

Legislative and Regulatory Update

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NC Health Directors' Legal Conference
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Legislative Update – 2024 Short Session Highlights

A look back at the 2024 Short Session...

- **SL 2024-34 (S425) – HHS Omnibus**
 - Updated qualifications for local health directors at G.S. 130A-40 to allow individuals with a bachelors in a field related to public health + 7 years of experience (3 years supervisory) to qualify
- **SL 2024-49 (S166) – Building Code Reg Reform**
 - Made changes to environmental health law, including:
 - Changes to local environmental health liability and defense
 - Updates to the 18E onsite wastewater rules
 - Exemption from the public swimming pool rules for private pools serving single family dwellings that are rented through a sharing economy platform
- **SL 2024-43 (H250) – Public Safety/ME**
 - Made changes to medical examiner investigation laws; set out new requirements producing records to the district attorney

A look back at the 2024 Short Session...

- **SL 2024-41 (S527) – ABC Omnibus**

- Exempted cigar bars that do not serve prepared food from the requirement to be located in a freestanding structure

- **SL 2024-31 (H900) – Regulate Tobacco Products**

- Directed the Department of Revenue to establish a process to certify vapor products and consumable products that are eligible for retail sale and list them on a directory; established fines/penalties for violations

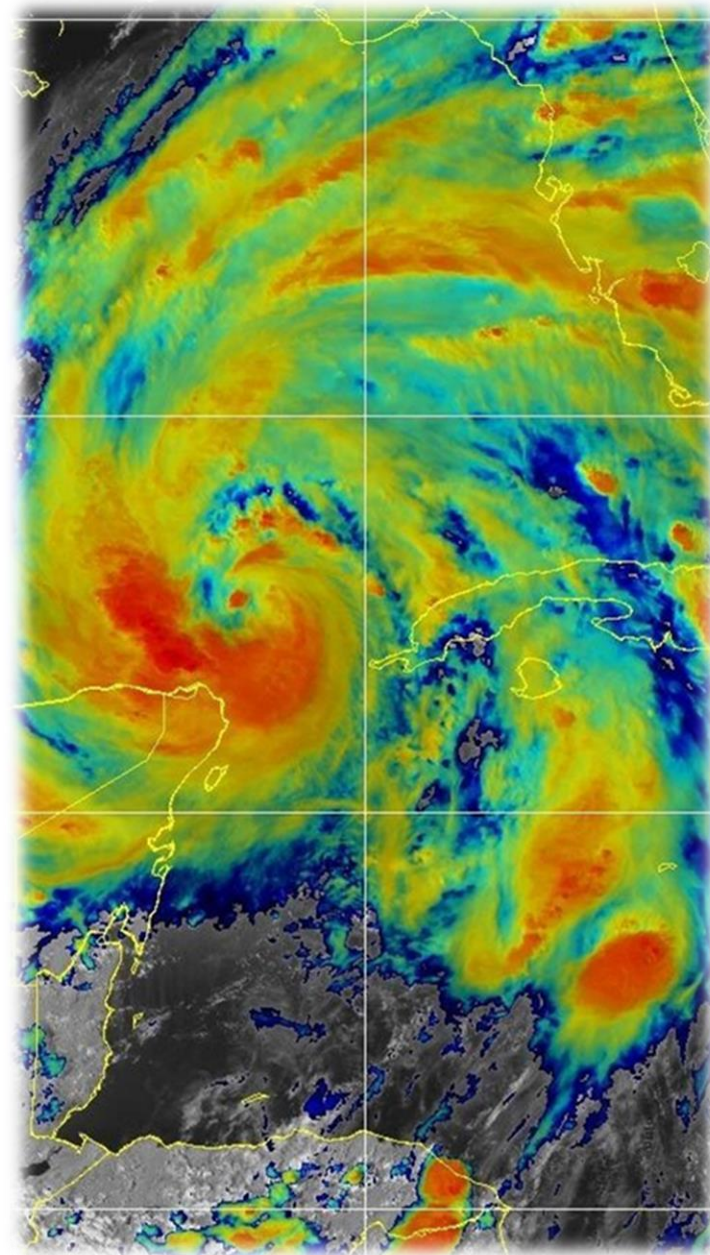


- **SL 2024-57, Sec. 3K.1 – Down-Zoning**

- Prohibited local governments from down-zoning property without written consent from all property owners; Impact on tobacco control work
- Resource: <https://canons.sog.unc.edu/2024/12/limits-on-down-zoning/>

