



North Carolina NOW Legislative Update 26 April 2021

Never a dull moment at the legislature. This week a dispute between House Speaker Moore and a senior Republican legislator went public and culminated in Representative Julia Howard being removed as a senior finance committee chair.

At issue was a bill backed by Speaker Moore to give tax relief to businesses that received loans from the Federal Paycheck Protection Program (PPP). Rep. Howard objected because she believed there was a conflict of interest because dozens of legislators, including Speaker Moore, would benefit from the proposed law. A Mecklenburg County lawmaker, Rep John Bradford, would receive an estimated benefit of \$20,000. Rep. Howard also objected because businesses that received loans in 2020 would not benefit and neither would individuals who received increased unemployment benefits.

Rep, Howard refused to move the bill through the Finance Committee for two weeks. She caved under pressure from the Speaker and announced, "I was given orders from the Speaker that we would hear this PPP bill today." The bill was amended in committee not to tax unemployment benefits received after 2020 as income. Speaker Moore later denied exerting pressure on Rep. Howard, but he did remove her from the Finance Committee and placed her on the Appropriations Committee. For more details, see <https://www.newsobserver.com/news/politics-government/article250812714.html>.

In a statement, Speaker Moore, along with the Republican House leadership, claimed that the Republican caucus had voted to move the bill forward and that Rep. Howard was defying the will of her caucus by not moving the bill. The problem is that party caucuses meet behind closed doors, vote in secret, and have no legal standing in the legislature. In the statement long with other Republican House leadership, Speaker Moore stated: "While we respect different viewpoints, Committee Chairs must be willing to put personal agendas aside and move forward with the will of the Caucus." Yet the reality clearly is that Committee Chairs must put their ethical convictions aside and move forward with the agenda of the Speaker.

GREAT NEWS! Sen. Phil Berger has announced that the Senate will not hear the bill (SB 514) that would prohibit doctors from providing gender affirming health care for trans youth under the age of 21. We are assured that this bill will not pass this session. See: <https://apnews.com/article/legislature-north-carolina-legislation-phil-berger-bills-c4e3f7fd7fd569fa33961c193a27a165>

HOUSE BILLS

HB 8 (=SB15) NC Adopt ERA: An act to ratify the Equal Rights Amendment to the U. S. Constitution.

1/28/21: House Rules

HB 31 Detected Heartbeat/Prohibit Abortion: An act to prohibit abortion after the embryo has a “detectable heartbeat” except in medical emergencies. This bill is a de facto ban on all abortions because a “fetal heartbeat” can be detected at six to seven weeks of pregnancy—generally before a woman even knows she is pregnant. The term “fetal heartbeat” itself is controversial because at six weeks the embryonic cardio-vascular system is so immature that what is present has been described as “a group of cells with electrical activity.” Another problem with these bills is that when a so-called “heartbeat” can be detected varies widely depending on the technology used. In 2015 North Dakota’s fetal heartbeat bill was ruled unconstitutional by the Supreme Court. New versions have been re-introduced in several states in hopes that one will reach the Supreme Court and be upheld.
2/01/21: Health; if fav, Judiciary 1; if fav, Rules

HB 33 Broaden Applicability of DV Statutes: It is shocking, but North Carolina’s current domestic violence statutes apply only to couples of the opposite sex—which means same sex couples are denied both protection and services. This act remedies the situation by removing gendered language from the law.

2.02/21: Judiciary 3; if fav. Rules

HB 41 (=SB35) Amend Lawful Age to Marry/18 Years of Age: An overdue reform of North Carolina’s marriage law that currently allows marriage at age 16 with parental consent and at age 14 if there has been cohabitation, pregnancy or a child born to the parties who marry. This law would raise the age to 18 with no exceptions.

2/03/21: Families, Children, and Aging; if fav. Rules

HB 158: Constitutional Amendment/Life at Fertilization: Would amend the North Carolina state constitution to define human life as beginning at fertilization. Many Human Life Amendments define human life as beginning at implantation, but this one is much more drastic. It defines human life as beginning before a fertilized egg implants on the uterine wall. In short, it defines human life as beginning before pregnancy.

2/25/2021: Judiciary 1; if fav. Rules

HB170 (= SB165) North Carolina CROWN Act: Prohibits employment discrimination based traits historically associated with race, hair texture, or hairstyle.

