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Short Title: Regulatory Reform Act of 2023. (Public)

Sponsors:

Referred to:

April 17, 2023

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

PART I. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL RESOURCES PROVISIONS

AMEND LAWS FOR DISPOSAL OF ANIMALS SURRENDERED TO AN ANIMAL SHELTER

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

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

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

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

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

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

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

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

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

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

…

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

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

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

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

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

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

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

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

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

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

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

…

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

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

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

CHANGES TO REQUIREMENTS FOR DEVELOPMENT IN VEGETATIVE BUFFERS

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

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

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

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

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

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

SECTION 5.(b) Water Supply Watershed Project Density 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 Water Supply Watershed Project Density Rule as provided in subsection (c) of this section.

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

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

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

MODIFY THE APPLICATION OF RIPARIAN BUFFER RULES REGARDING AIRPORT FACILITIES

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

(1) Airport Impacted Property. – Any tract of property that is part of or contiguous to an airport located in the Neuse River Basin that accommodates greater than 10,000,000 passengers annually that is impacted by the construction of one or more borrow pit areas in connection with the construction of a new or relocated runway in excess of 10,000 feet in length at that airport.

(2) Neuse River Basin. – The Neuse River Basin shall mean the area defined by waters and buffer areas included in 15A NCAC 02B .0315, or that are

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

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

SECTION 6.(b) Neuse River Basin Riparian Buffer Rules. – 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 Neuse River Basin Riparian Buffer Rules as provided in subsection (c) of this section.

SECTION 6.(c) Implementation. –

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

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

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

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

MODIFY CERTAIN PROVISIONS OF THE FLOODPLAIN REGULATION STATUTES TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO ISSUE FLOODPLAIN PERMITS FOR CERTAIN AIRPORT PROJECTS

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

"**§ 143-215.52. Definitions.**

(a) As used in this Part:

…

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

…

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WASTEWATER DESIGN FLOW RATE RULE CHANGE

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

SECTION 8.(b) Dwelling Wastewater Design Flow Rate 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 Dwelling Wastewater Design Flow Rate Rule as provided in subsection (c) of this section.

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

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

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

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

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

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

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

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

…

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

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

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

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

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

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

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

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

…."

PROHIBIT COUNTIES FROM REGULATING BY ORDINANCE CERTAIN OFF-SITE WASTEWATER SYSTEMS

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

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

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

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

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

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

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

(1) Participation in a nutrient offset bank that has been approved by the Department if the Department approves the use of the bank for the required nutrient offsets.
(2) Payment of a nutrient offset fee established by the Department into the Riparian Buffer Restoration Fund established in G.S. 143-214.21.

(c) A party other than a government entity, as defined in G.S. 143-214.11, may purchase nutrient offset credits through either:
(1) Participation in a nutrient offset bank that has been approved by the Department if the Department approves the use of the bank for the required nutrient offsets.
(2) Payment of a nutrient offset fee established by the Department into the Riparian Buffer Restoration Fund established in G.S. 143-214.21. This option is only available to an applicant who demonstrates that the option under subdivision (1) of this subsection is not available.

(d) To offset NPDES-permitted wastewater nutrient sources, credits may only be acquired from nutrient offset projects located in either of the following areas:
(1) The same hydrologic area. For purposes of this subdivision, "hydrologic area" means an eight-digit cataloging unit designated by the United States Geological Survey.
(2) A location that is downstream from the source and upstream from the water body identified for restoration under the applicable TMDL or nutrient management strategy.

(e) To offset stormwater or other nutrient sources, credits may only be acquired from an offset project located within the same hydrologic area, as defined in G.S. 143-214.11.

(f) The permissible credit sources identified in subsections (d) and (e) of this section may be further limited by rule as necessary to achieve nutrient strategy objectives.

(g) No nutrient offset bank owned by a unit of local government, as defined in G.S. 143-214.11, shall sell nutrient offset credits to a third party."

PART II. STATE AND LOCAL GOVERNMENT PROVISIONS

LIMIT LOCAL GOVERNMENT ZONING AUTHORITY

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

"(c) A zoning or other development regulation shall not do any of the following:
(1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.
(2) ~~Set a maximum parking space size~~ Require a parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.
(3) Require additional entrances into a residential subdivision that are not in compliance with the number of entrance requirements into a residential subdivision set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings."

