

Legislative and Regulatory Update

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NC Health Directors Legal Conference
April 2019

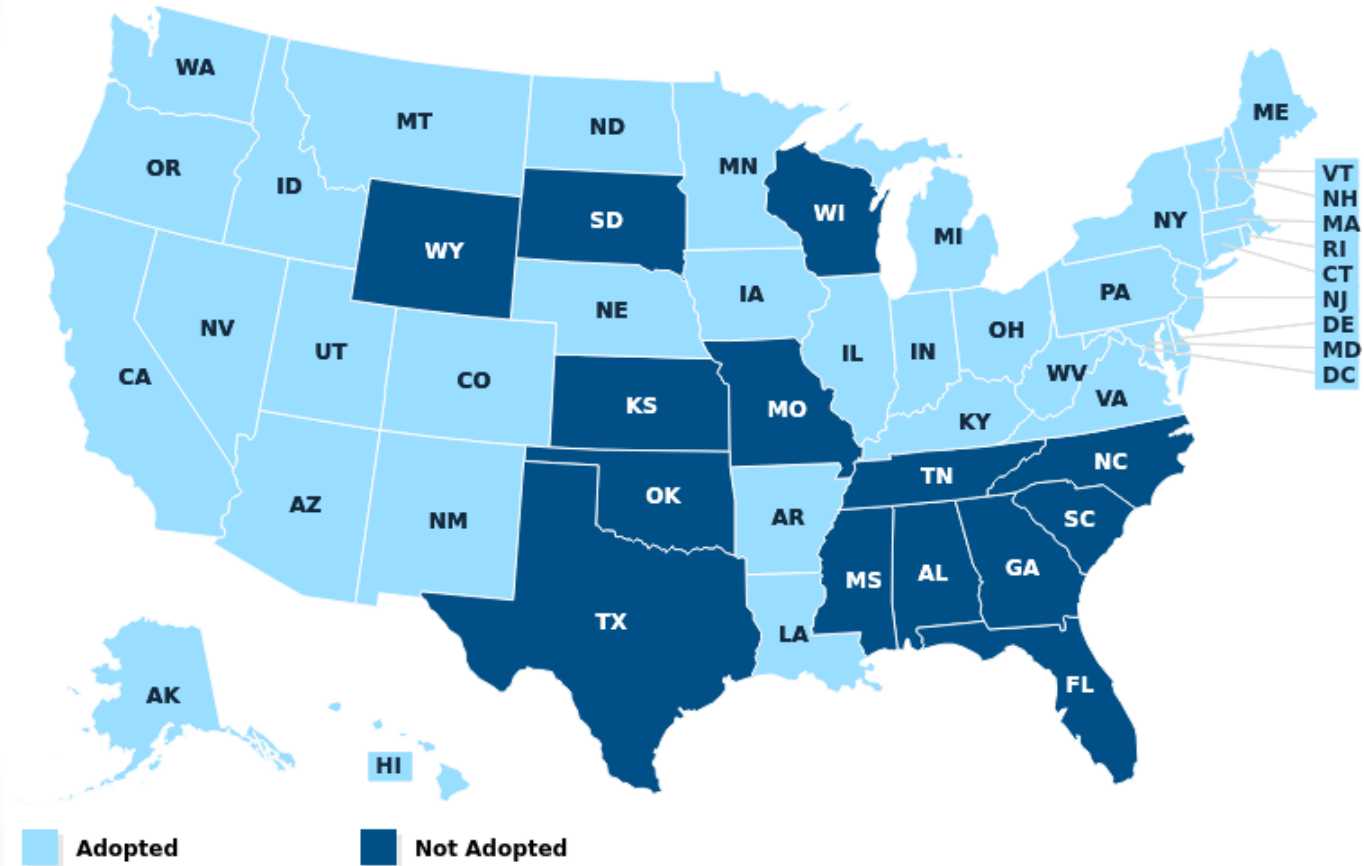
Legislative Session

- Biennium – two year term of legislative activity
 - Long Session (odd numbered years)
 - Short Session (even numbered years)
- Appropriations Act
 - Governor’s Budget (H588/S452)
 - House Budget (expected end of April/beginning of May)
 - Senate Budget
 - Conference Budget
- Crossover Deadline – May 9



