
47

48 PROHIBIT LOCAL GOVERNMENTS FROM IMPOSING REQUIREMENTS ON 49 ACCESS POINTS FOR SCHOOL ROADS IN ADDITION TO REQUIREMENTS 50 IMPOSED BY THE DEPARTMENT OF TRANSPORTATION

51 **SECTION 13.** G.S. 160A-307.1 reads as rewritten:

1 **"§ 160A-307.1. Limitation on city requirements for street improvements related to schools.**
2 **(a)** A city may only require street improvements related to schools that are required for
3 safe ingress and egress to the municipal street system and that are physically connected to a
4 driveway on the school site. The required improvements shall not exceed those required pursuant
5 to G.S. 136-18(29). G.S. 160A-307 shall not apply to schools. A city may only require street
6 improvements related to schools as provided in G.S. 160D-804. The cost of any improvements
7 to the municipal street system pursuant to this section shall be reimbursed by the city. Any
8 agreement between a school and a city to make improvements to the municipal street system
9 shall not include a requirement for acquisition of right-of-way by the school, unless the school is
10 owned by an entity that has eminent domain power. Any right-of-way costs incurred by a school
11 for required improvements pursuant to this section shall be reimbursed by the city.
12 Notwithstanding any provision of this Chapter to the contrary, a city may not condition the
13 approval of any zoning, rezoning, or permit request on the waiver or reduction of any provision
14 of this section. The term "school," as used in this section, means any facility engaged in the
15 educational instruction of children in any grade or combination of grades from kindergarten
16 through the twelfth grade at which attendance satisfies the compulsory attendance law and
17 includes charter schools authorized under G.S. 115C-218.5.

18 **(b)** Notwithstanding subsection (a) of this section, a local government shall not impose
19 any requirement regarding access points, driveway access, or curb cuts for a property to be used
20 by a school that are in addition to those imposed by the Department of Transportation pursuant
21 to G.S. 136-18(29a)."
22

23 **DEEMED COMPLIANCE OF SUBDIVISION STREETS WITH MINIMUM** 24 **STANDARDS OF BOARD OF TRANSPORTATION**

25 **SECTION 14.(a)** G.S. 136-102.6 reads as rewritten:

26 **"§ 136-102.6. Compliance of subdivision streets with minimum standards of the Board of**
27 **Transportation required of developers.**

28 ...

29 **(d)** The right-of-way and construction plans for such public streets in residential
30 subdivisions, including plans for street drainage, shall be submitted to the Division of Highways
31 for review and approval, prior to the recording of the subdivision plat in the office of the register
32 of deeds. The plat or map required by this section shall not be recorded by the register of deeds
33 without a certification pursuant to G.S. 47-30.2 and, if determined to be necessary by the Review
34 Officer, a certificate of approval by the Division of Highways of the plans for the public street as
35 being in accordance with the minimum standards of the Board of Transportation for acceptance
36 of the subdivision street on the State highway system for maintenance. The Review Officer shall
37 not certify a map or plat subject to this section unless the new streets or changes in existing streets
38 are designated either public or private. The certificate of approval shall not be deemed an
39 acceptance of the dedication of the streets on the subdivision plat or map. Final acceptance by
40 the Division of Highways of the public streets and placing them on the State highway system for
41 maintenance shall be conclusive proof that the streets have been constructed according to the
42 minimum standards of the Board of Transportation. The Board of Transportation must approve
43 the addition of subdivision street improvements designated as public to the State highway system
44 for maintenance pursuant to this subsection within 90 days after the Department of
45 Transportation receives a petition for road addition and the Department determines those
46 subdivision streets meet the minimum standards of the Board of Transportation. If the
47 Department of Transportation fails to make a final determination as to whether a subdivision
48 street meets the minimum standards of the Board of Transportation within 120 days of receipt of
49 the petition for road addition, the subdivision street shall be deemed to meet the minimum
50 standards of the Board of Transportation.

51"

1 **SECTION 14.(b)** This section becomes effective January 1, 2024, and applies to
2 petitions for road addition for subdivision street improvements submitted to the Department of
3 Transportation on or after that date.