Hurricane Helene Recovery

- **Disaster Recovery Act of 2024 (SL 2024-51; SL 2024-53; SL 2024-57)**
 - Extended State of Emergency to Mar. 1, 2025
 - Created Hurricane Helene Disaster Recovery Fund and appropriated funds
 - SL 2024-53 allocated \$12M NR to assist LHDs in counties with a federal disaster declaration with restoring essential functions. Funding ends June 30, 2025.
 - Granted flexibilities
 - SL 2024-57, Sec. 1D.9 – Right to connect temporary housing to existing wastewater treatment systems with an affidavit. Expires June 1, 2025
- **Disaster Recovery Act of 2025 (SL 2025-2)**
 - Extended State of Emergency to June 30, 2025
 - Additional appropriations and extensions of flexibilities



Legislative Update – 2025 Long Session Highlights

2025 Legislative Long Session

- **Biennium – two-year term of legislative activity**
 - Long Session (odd numbered years)
 - Short Session (even numbered years)
- **Bill Filing Deadlines**
 - Senate: March 25
 - House: April 10
- **Crossover Deadline – May 8**



SFY 2025-27 Budget

- **Governor Stein's Budget Recommendations**

- 33.6B in SFY 2025-26
- 34.3B in SFY 2026-27

<https://www.osbm.nc.gov/budget/governors-budget-recommendations>

- **Appropriations Act**

- Governor's Budget (S440)
- Senate Budget (S257)
- House Budget
- Conference Budget



Governor's Budget Highlights

- **Juul Settlement Funds**

- Appropriates payments for years five and six of Juul Labs Inc. v. State of NC settlement funds (\$6M across two years). These funds will support the department's efforts to combat the vaping crisis among youth in North Carolina by carrying out the activities required in the judge's consent order settling the Juul Labs Inc. V. State of NC case.

- **Opioid Settlement Funds**

- Budgets \$60.8M NR from the multi-state opioid settlements to the Division of Mental Health to be allocated within the allowable uses of the Opioid Abatement Fund. Allowable uses include overdose prevention and response, purchase of naloxone, and improved opioid treatment access.

- **Talc Settlement Funds**

- Budgets \$4M NR from the Johnson and Johnson talcum powder settlement to the Ovarian Cancer Mitigation Fund within the Division of Central Management to be allocated within the allowable uses of the Talc Settlement Fund, including a statewide campaign to raise awareness of ovarian cancer, promoting early screening and treatment, and strengthening data collection.

- **Medical Examiner System**

- Funds for expansion of the OCME facility and a feasibility study the strategic plan required by SL 2023-134; Increase fee paid to local medical examiners from \$200 to \$400 per case

Senate Budget Highlights (S257)

- Appropriates
 - 32.5B in SFY 2025-26
 - 33.3B in SFY 2026-27
- Across both years, appropriates:
 - \$6M NR from Juul Settlement
 - \$14M R in each year from Opioid Settlement Fund to offset decrease in single stream funding for MH/DD/SA services
 - \$13.6M NR from Talc Settlement to offset decrease in maternal and infant health funding
- Increases local medical examiner fee from \$200 to \$400 and funds two new forensic pathologists
- Requires a report on improving maternal and infant levels of care
- Eliminates and defunds a portion of state positions that have been vacant for >12 months; report on positions vacant >6 months
- Does not include appropriation to local health departments (H197)

DHHS Agency Bill (H576)



