Legislative and Regulatory Update

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NC Health Directors Legal Conference
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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 ≤ 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
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?