Medicaid Expansion

Status of State Action on the Medicaid Expansion Decision: Current Status of Medicaid Expansion Decision, as of February 13



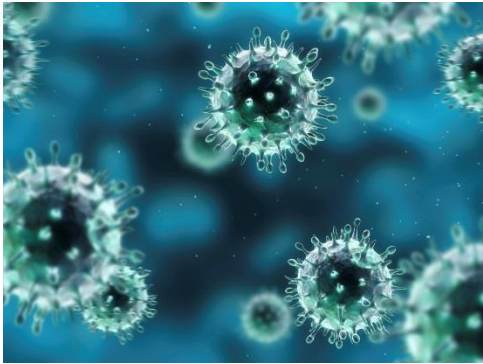
SOURCE: Kaiser Family Foundation's State Health Facts.

Medicaid Expansion

- **H5 / S3 – Close the Medicaid Coverage Gap**
- **H655 – NC Health Care for Working Families**
 - 19-64, MAGI \leq 133% FPL, not eligible for Medicaid or Medicare
 - Managed by the Prepaid Health Plans
 - Annual Premium: 2% of household income
 - Mandatory employment activities
 - Funded through premiums, federal match, and intergovernmental transfers and healthcare-related assessments
 - To start 120 days following CMS approval or by July 1, 2020
 - Report due by October 1, 2019
 - Part II creates the NC Rural Access to Healthcare Grant Fund



Potential LHD Funding Impact



- **H579 – Local Communicable Disease Programs/Funds**

- Appropriates \$8M in recurring funds for each fiscal year of the 2019-2021 biennium
- \$4M to be divided equally
- \$4M based on percentage of state population served

- **H725 – Strengthen Youth Tobacco Use Prevention/Funds**

- Appropriates \$17M per year from the Tobacco Master Settlement Reserve Fund to a Tobacco Use Prevention Fund
- To be used for certain purposes, including tobacco use prevention programs, evidenced-based education campaigns, enforcement, surveillance, evaluation, and financial assistance to local health departments and other qualifying nonprofits
- Financial assistance to local health departments based on a demonstrated commitment to:
 - use the funds for purposes authorized in the bill; and
 - comply with guidelines developed by the Division on evidenced-based tobacco use prevention and control strategies



Abortion

- H22 – Women’s Right to Know Addition/Ashley’s Law
- H28 – Prohibit Abortions After 13 Weeks
- H53/S52 – Second Chance for LIFE
- H54/S51 – Unborn Child Protection from Dismemberment
- S547 – Pain Capable Unborn Child Protection Act
- H602/S359 – Born-Alive Abortion Survivors Protection Act

Other Bills to Watch....

- **H388 and S309 – Immunizing Pharmacists**
 - Amends GS § 90-85.15B – to expand the authority of immunizing pharmacists to vaccinate:
 - Children 6-9 for Influenza (with a prescription order initiated by a prescriber following a physician exam)
 - Children 10 and older for Influenza (under written protocols)
 - Adults for HPV and Hepatitis A (under written protocols)
 - Requires the development of “a minimum standard screening questionnaire and safety procedures for written protocols” for HPV and Hepatitis A
- **H508 – Firearm Safe Storage Awareness Initiative**
 - Directs NC DHHS to launch a two-year firearm safe storage awareness initiative to educate the public about safe storage of firearms and facilitate distribution of gun locks
 - Requires development of a website and toolkit (by July 1, 2020) as well as process for conducting outreach to local communities
 - Appropriations to launch the initiative:
 - SFY 2019-2020: \$86,500 non-recurring
 - SFY 2020-2021: \$69,200 non-recurring
 - Recommended by the Child Fatality Taskforce

Other Bills to Watch....