- Adjusts the composition of local child fatality review teams
 - Adds a staff member from a county DSS or consolidated agency
 - Clarifies that director of DSS or consolidated agency, or designee, and local health director, or designee, shall share a leadership role
- Makes technical updates to the laws governing:
 - administrative rulemaking for forensic tests for alcohol; and
 - the advisory committee on cancer coordinator and control
- Removes references to paper vital records in the statute governing the duties of local registrars
- Aligns state law with updated federal guidelines regarding communications to patients following mammograms about dense breast tissue
- Extends the option to donate state tax refunds to the NC Breast & Cervical cancer Control Program to Jan. 1, 2030

Tobacco & Hemp Bills

- **Protect Youth From the Harms of Vaping & Nicotine (H430/S318)**
 - Raises the minimum age for sale of tobacco products from 18 to 21 to align with federal law. Establishes a retail permit for sale of tobacco products.
- **Youth End Nicotine Dependence Act (H561)**
 - Appropriates \$17M R from the Tobacco Master Settlement Agreement to a Tobacco Use Prevention fund within DPH for tobacco use prevention and cessation efforts
- **Nicotine/Vaping Prevention in Schools (H802)**
 - Directs public schools to prohibit nicotine, hemp, and vapor products on school property; development of informational resources for students; penalties
- **Protect Children from Cannabis Act (Regulation of Hemp-Derived Consumable Products) (H680)**
 - Sets 21 as the minimum age for purchase for hemp; creates licensing requirements; limits establishes selling hemp to 21+



Immunization-Related Bills

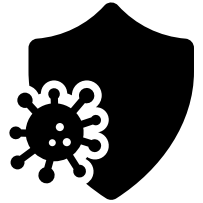
- **University Vaccination Freedom Act (H89)**
 - Removes the requirement that students attending college/university in North Carolina submit an immunization record to attend.
- **Conscientious Objections to Vaccine Mandates (H380)**
 - Allows for a conscientious objection exemption to immunization requirements
- **Vaccination Schedule Variance/Minors (S373)**
 - Prohibits discrimination in the treatment of minors for deviating from the CDC's recommended immunization schedule. Permits a delay in immunizations required by NC law and directs the Commission for Public Health to adopt rules to allow for minors who elect to delay immunization.
- **3-Year FDA Approval for New Childhood Vaxx (H803)**
 - Prohibits the Commission for Public Health from adding new vaccines to the state's childhood immunization schedule unless the vaccine has been approved by the FDA for 3+ years, unless recommended by NC Medical Society Board of Directors and the NC Pediatric Society Board of Directors.



Other Bills to Watch

- **Local Communicable Disease Programs/Funds (H197)**

- \$25M R in each year to be allocated to LHDs to prepare for public health threats, retain and hire staff, and expand public health programs and services



- **Parents' Medical Bill of Rights (H519)**

- Eliminates minor's consent, except for diagnosis and treatment of pregnancy; grants parental access to minors' medical records



- **Vision/Hearing/Dental Screenings Opt-Out (H842)**

- Clarifies that school health screenings may be conducted without parental consent, if the school provides parents with notice and results

- **Option for Raw Milk Consumption (H609)**

- Allows for the retail sale of raw milk direct to the consumer; farmers to obtain a license from the Department of Ag.



Other Bills to Watch



- **Ivermectin Access Act (H618)**

- Directs the State Health Director to issue a statewide standing order authorizing pharmacists to dispense ivermectin