4
5 **DEPARTMENT OF INFORMATION TECHNOLOGY PROCUREMENT CHANGES**

6 **SECTION 14.5.** G.S. 143B-1333 reads as rewritten:

7 "**§ 143B-1333. Internal Service Fund.**

8 (a) The Internal Service Fund is established within the Department as a fund to provide
9 goods and services to State agencies on a cost-recovery basis. The Department shall establish
10 fees for subscriptions and chargebacks for consumption-based services. ~~The Information~~
11 ~~Technology Strategic Sourcing Office~~ The Department's procurement activities, including, but
12 not limited to, the Statewide Information Technology Procurement Office, shall be funded
13 through a combination of administrative fees as part of the IT Supplemental Staffing contract, as
14 well as fees charged to agencies using their services. The State CIO shall establish and annually
15 update consistent, fully transparent, easily understandable fees and rates that reflect industry
16 standards for any good or service for which an agency is charged. These fees and rates shall be
17 prepared and submitted by the Department to the Office of State Budget and Management and
18 Fiscal Research Division on the date agreed upon by the State Budget Director and the
19 Department's Chief Financial Officer. The rates shall be approved by the Office of State Budget
20 and Management. The Office of State Budget and Management shall ensure that State agencies
21 have the opportunity to adjust their budgets based on any rate or fee changes prior to submission
22 of those budget recommendations to the General Assembly. The approved Information
23 Technology Internal Service Fund budget and associated rates shall be included in the Governor's
24 budget recommendations to the General Assembly.

25 (b) Repealed by Session Laws 2016-94, s. 7.4(d), effective July 1, 2016.

26 (c) Receipts shall be used solely for the purpose for which they were collected. In
27 coordination with the Office of the State Controller and the Office of State Budget and
28 Management, the State CIO shall ensure processes are established to manage federal receipts,
29 maximize those receipts, and ensure that federal receipts are correctly utilized."
30

31 **PART III. LABOR PROVISIONS**

32
33 **CLARIFY THAT INFLATABLE DEVICES ARE NOT AMUSEMENT DEVICES**

34 **SECTION 15.(a)** G.S. 95-111.3 reads as rewritten:

35 "**§ 95-111.3. Definitions.**

36 The following definitions shall apply in this Article:

37 ~~(a)(1)~~ The term "amusement device" shall mean any Amusement device. – Any
38 mechanical or structural device or attraction that carries or conveys or permits
39 persons to walk along, around or over a fixed or restricted route or course or
40 within a defined area including the entrances and exits thereto, for the purpose
41 of giving such persons amusement, pleasure, thrills or excitement. This term
42 shall not include any of the following:

43 ~~(1)~~a. Devices operated on a river, lake, or any other natural body of water.

44 ~~(2)~~b. Wavepools.

45 ~~(3)~~c. Roller skating rinks.

46 ~~(4)~~d. Ice skating rinks.

47 ~~(5)~~e. Skateboard ramps or courses.

48 ~~(6)~~f. Mechanical bulls.

49 ~~(7)~~g. Buildings or concourses used in laser games.

50 ~~(8)~~h. All-terrain vehicles.

51 ~~(9)~~i. Motorcycles.

- 1 (10)j. Bicycles.
2 (11)k. Mopeds.
3 (12)l. Rock walls that are in a fixed, permanent location.
4 (13)m. Zip-lines.
5 (14)n. Funhouses, haunted houses, and similar walk-through devices that are
6 erected temporarily on a seasonal basis and do not have mechanical
7 components.
8 (15)o. Playground equipment, including but not limited to soft contained play
9 equipment, swings, seesaws, slides, stationary spring-mounted animal
10 features, jungle gyms, rider-propelled merry-go-rounds, and
11 trampolines.
12 (16)p. Any train or device previously or currently approved for use on the
13 public rail transit system.
14 q. Inflatable devices, including any air-supported device made of flexible
15 fabric, inflated by one or more blowers, that relies upon air pressure to
16 maintain its shape.

