Insights: Perspectives

North Carolina General Assembly Update | August 27, 2021

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Kilpatrick Townsend's Government Relations Team represents a variety of clients across many industries and in all levels of government, with a focus on the North Carolina General Assembly. Below is an update on the activity at the NC General Assembly this week. Please feel free to contact a member of the team with any questions or visit our website to learn more about our Government Relations practice.

Welcome, Lauren Briggs Henderson

We are excited to announce the addition of Government Relations Analyst **Lauren Briggs Henderson** to our Government Relations team. Lauren represents a wide variety of clients, assists them with public policy issues and appropriations matters, and advocates on their behalf primarily before the North Carolina General Assembly. She focuses her practice in the health care, biosciences, biotechnology, and consumer products industries. Lauren is a graduate of North Carolina State University.

Medical Marijuana

S711, NC Compassionate Care Act, passed through two Senate Committees this week. The bill would legalize the use of medical marijuana for qualified patients with a debilitating medical condition. A proposed committee substitute (PCS) was adopted by the Senate Judiciary Committee on Tuesday. The PCS amends the definitions for cannabis-infused product and debilitating medical conditions, changes the name of the Medical Use Advisory Board to the Compassionate Use Advisory Board, and requires a registry identification cardholder to carry and disclose their registry identification card to law enforcement.

The bill passed the Senate Health Care Committee on Thursday. Four additional amendments were adopted that would modify the membership of the Advisory Board, establish requirements for the seed to sale tracking system, establish minimum standards for the random testing of products, and modify annual reporting requirements. S711 has been referred to the Senate Rules Committee—the final stop before heading to the Senate floor for consideration.

Criminal Justice Reform

An extensive criminal justice reform bill has been sent to Governor Cooper for consideration. On Tuesday, the Senate voted to concur with the House changes to S300. The omnibus bill makes various changes to the Criminal Code and increases law enforcement standardization and oversight. Some of the provisions include:

- Increasing hiring standards for criminal justice officers by means of required background checks and psychological screening examinations;
- Creating an early warning system that would keep track of any instances that included use of force, the discharge of a firearm, a vehicle collision, or a citizen complaint;
- Requiring the State Bureau of Investigation to investigate deaths at the hands of law enforcement, as well as

deaths in prisons or jails, when the governor, a law enforcement agency head, a district attorney, or the commissioner of prisoners requests it;
- Requiring law enforcement officers to intervene if they see another officer using excessive force; and
- Creating and requiring the state to implement a statewide database for law enforcement discipline data.

The bill was presented to the Governor on Thursday. He has ten days to sign or veto the bill; otherwise, it will become law without his signature.

High School Athletics Oversight

Last month, the Senate introduced H91, which would eliminate the North Carolina High School Athletics Association (NCHSAA) and restructure the regulation of high school interscholastic athletics beginning in the 2022-2023 school year. The legislation was introduced after concerns were raised within the legislature that the NCHSAA had obtained more money and more power than originally intended.

This week, the Senate Education Committee proposed a new version of the legislation. The amended bill would keep the Association intact, but would require them to enter a memorandum of understanding (MOU) with the State Board of Education. The MOU would require the Association to publish any new proposed rules for public comment prior to adoption, comply with the requirements of the Open Records and Public Meeting laws, and undergo an annual audit. The Association would also have to agree to reduce annual school fees by 20 percent when the total fund balance reaches 250 percent of total expenses from the prior year. They would also not be able to retain more than 33 percent of net profits from any state tournament game. Several representatives from the NCHSAA spoke in opposition to the measure. The bill received a favorable report from the Senate Education Committee and has been referred to Senate Rules.