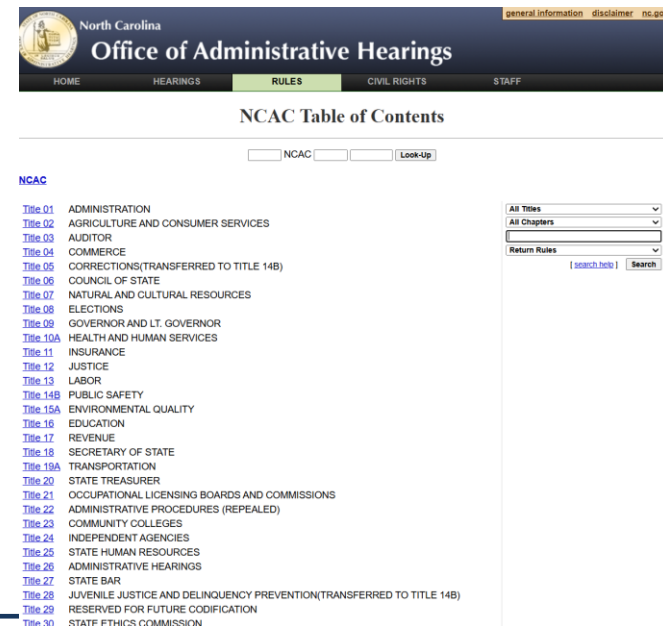
- **Water Safety Bill (H929)**

- Prohibits the addition of fluoride to public water systems



- **NC REINS (Regulations from the Executive In Need of Scrutiny) Act (H402)**

- Requires legislative review of administrative rules with substantial economic impact (baseline conditions + proposed changes create >\$1M in costs in a 12-month period)
- Removes requirement for judges to give “due regard” to agency expertise in contested cases.



Other Bills to Watch

- **Equity in State Agencies/Prohibition on DEI (H171)**
 - Prohibits state agencies from promoting, supporting, funding, implementing, or maintaining workforce DEI programs, policies, initiatives, or activities; prohibits state agencies, local governments, covered schools from using state funds for DEI initiatives/programs or applying for, accepting, or utilizing federal funds that require compliance with DEI policies, initiatives, or mandates; State Auditor to conduct compliance audits; sets out penalties
- **DAVE (Division of Accountability, Value, and Efficiency) Act (S474)**
 - Created within the Department of State Auditor; mandates agency reporting on utilization of funds and vacancies
- **AG/Restrict Challenge to Presidential EOs (H72)**
 - Restricts AG's Office from participating in litigation that would advance any argument resulting in the invalidation of a Presidential executive order

Regulatory Update – Periodic Review & Readoption

Periodic Review and Expiration of Existing Rules

- Requires agencies to review their rules **every 10 years** to ensure the rules are still current, necessary, and within the agency's authority.
- There are two phases to the process:
 - Phase 1: Periodic Review (reviewing and classifying rules)
 - The deadline for periodic review is set by the Rules Review Commission (RRC).

Classification Determinations	Action
Necessary	Readopt
Unnecessary	Expire

- Phase 2: Readoption of Necessary Rules (permanent rulemaking)
 - The deadline to readopt is set by the RRC in consultation with agency – following periodic review.

SOURCE: G.S. 150B-21.3A

Rules Currently in Periodic Review (Phase 1)

- **10A NCAC 46 (Local Standards) – 16 rules**
 - LHD mandated services; staffing requirements
 - All rules designated as *necessary* in the [Initial Periodic Review Report](#). Public comment ends April 22. Due to RRC on October 20, 2025
- **10A NCAC 47 (Information Services) – 17 rules**
 - Governance of State Center for Health Statistics (SCHS) Data; Provisions for Central Cancer Registry and Birth Defects Monitoring Program
 - All rules designated as *necessary* in the [Initial Periodic Review Report](#). Public comment ends April 22. Due to RRC on September 20, 2025
- **10A NCAC 48 (LHD Accreditation) – 51 rules**
 - All rules designated as *necessary* in the [Initial Periodic Review Report](#). Public comment ends April 22. Due to RRC on October 20, 2025
 - Anticipate that a rulemaking effort will be proposed in parallel to repeal existing accreditation processes and standards in Chapters 48A and 48B and adopt new processes and standards in Chapters 48C and 48D

Rules Currently in Readoption (Phase 2)

- **15A NCAC 01O – Delegation of Authority to Enforce the Commission for Public Health Sanitation Rules**
 - DHHS Rules
 - Rules governing delegation of authority to local staff to act as authorized agents of the state to enforce environmental health rules
 - All rules designated as necessary
 - **Readoption deadline: March 1, 2027**
- **10A NCAC 45 – General Procedures for Public Health Programs**
 - Commission for Public Health Rules
 - Chapter 45A: Rules governing program activities involving the purchase of medical or dental care on a fee-for-service basis or the purchase of medical or dental appliances, either through direct payment or contracts
 - Chapter 45B: Rules governing rulemaking petitions and declaratory rulings
 - All rules designated as necessary
 - No readoption deadline has been set yet, but it is *anticipated* to be September 1, 2027.