17 (b)(2) ~~The term "amusement park" shall mean any Amusement park. – Any tract or~~
18 ~~area used principally as a permanent location for amusement devices.~~

19 (b1)(3) ~~The term "annual gross volume" shall mean the Annual gross volume. – The~~
20 ~~gross receipts a person or device receives from all types of sales made and~~
21 ~~business done during a 12-month period.~~

22 (b2)(4) ~~The term "carnival area" shall mean any Carnival area. – Any area, track, or~~
23 ~~structure that is rented, leased, or owned as a temporary location for~~
24 ~~amusement devices.~~

25 (e)(5) ~~The term "Commissioner" shall mean the Commissioner. – The North~~
26 ~~Carolina Commissioner of Labor or his or her authorized representative.~~

27 (d)(6) ~~The term "Director" shall mean the Director. – The Director of the Elevator~~
28 ~~and Amusement Device Division of the North Carolina Department of Labor.~~

29 (e)(7) ~~The term "operator" shall mean any Operator. – Any person having direct~~
30 ~~control of the operation of an amusement device. The term "operator" shall~~
31 ~~not include a waterslide dispatcher or any person on the device for the purpose~~
32 ~~of receiving amusement, pleasure, thrills, or excitement.~~

33 (f)(8) ~~The term "owner" shall mean any Owner. – Any person or authorized agent~~
34 ~~of such person who owns an amusement device or in the event such device is~~
35 ~~leased, the lessee. The term "owner" also shall include the State of North~~
36 ~~Carolina or any political subdivision thereof or any unit of local government.~~

37 (g)(9) ~~The term "person" shall mean any Person. – Any individual, association,~~
38 ~~partnership, firm, corporation, private organization, or the State of North~~
39 ~~Carolina or any political subdivision thereof or any unit of local government.~~

40 (h)(10) ~~The term "waterslide" shall mean a Waterslide. – A stationary amusement~~
41 ~~device that provides a descending ride on a flowing water film through a~~
42 ~~trough or tube or on an inclined plane into a pool of water. This term does not~~
43 ~~include devices where the vertical distance between the highest and the lowest~~
44 ~~points does not exceed 15 feet.~~

45 (i)(11) ~~The term "waterslide dispatcher" shall mean an Waterslide dispatcher. – An~~
46 ~~employee who is stationed at the top of a waterslide for the purpose of~~
47 ~~managing the ride queue and dispatching users of the waterslide."~~

48 **SECTION 15.(b)** G.S. 95-111.12(d) reads as rewritten:

49 "(d) Operators of waterslides, as defined in ~~G.S. 95-111.3(h)~~, G.S. 95-111.3(10), shall
50 notify the Commissioner of all incidences of personal injury involving the waterslides, as
51 required by G.S. 95-111.10(a)."

1
2 **DIRECT THE DEPARTMENT OF LABOR TO WORK WITH THE NORTH**
3 **CAROLINA BUILDING CODE COUNCIL TO STUDY ELECTRICAL**
4 **REQUIREMENTS FOR ELEVATOR INSTALLATION, PERMITTING, AND**
5 **INSPECTION, AND TO APPROPRIATE FUNDS FOR THAT PURPOSE**

6 **SECTION 16.(a)** Study. – The Standards and Inspections Division of the
7 Department of Labor shall study existing requirements for electrical work conducted during the
8 installation of elevators to identify deficiencies or conflicts in statute or rule. In conducting the
9 study, the Division shall consult with the North Carolina Building Code Council and may consult
10 with the Office of State Fire Marshal of the Department of Insurance or any other State or local
11 government organizations the Division determines may be of assistance in the course of the
12 study. In performing the study, the Division shall, at a minimum, consider the following:

- 13 (1) Current Department of Labor requirements for elevator installation,
14 particularly with respect to electrical work and inspection, found in the
15 Elevator Safety Act.
- 16 (2) Current requirements for electrical work, including fire alarm installation,
17 found in the latest version of the North Carolina Building Code (Code).
- 18 (3) Whether conflicts exist between current Division and Code requirements with
19 respect to elevators, electrical wiring, or fire alarm installation, and what steps
20 can be taken to resolve those conflicts.
- 21 (4) Whether the Division needs additional personnel trained and certified as
22 electrical inspectors pursuant to the National Electrical Code.

