

Legislative Update May 7, 2021

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Jones Street saw plenty of action this week as the May 13 crossover deadline inched closer. Crossover is one of the busiest times of the legislative session as each chamber tries to get important legislation passed over to the opposite chamber in order for it to be considered for the remainder of the session. After May 13, only bills containing finance items, appropriations, constitutional amendments, or appointments will be eligible to move out of their chamber of origination. We expect to see long days next week with extended committee meetings and floor sessions.

The Senate and House remain undecided on spending targets for the state budget, hampering the Senate's ability to make significant progress on its proposal. With a substantial amount of non-recurring money available to spend due to the influx of federal stimulus funds and higher than expected revenues, the legislature faced with the challenge of having more money than expected. If spending targets are not agreed upon soon, then it is likely that smaller "mini-budgets" which focus on specific areas may begin to be filed.

The General Assembly has failed to enact a new budget since 2019 due to disagreements between the legislative and executive branches. This impasse has left the State relying on smaller spending bills and previous appropriations for the last two years. North Carolina's fiscal year ends on June 30, and lawmakers are still hopeful that they can reach a consensus by then.

Sports Betting Legislation

Earlier this session, bills were introduced in both chambers to allow for betting on sporting events in North Carolina. Proponents of this idea have tried for several years to legalize sports betting but have never gained the traction necessary to see the bill cross the finish line.

This year, the goal is to gather broad support. Many of North Carolina's professional sports teams and leagues were seen this week in the halls of the General Assembly asking for legislator's help. Groups seen include the Carolina Hurricanes, Charlotte Hornets, and Professional Golfers

Association (PGA) representatives.

Under the proposed legislation, individuals would be able to place bets on professional, collegiate, amateur, and video sporting events. Bets could be on overall points scored or tailored to more statistical data.

With an 8% tax on revenues and a \$500,000 application fee for operators, the legislation is expected to bring the state millions of dollars in tax revenue.

The legislation would the number of operators to 12 sports betting operators, not counting Indian tribes licensed under federal law, who would be guaranteed a license. Bets could be made online, at an established casino, or in-person at a specialized kiosk.

Neither the House nor the Senate version of the bill has received a committee hearing yet, but the bills are not subject to crossover. The legislation is expected to move in the coming weeks, as people feel the appetite for sports betting is the highest it has ever been. Several surrounding states already allow it.

WRAL: NBA big names press lawmakers to expand sports gambling across N.C.

Vaccine Protests and Legislation

More than one hundred protestors descended upon the General Assembly this week, expressing their opposition to masks and vaccine mandates. The protestors advocated for legislation that would prevent employers, schools, and public places from requiring COVID-19 vaccines.

It is common for employers, especially in high contact settings, to require vaccines, like the annual flu vaccine. Furthermore, school-aged children and college students must receive various vaccinations before attending public school or college. Currently, many employers are holding off on making the COVID-19 vaccination mandatory since the vaccine is still under an emergency use authorization by the U.S. Food and Drug Administration.

Legislation has been introduced to ban mandatory vaccines for employment, ban vaccination proof, and prohibit people from being required to show virus antibodies before going to various places. The bill is aimed at the COVID-19 vaccine but is broad and encompasses all vaccines, including measles and flu.

Health care providers have raised concern over this legislation and any efforts to persuade people from being vaccinated, fearing another wave of COVID-19, especially with new variants of the virus emerging. Some experts fear that North Carolina is not on track to reach herd immunity, which is the required percentage of the population vaccinated to prevent community spread of the virus. Numerous viruses have reduced to almost nonexistent as a result of herd immunity through vaccination programs.

WRAL: Vaccinations can't be required of government workers under N.C. bill

Centers for Disease Control (CDC): 14 Diseases You Almost Forgot About (Thanks to Vaccines)

Health Care Bills

This legislative session has seen numerous health care bills filed, and many received hearings this week. Below is a list of notable bills:

- Senate Bill 462: CON/Threshold Amds. & Certificate Expirations
 - This bill increases the threshold for when a Certificate of Need (CON) is required for a new health care facility or equipment upgrade. A second provision, known as a "shot clock," would give projects costing over \$50,000,000 four years to initiate construction and two years for projects at or under that cost. Language in the bill includes existing CONs, but does not start the clock for them until October 2021, and there is a section to prevent an applicant/holder from losing a CON for delays that are out of their control. The bill passed the Senate 48-1 and is now in the House.
- Senate Bill 191: The No Patient Left Alone Act
 - This bill responds to healthcare facility policies that limited patient visitation policies during the COVID-19 pandemic. It would require health care facilities to offer patient visitation, except under limited and short-term circumstances. Facilities could be fined \$500 a day if their visitation policies are found to violate the bill. The bill passed the Senate 40-9 and is now in the House.
- Senate Bill 505: Medical Billing Transparency
 - This bill requires health care providers to notify patients in advance when they have scheduled an appointment or procedure, and that provider is out of network with their insurer. The bill passed the Senate 49-0 and is now in the House.
- Senate Bill 228: Allow Employers to Offer EPO Benefit Plans
 - This bill allows health insurers to offer special plans to patients when in-network providers are not available in their area. Emergency and continuity of care costs are required to be covered by the insurer. The bill passed the Senate 49-0 and is now in the House.
- House Bill 93: Req. Opioid Antagonist Ed. w/Opioid Scripts
 - This bill requires health care providers to inform patients that are prescribed opioids of the dangers of the drugs and inform them that they can be prescribed a medication that will counteract the effects of an overdose. This bill passed the House 114 to 2 and is now in the Senate Rules Committee.
- Senate Bill 666: Update Reqs./Advance Health Care Directives
 - This bill changes the requirement for health care power of attorney and advance health care directive documents from two witnesses and a notary to two witnesses or a notary. The bill also allows advance health directives to be submitted electronically. Senate Bill 666 passed the Senate 49-0 and is now in the House.

Bill Action Dates

- March 11: Senate local bill filing deadline
- March 25: House local bill filing deadline

- April 6: Senate public bill filing deadline (does not apply to constitutional amendments, elections bills, or appointments)
- May 4: House filing deadline for non-budget bills
- May 11: House filing deadline for budget bills
- May 13: Crossover deadline for both the House and Senate in which bills must have passed at least one chamber to remain eligible for consideration

List of All Filed Bills: <https://www.ncleg.gov/Legislation/Bills/WithAction/2021/10>

2020 Summary of Substantive Legislation

The Legislative Analysis Division has published the 2020 Summary of Substantive Legislation, which breaks down new laws by subject matter. Below is a link to the document:

<https://www.ncleg.gov/Legislation/SummariesPublication/Subjects/2020/>