Seeking LHD Volunteers

- We are seeking local health department volunteers for a workgroup on **10A NCAC 46 – Local Standards**
 - We are looking for 5-10 individuals to serve as subject-matter-experts (SMEs).
 - This group of SMEs and DPH staff will meet 2-3 times per quarter during the development of rule language. The aim of this group to advise on the elimination of obsolete language and on updates needed to bring these rules into alignment with current law and local health department practices.
- To volunteer, email:
Devon Collins, JD
DPH Deputy Director of
Regulatory and Legal Affairs
Devon.Collins@dhhs.nc.gov





Environmental Health Legislative and Regulatory Update



Environmental Health Legislative Update

H376 - Various On-Site Wastewater & Well Provisions

- Bill originally eliminated 5-year expiration dates
- Creates “site verifications” prior to CA and installation
- Removes ability for LHDs to have local private drinking water well regulations

House Bill 376

For private option permits (AOWE/EOP), LHD has 10 days to issue well permit when a well area is shown on the private submittal

Local onsite wastewater regs will require public hearings if adding/modifying regs and all findings are required to be made available to public prior to approval or denial



Environmental Health Legislative Update

H381 – OSWW Wastewater System Amendments

Pretreatment systems shall be approved as an Innovative system if the system has been approved under protocol established by a nationally recognized certification body (e.g., NSF) upon verification of specific items.



H830 – The Rolling Ink Act



Allows mobile tattoo parlors

Requires LHDs to issue permits for mobile tattoo parlors

No tattooing may be performed while the vehicle is in motion 😂

CPH shall adopt rules to regulate the operation, permitting, and inspection

Establishes penalties and enforcement for non-compliance

- Civil penalties (up to \$500 for each violation)
- Suspension/revocation of permit
- Class I misdemeanor for willful and knowing violations

Senate Bill 85

Regulate Body Piercing in North Carolina

Defines body piercing as “the act of piercing of any part of the body of another person, other than their ears, for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body, through puncturing by use of a needle or any other method.”

Body piercing establishments would require permitting by the Department through LHDs

Permits valid for one year





Senate Bill 144

Requirements for Operating Public Cold Baths

Defines artificial swimming lagoons as “any body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant that results in a disinfectant residual in the swimming zone that is protective of the public health.”

Defines public swimming pools as “any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas, spas operating for display at temporary events, and artificial swimming lagoons.”

Senate Bill 144

Requirements for Operating Public Cold Baths

Exempts public cold baths when:

- A tub or tank is used by the general public, one bather at a time, regardless of whether a fee is charged for its use.
- Contains chilled water that is (i) maintained at a temperature lower than 60 degrees Fahrenheit, (ii) no more than 180 gallons in volume, and (iii) at a depth that allows the bather to maintain the bather's head above the water while in a seated position.
- Continuously filters and sanitizes the chilled water.

Senate Bill 205

Clarify Swimming Pool Laws & Private Pool Rentals

Similar bill passed last year that exempted private pools serving single family dwellings and their guests that may use a sharing economy platform. Also, had minimal safety requirements spelled out.

Exempts private pools serving single family dwellings and their guests:

- Sharing economy platform, or
- Pay a fee for use

Removes the minimal safety requirements.

Adds same definitions from S144 for artificial swimming lagoons and public swimming pools.

Removes the ability for local boards of health to adopt local private pool regulations.



Senate Bill 451

Occupational/Professional Licensing Relief

Continuing education hours for Environmental Health Specialists are either:

- Reduced by 50% each year; or
- Time to receive hours is doubled (i.e., 15 hours over 2 years)

Affects many other occupations such as LSSs, PEs, geologists, real estate brokers, general contractors, etc.

Thank you!

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