23 **SECTION 16.(b)** Report. – The Division shall report its findings and
24 recommendations, including any legislative proposals, to the House Committee on Regulatory
25 Reform no later than March 1, 2024.

26 **SECTION 16.(c)** Appropriation. – The sum of two-hundred and fifty thousand
27 dollars (\$250,000) in nonrecurring funds for the 2023-2024 fiscal year is appropriated from the
28 General Fund to the Department of Labor to carry out the study required by subsection (a) of this
29 section.
30

31 **EXEMPTING MINOR LEAGUE BASEBALL PLAYERS EMPLOYED UNDER A**
32 **COLLECTIVE BARGAINING AGREEMENT FROM STATE MINIMUM WAGE,**
33 **OVERTIME, AND RECORD-KEEPING REQUIREMENTS**

34 **SECTION 17.(a)** G.S. 95-25.14 reads as rewritten:

35 "**§ 95-25.14. Exemptions.**

36 ...
37 (b) The provisions of G.S. 95-25.3 (Minimum Wage) and G.S. 95-25.4 (Overtime), and
38 the provisions of G.S. 95-25.15(b) (Record Keeping) as they relate to these exemptions, do not
39 apply to:

- 40 (1) Any employee of a boys' or girls' summer camp or of a seasonal religious or
41 nonprofit educational conference center;
- 42 (2) Any person employed in the catching, processing or first sale of seafood, as
43 defined under the Fair Labor Standards Act;
- 44 (3) The spouse, child, or parent of the employer or any person qualifying as a
45 dependent of the employer under the income tax laws of North Carolina;
- 46 (4) Any person employed in a bona fide executive, administrative, professional
47 or outside sales capacity, as defined under the Fair Labor Standards Act;
- 48 (5) Repealed by Session Laws 1989, c. 687, s. 2.
- 49 (6) Any person while participating in a ridesharing arrangement as defined in
50 G.S. 136-44.21;

(7) Any person who is employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker, as defined in the Fair Labor Standards Act.

(8) Any employee who has entered into a contract to play baseball at the minor league level and who is compensated pursuant to the terms of a collective bargaining agreement that expressly provides for the wages, hours of work, and working conditions of the employees.

...."

SECTION 17.(b) This section becomes effective August 1, 2023.

PART IV. HEALTH PROVISIONS

CODIFY MEDICAL RECORD RETENTION REQUIREMENT FOR HEALTH CARE PROVIDERS

SECTION 18. Article 29 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-413. Retention of medical records.

Unless otherwise required by federal law or regulation, a health care provider shall retain medical records for a minimum of 10 years from the date of service to which the medical record pertains. In the case of a minor patient, medical records shall be retained for a minimum of 10 years after the patient has reached the age of majority."

NORTH CAROLINA HEALTH INFORMATION EXCHANGE ACT CHANGES

SECTION 19.1. G.S. 90-414.4 reads as rewritten:

"§ 90-414.4. Required participation in HIE Network for some providers.

...

(a1) **Mandatory Connection to HIE Network.** – Notwithstanding the voluntary nature of the HIE Network under G.S. 90-414.2, the following providers and entities shall be connected to the HIE Network and begin submitting data through the HIE Network pertaining to services rendered to Medicaid beneficiaries and to other State-funded health care program beneficiaries and paid for with Medicaid or other State-funded health care funds in accordance with the following time line:

...

(4) The following entities shall begin submitting demographic and clinical data by January 1, 2023:

- a. Physicians who perform procedures at ambulatory surgical centers as defined in G.S. 131E-146.
- b. ~~Dentists licensed under Article 2 of Chapter 90 of the General Statutes.~~
- c. Licensed physicians whose primary area of practice is psychiatry.
- d. The State Laboratory of Public Health operated by the Department of Health and Human Services.

...