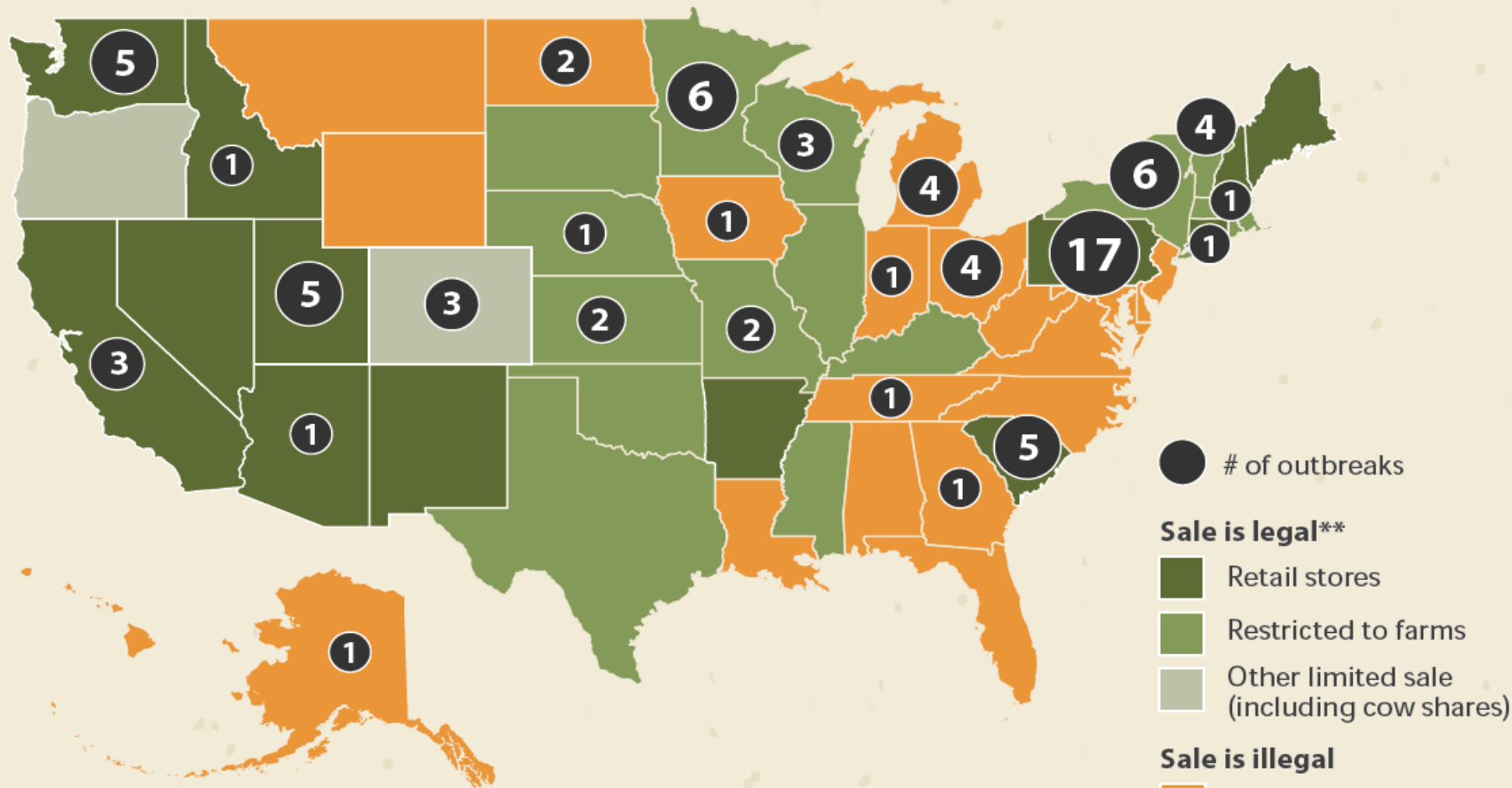
- **H267 – Require Safety Helmets/Under 21**
 - Exempts motorcyclists age 21+ from wearing a helmet if they:
 - Have held a motorcycle license for more than 12 months; or
 - Have completed the Motorcycle Safety Instruction Program
 - Exempts passengers 21+ if the operator of the motorcycle is exempt
- **H480 – NC Cancer Treatment Fairness**
 - Requires insurance to cover orally administered anticancer drugs in parity with intravenous and injection anticancer drugs
- **S546 – Opioid Epidemic Response Act**
 - Decriminalizes possession, use, and distribution of paraphernalia designed to test the strength or purity of a controlled substance
 - Removes the ban on using state funds to purchase supplies for syringe exchange programs
 - Requires pharmacies to report the dispensing of naloxone and gabapentin to the Controlled Substances Reporting System (CSRS)
 - Requires prescribers to check CSRS when prescribing benzodiazepines (in the same way as opioids)
 - Provisions around the State Opioid Treatment Authority (clarifies authority to approve opioid treatment programs, creates a fee to maintain the Opioid Treatment Program Central Registry)