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

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

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

"**§ 160A-307.1. Limitation on city requirements for street improvements related to schools.**

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

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

DEEMED COMPLIANCE OF SUBDIVISION STREETS WITH MINIMUM STANDARDS OF BOARD OF TRANSPORTATION

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

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

…

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

…."

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

DEPARTMENT OF INFORMATION TECHNOLOGY PROCUREMENT CHANGES

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

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

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

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

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

PART III. LABOR PROVISIONS

CLARIFY THAT INFLATABLE DEVICES ARE NOT AMUSEMENT DEVICES

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

"**§ 95-111.3. Definitions.**

The following definitions shall apply in this Article:

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

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

~~(2)~~b. Wavepools.

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

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

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

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

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

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

~~(9)~~i. Motorcycles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Current Department of Labor requirements for elevator installation, particularly with respect to electrical work and inspection, found in the Elevator Safety Act.

(2) Current requirements for electrical work, including fire alarm installation, found in the latest version of the North Carolina Building Code (Code).

(3) Whether conflicts exist between current Division and Code requirements with respect to elevators, electrical wiring, or fire alarm installation, and what steps can be taken to resolve those conflicts.

(4) Whether the Division needs additional personnel trained and certified as electrical inspectors pursuant to the National Electrical Code.

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

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

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

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

"**§ 95-25.14. Exemptions.**

…

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

(1) Any employee of a boys' or girls' summer camp or of a seasonal religious or nonprofit educational conference center;

(2) Any person employed in the catching, processing or first sale of seafood, as defined under the Fair Labor Standards Act;

(3) The spouse, child, or parent of the employer or any person qualifying as a dependent of the employer under the income tax laws of North Carolina;

(4) Any person employed in a bona fide executive, administrative, professional or outside sales capacity, as defined under the Fair Labor Standards Act;

(5) Repealed by Session Laws 1989, c. 687, s. 2.

(6) Any person while participating in a ridesharing arrangement as defined in 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.

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

…."

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

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

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

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

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

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

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

CODIFY EXISTING STROKE CENTER DESIGNATIONS AND ADD A THROMBECTOMY-CAPABLE STROKE CENTER DESIGNATION

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

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

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

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

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

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

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

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

(1) The name of the accrediting organization issuing certification to the hospital.
(2) The date of certification.
(3) The level of certification.
(4) The date of renewal of the certification.
(5) The name and phone number of the primary contact person at the hospital who is responsible for obtaining certification.

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

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

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

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

(1) Establish a standard of medical practice for stroke patients.
(2) Restrict in any way the authority of any hospital to provide services authorized under its hospital license.

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

PART V. VARIOUS PROVISIONS

EXEMPT CERTIFIED REFLEXOLOGISTS FROM OVERSIGHT BY THE NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY

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

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

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

…

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

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

TIME-LIMITED AUTHORIZATION FOR LEGISLATORS TO PERFORM WEDDING CEREMONIES

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

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

CLARIFICATIONS PERTAINING TO DOMESTIC VIOLENCE

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

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

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

(1) Attempting to cause bodily injury, or intentionally causing bodily injury; or

(2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined in G.S. 14-277.3A, that rises to such a level as to inflict substantial emotional distress; or

(3) Committing any act defined in G.S. 14-27.21 through G.S. 14-27.33.

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

(1) Are current or former spouses;

(2) Are persons of opposite sex who live together or have lived together;

(3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;

(4) Have a child in common;

(5) Are current or former household members;

(6) Are persons ~~of the opposite sex~~ who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is ~~one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship.~~ a relationship of a romantic or intimate nature characterized by the expression of affectionate or

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

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

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

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

…

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

…."

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

EXPANSION OF THE HOMESCHOOL COOPERATIVE EXEMPTION TO THE DEFINITION OF CHILD CARE

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

"**§ 110-86. Definitions.**

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

…

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

…

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

…."

PART VI. EFFECTIVE DATE

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