(e) **Voluntary Connection for Certain Providers.** – Notwithstanding the mandatory connection and data submission requirements in subsections (a1) and (b) of this section, the following providers of Medicaid services or other State-funded health care services are not required to connect to the HIE Network or submit data but may connect to the HIE Network and submit data voluntarily:

- (1) Community-based long-term services and supports providers, including personal care services, private duty nursing, home health, and hospice care providers.

- 1 (2) Intellectual and developmental disability services and supports providers,
 2 such as day supports and supported living providers.
 3 (3) Community Alternatives Program waiver services (including CAP/DA,
 4 CAP/C, and Innovations) providers.
 5 (4) Eye and vision services providers.
 6 (5) Speech, language, and hearing services providers.
 7 (6) Occupational and physical therapy providers.
 8 (7) Durable medical equipment providers.
 9 (8) Nonemergency medical transportation service providers.
 10 (9) Ambulance (emergency medical transportation service) providers.
 11 (10) Local education agencies and school-based health providers.
 12 (11) Dentists licensed under Article 2 of this Chapter.
 13 (12) Chiropractors licensed under Article 8 of this Chapter.

14"

15 **SECTION 19.2.** G.S. 90-414.8(a) reads as rewritten:

16 "(a) Creation and Membership. – There is hereby established the North Carolina Health
 17 Information Exchange Advisory Board within the Department of Information Technology. The
 18 Advisory Board shall consist of the following ~~12~~14 members:

- 19 (1) The following ~~four~~five members appointed by the President Pro Tempore of
 20 the Senate:
 21 a. A licensed physician in good standing and actively practicing in this
 22 State.
 23 b. A patient representative.
 24 c. An individual with technical expertise in health data analytics.
 25 d. A representative of a behavioral health provider.
 26 e. A representative from a State-funded Prepaid Health Plan, as defined
 27 in G.S. 108D-1.
 28 (2) The following ~~four~~five members appointed by the Speaker of the House of
 29 Representatives:
 30 a. A representative of a critical access hospital.
 31 b. A representative of a federally qualified health center.
 32 c. An individual with technical expertise in health information
 33 technology.
 34 d. A representative of a health system or integrated delivery network.
 35 e. A representative from a provider-led accountable care organization.
 36 (3) The following three ex officio, nonvoting members:
 37 a. The State Chief Information Officer or a designee.
 38 b. The Director of GDAC or a designee.
 39 c. The Secretary of Health and Human Services, or a designee.
 40 (4) The following ex officio, voting member:
 41 a. The Executive Administrator of the State Health Plan for Teachers and
 42 State Employees, or a designee."

43 **SECTION 19.3.** G.S. 90-414.6 reads as rewritten:

44 "**§ 90-414.6. State ownership of HIE Network data.**

45 Any data pertaining to services rendered to Medicaid and other State-funded health care
 46 program beneficiaries submitted through and stored by the HIE Network pursuant to
 47 G.S. 90-414.4 or any other provision of this Article shall be and will remain the sole property of
 48 the State. Any data or product derived from the aggregated, de-identified data submitted to and
 49 stored by the HIE Network pursuant to G.S. 90-414.4 or any other provision of this Article, shall
 50 be and will remain the sole property of the State. The Authority shall not allow data it receives
 51 pursuant to G.S. 90-414.4 or any other provision of this Article to be used or disclosed by or to

1 any person or entity for commercial purposes or for any other purpose other than those set forth
2 in G.S. 90-414.4(a) or G.S. 90-414.2. To the extent the Authority receives requests for electronic
3 health information as the term is defined in 45 C.F.R. § 171.102, or other medical records from
4 an individual, an individual's personal representative, or an individual or entity purporting to act
5 on an individual's behalf, the Authority (i) shall not fulfill the request and (ii) shall make available
6 to the requester and the public, via the Authority's website, educational materials about how to
7 access such information from other sources. Patient identifiers created and utilized by the
8 Authority to integrate identity data in the HIE Network, along with the minimum necessary
9 required demographic information related to those patients, shall be released to the GDAC for
10 purposes of entity resolution and master data management. These identifiers shall not be
11 considered public records pursuant to Chapter 132 of the General Statutes. In addition, the
12 Authority is permitted to release patient identifiers to other entities for the purposes set forth in
13 G.S. 90-414(a) and G.S. 90-414.2."