H103 Small Dairy Sustainability Act



- Allows retail sale of raw milk
- Sellers must obtain a permit (NCDA&CS)
- May not be sold in restaurants

Legal Status of the Sale of Raw Milk and Outbreaks* Linked to Raw Milk, by State, 2007-2012



Updated: January 2017

* Source of outbreak data: CDC, published data

** Source of legal status of the sale of raw milk data: National Association of State Departments of Agriculture (NASDA) and online search of state regulations



H385 Prohibit Herd Shares

- Repeals Section 15.2 of SL 2018-113



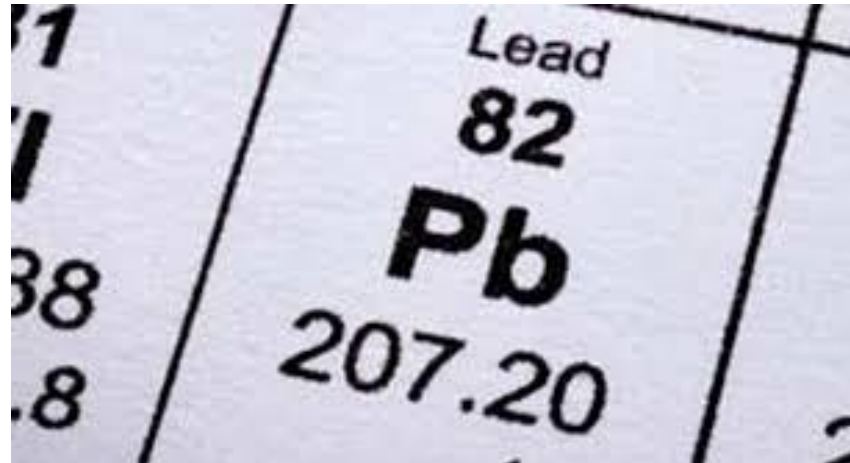
H268 Disapprove Certain Onsite Wastewater Rules

- 15A NCAC 18E Onsite Wastewater Rules (adopted Aug 2018)
- 42 of 99 newly adopted rules—To the legislature
- Task Force to review the 42 rules
- Recommendation to be considered by the CPH

- Creates an “Authorized On-Site Evaluator” certification and a private permitting option

H386 Ensure Safety of School Drinking Water

- One-time testing for lead in water at all public schools and licensed child care facilities
- Lead trigger level—5 ppb
- Corrective action required
- DEQ enforces
- DPH verifies remediation



Other Bills to Watch...

- S440 Body Art Regulation Changes
 - Amends tattooing regulations by including body piercing, branding, and scarification
- S444 Allow Use of Oyster Shells as Serving Dishes
- S11 ABC Regulation and Reform
 - Adds new “private bars” definition and amends the definition of a “private club” that impacts restaurant permits
 - No anticipated impact to Smoke-Free Restaurants and Bars Law
- S518—Establish the PFAS Task Force
- S297 Cancer Research Advisory Panel
- S305 OLB Reform
- H735 Adopt Rules Incorporating 2017 Food Code

Other Regulatory Matters

- Cannabidiol
- 15A NCAC 18A Rules
Review Update



Questions?