14
15 **CODIFY EXISTING STROKE CENTER DESIGNATIONS AND ADD A**
16 **THROMBECTOMY-CAPABLE STROKE CENTER DESIGNATION**

17 **SECTION 20.** G.S. 131E-78.5 reads as rewritten:

18 **"§ 131E-78.5. ~~Designation as primary stroke center.~~Stroke center designation.**

19 (a) ~~The Department shall designate as a primary stroke center any hospital licensed under~~
20 ~~this Article that demonstrates to the Department that the hospital is certified by the Joint~~
21 ~~Commission or other nationally recognized accrediting body that requires conformance to best~~
22 ~~practices for stroke care in order to be identified as a primary stroke center. A hospital that is~~
23 ~~certified by the Joint Commission or other nationally recognized accrediting body that requires~~
24 ~~conformance to best practices for stroke care in order to be identified as a primary stroke center~~
25 ~~shall report the certification to the Department within 90 days of receiving that certification. A~~
26 ~~hospital shall inform the Department of any changes to its certification status within 30 days of~~
27 ~~any change.~~hospitals that meet the criteria set forth in this section as an Acute Stroke Ready
28 Hospital, Primary Stroke Center, Thrombectomy-Capable Stroke Center, or Comprehensive
29 Stroke Center. A hospital shall apply to the Department for recognition of such designation and
30 shall demonstrate to the satisfaction of the Department that the hospital meets the applicable
31 criteria set forth in this section.

32 (a1) The Department shall recognize as many certified acute care hospitals as Acute Stroke
33 Ready Hospitals as apply and are certified as an Acute Stroke Ready Hospital by the American
34 Heart Association, the Joint Commission, or other Department-approved certifying body that is
35 a nationally recognized guidelines-based organization that provides Acute Stroke Ready hospital
36 certification for stroke care, provided that each applicant continues to maintain its certification.

37 (a2) The Department shall recognize as many certified acute care hospitals as Primary
38 Stroke Centers as apply and are certified as a Primary Stroke Center by the American Heart
39 Association, the Joint Commission, or other Department-approved certifying body that is a
40 nationally recognized guidelines-based organization that provides Primary Stroke Center
41 Hospital certification for stroke care, provided that each applicant continues to maintain its
42 certification. Further, the Department may recognize those Primary Stroke Centers that have not
43 been certified as Thrombectomy-Capable Stroke Centers but have attained a level of stroke care
44 distinction by offering mechanical endovascular therapies.

45 (a3) The Department shall recognize as many certified acute care hospitals as
46 Thrombectomy-Capable Stroke Centers as apply and are certified as a Thrombectomy-Capable
47 Stroke Center by the American Heart Association, the Joint Commission, or other
48 Department-approved certifying body that is a nationally recognized guidelines-based
49 organization that provides Thrombectomy-Capable Stroke Center Hospital certification for
50 stroke care, provided that each applicant continues to maintain its certification.

1 (a4) The Department shall recognize as many certified acute care hospitals as
 2 Comprehensive Stroke Centers as apply and are certified as a Comprehensive Stroke Center by
 3 the American Heart Association, the Joint Commission, or other Department-approved certifying
 4 body that is a nationally recognized guidelines-based organization that provides Comprehensive
 5 Stroke Center Hospital certification for stroke care, provided that each applicant continues to
 6 maintain its certification.

7 (a5) A hospital that is certified by the Joint Commission or other nationally recognized
 8 accrediting body that requires conformance to best practices for stroke care in order to be
 9 identified as a stroke center shall report the following information to the Department within 90
 10 days of receiving that certification:

11 (1) The name of the accrediting organization issuing certification to the hospital.

12 (2) The date of certification.

13 (3) The level of certification.

14 (4) The date of renewal of the certification.

15 (5) The name and phone number of the primary contact person at the hospital who
 16 is responsible for obtaining certification.

17 (b) Each hospital designated as a ~~primary stroke center~~ an Acute Stroke Ready Hospital,
 18 Primary Stroke Center, Thrombectomy-Capable Stroke Center, or a Comprehensive Stroke
 19 Center pursuant to this section shall make efforts to coordinate the provision of appropriate acute
 20 stroke care with other hospitals licensed in this State through a formal written agreement. The
 21 agreement shall, at a minimum, address (i) transportation of acute stroke patients to hospitals
 22 designated as ~~primary~~-stroke centers and (ii) acceptance by hospitals designated as ~~primary~~-stroke
 23 centers of acute stroke patients initially treated at hospitals that are not capable of providing
 24 appropriate stroke care.

25 (c) The Department shall maintain within the Division of Health Service Regulation,
 26 Office of Emergency Services, a list of the hospitals designated as ~~primary stroke centers~~ an
 27 Acute Stroke Ready Hospital, Primary Stroke Center, Thrombectomy-Capable Stroke Center, or
 28 a Comprehensive Stroke Center in accordance with this section and post the list on the
 29 Department's Internet Web site. Annually on June 1, the Department shall transmit this list to the
 30 medical director of each licensed emergency medical services provider in this State.

31 (d) A hospital licensed under this Article shall not advertise or hold itself out to the public
 32 as a ~~primary stroke center~~ an Acute Stroke Ready Hospital, Primary Stroke Center,
 33 Thrombectomy-Capable Stroke Center, or a Comprehensive Stroke Center unless certified as a
 34 ~~primary~~-stroke center by the Joint Commission or other nationally recognized accrediting body
 35 that requires conformance to best practices for stroke care in order to be identified as a ~~primary~~
 36 ~~designated~~ stroke center.

37 (e) Nothing in this section shall be construed to do any of the following:

38 (1) Establish a standard of medical practice for stroke patients.

39 (2) Restrict in any way the authority of any hospital to provide services authorized
 40 under its hospital license.

41 (f) The Department may adopt rules to implement the provisions of this section."

42

43 **PART V. VARIOUS PROVISIONS**

44

45 **EXEMPT CERTIFIED REFLEXOLOGISTS FROM OVERSIGHT BY THE NORTH**

46 **CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY**

47 **SECTION 21.(a) G.S. 90-624 reads as rewritten:**

48 **"§ 90-624. Activities not requiring a license to practice.**

49 Nothing in this Article shall be construed to prohibit or affect:

50 ...

1 (9) A nationally certified reflexologist engaged in the practice of reflexology, who
2 has a current certification from the American Reflexology Certification Board
3 (ARCB) or its successor entity, or an individual who is a reflexology student
4 working to obtain certification from the ARCB or its successor entity under
5 the supervision of an ARCB-certified reflexologist. Provided, however, that
6 this exemption shall only apply to reflexology students who obtain
7 certification within 12 months of beginning the certification process. For the
8 purposes of this subdivision, "reflexology" means a protocol of manual
9 techniques, including thumb- and finger-walking, hook and backup, and
10 rotating-on-a-point, that are applied to specific reflex areas predominantly on
11 the feet and hands and that stimulate the complex neural pathways linking
12 body systems and support the body's efforts to function optimally."

13 **SECTION 21.(b)** This section becomes effective October 1, 2023.

15 **TIME-LIMITED AUTHORIZATION FOR LEGISLATORS TO PERFORM WEDDING** 16 **CEREMONIES**

17 **SECTION 22.(a)** Notwithstanding the limitations in G.S. 51-1(1) and (2), a marriage
18 that meets all other requisites of marriage may be solemnized by a member of the North Carolina
19 General Assembly.

20 **SECTION 22.(b)** This section becomes effective August 12, 2023, and expires
21 August 15, 2023.

23 **CLARIFICATIONS PERTAINING TO DOMESTIC VIOLENCE**

24 **SECTION 23.(a)** G.S. 50B-1 reads as rewritten:

25 **"§ 50B-1. Domestic violence; definition.**

26 (a) Domestic violence means the commission of one or more of the following acts upon
27 an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party
28 by a person with whom the aggrieved party has or has had a personal relationship, but does not
29 include acts of self-defense:

- 30 (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
- 31 (2) Placing the aggrieved party or a member of the aggrieved party's family or
32 household in fear of imminent serious bodily injury or continued harassment,
33 as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial
34 emotional distress; or
- 35 (3) Committing any act defined in G.S. 14-27.21 through G.S. 14-27.33.

36 (b) For purposes of this section, the term "personal relationship" means a relationship
37 wherein the parties involved:

- 38 (1) Are current or former spouses;
- 39 (2) Are persons of opposite sex who live together or have lived together;
- 40 (3) Are related as parents and children, including others acting in loco parentis to
41 a minor child, or as grandparents and grandchildren. For purposes of this
42 subdivision, an aggrieved party may not obtain an order of protection against
43 a child or grandchild under the age of 16;
- 44 (4) Have a child in common;
- 45 (5) Are current or former household members;
- 46 (6) Are persons ~~of the opposite sex~~ who are in a dating relationship or have been
47 in a dating relationship. For purposes of this subdivision, a dating relationship
48 is ~~one wherein the parties are romantically involved over time and on a~~
49 ~~continuous basis during the course of the relationship.~~ a relationship of a
50 romantic or intimate nature characterized by the expression of affectionate or

1 sexual relations. A casual acquaintance or ordinary fraternization between
2 persons in a business or social context is not a dating relationship.

3 (c) As used in this Chapter, the term "protective order" includes any order entered
4 pursuant to this Chapter upon hearing by the court or consent of the parties."

5 **SECTION 23.(b)** G.S. 50B-2 reads as rewritten:

6 "**§ 50B-2. Institution of civil action; motion for emergency relief; temporary orders;
7 temporary custody.**

8 ...

9 (b) Emergency Relief. – A party may move the court for emergency relief if he or she
10 believes there is a danger of serious and immediate injury to himself or herself or a minor child.
11 A hearing on a motion for emergency relief, where no ex parte order is entered, shall be held
12 after five days' notice of the hearing to the other party or after five days from the date of service
13 of process on the other party, whichever occurs first, provided, however, that no hearing shall be
14 required if the service of process is not completed on the other party. If the party is proceeding
15 pro se and does not request an ex parte hearing, the clerk shall set a date for hearing and issue a
16 notice of hearing within the time periods provided in this subsection, and shall effect service of
17 the summons, complaint, notice, and other papers through the appropriate law enforcement
18 agency where the defendant is to be served. Nothing in this Chapter prevents a court from issuing
19 an ex parte order during the pendency of a case if such order is requested by an aggrieved party
20 and the court believes there is a danger of acts of domestic violence against the aggrieved party
21 or a minor child.

22 "

23 **SECTION 23.(c)** This section becomes effective October 1, 2023, and applies to
24 proceedings occurring on or after that date.

25

26 **EXPANSION OF THE HOMESCHOOL COOPERATIVE EXEMPTION TO THE**
27 **DEFINITION OF CHILD CARE**

28 **SECTION 24.** G.S. 110-86 reads as rewritten:

29 "**§ 110-86. Definitions.**

30 Unless the context or subject matter otherwise requires, the terms or phrases used in this
31 Article shall be defined as follows:

32 ...

33 (2) Child care. – A program or arrangement where three or more children less
34 than 13 years old, who do not reside where the care is provided, receive care
35 on a regular basis of at least once per week for more than four hours but less
36 than 24 hours per day from persons other than their guardians or full-time
37 custodians, or from persons not related to them by birth, marriage, or adoption.
38 Child care does not include the following:

39 ...

40 i. Cooperative arrangements among parents to provide care for their own
41 children as a convenience rather than for employment. This exemption
42 shall include arrangements between a group of parents, regardless of
43 whether the parents are working, to provide for the instructional needs
44 of their children, ~~provided the arrangement occurs in the home of one~~
45 ~~of the cooperative participants;~~children;

46 "

47

48 **PART VI. EFFECTIVE DATE**

49 **SECTION 25.** Except as otherwise provided, this act is effective when it becomes
50 law.