03/01/2021: Judiciary 2; if fav. Rules

HB 188 (=SB167) Remove Barriers/Gain Access to Abortion Act (“RBG Act”): Makes technical changes to North Carolina’s abortion law and also: (1) Allows nurse practitioners, physician assistants, and certified nurse midwives as well as physicians to perform abortions; (2) Repeals the requirement for biased counseling and a 72-hour waiting period prior to obtaining an abortion; (3) Repeals the ban on insurance/funding for abortion care in Affordable Care Act plans in North Carolina (also banned by the federal Hyde Amendment), in the state employee

HB 188/SB167 (cont.)

health plan, and in plans offered to municipal and county employees; and (4) Repeals the ban on abortions provided through telemedicine.

03/02/2021: House Rules

HB 354 Hate Crimes Prevention Act: Would increase the scope and punishment of hate crimes; require the State Bureau of Investigation to create and maintain a hate crimes database; require the N. C. Justice Academy to develop and provide law enforcement officers with training on identifying responding to, and reporting hate crimes; and require the Conference of District Attorneys of N. C. to develop and provide training to prosecutors on how to prosecute hate crimes. Would expand North Carolina's hate crimes law to include ethnicity, gender, gender identity, gender expression, disability, and sexual orientation. Defines new offense of felonious assault as a hate crime.

03/23/2021: Judiciary 1; if fav. House Rules

HB 358 Save Women's Sports Act: An act to discriminate against trans women and girls by barring them from competing on women's school athletic teams at all levels. This bill would impact fewer than 10 young athletes. See: <https://www.them.us/story/north-carolina-might-ban-trans-high-school-athletes>

03/21/2021: Judiciary 3; if fav Education – Universities; if fav. Education – K-12; if fav House Rules

HB 426 Independent Redistricting Process: Calls for an Amendment to the North Carolina Constitution to create the North Carolina Citizens Redistricting Commission and to make conforming changes to the General Statutes. Sets forth detailed legislation to accomplish this goal.

03/29/21: House Rules

HB 437 Fair Maps Act: Would remove the redistricting from the hands of the General Assembly and proposes an amendment to the North Carolina Constitution to create the North Carolina Citizens Redistricting Commission and to make conforming changes to the General Statutes. Calls for the General Assembly to write legislation to accomplish this goal.

03/30/2021: House Rules

HB 446 Safeguarding Voting Rights: Would establish automatic voter registration by certain agencies.

03/31/2021: House Rules

HB 449 (= SB 409) Prohibit Defense Based on Sex or Gender: Would prohibit a defense to a homicide or assault based on the discovery of, perception of, or belief about another person's sex, gender, gender identity, or sexual orientation. Would eliminate what is popularly called the "gay panic" defense.

03/31/2021: House Rules

HB 450 (= SB 396) Equality for All: Would protect all North Carolinians from discrimination in housing, employment, public accommodations, credit, insurance, education, and jury service.

03/31/2021: Rules

HB 451 (= SB 438) Full Repeal of HB2: Would fully repeal the notorious HB2, the so-called “bathroom bill” that discriminated against trans people.

03/31/2021: House Rules

HB 452 (= SB 392) Mental Health Protection Act: Would outlaw using “conversion therapy” to alter the sexual orientation of anyone under the age of 18 or who has a mental disability.

03/31/2021: House Rules

HB 453 Human Life Non-Discrimination Act/No Eugenics: Would expand the existing statute that prohibits abortion for the purpose of sex selection to also prohibit abortions based on the actual or presumed racial make-up of the fetus or the presence or presumed presence of Down's syndrome.

03/31/2021: House Rules

HB 470 Medicaid Expansion: Would expand Medicaid coverage to cover those eligible under the Affordable Care Act. States had an option whether or not to do this. North Carolina opted out.

04/01/2021: House Rules

HB 473 Revise Laws/Safe Surrender/Infants: Expands the number of individuals to whom a woman who is unable to keep her child may surrender the child.

04/20/2021: Families, Children, and Aging Policy; if fav, Health, if fav, Rules; re-ref. Health

HB 485 (= SB 459): Amend 1 Year Separation/Repeal Alienation of Affection/Criminal Conversation: Would reduce the period of separation required for absolute divorce from one year to 6 months and eliminate it for uncontested divorce where there are no minor children; allow parties to cohabit for financial reasons; and abolish the common law civil actions of alienation of affection and criminal conversation.

04/05/2021: Judiciary 2; if fav. House Rules

HB 505 North Carolina Healthy Pregnancy Act: Addresses pregnancy-related discrimination and reasonable accommodation in the work place.

04/08/2021: 04/12/2021

HB 507 (= SB 632): North Carolina Momnibus Act: An omnibus bill dealing with several areas of pregnancy, childbirth, and post-natal care. Establishes a task force dealing with social determinants of maternal health; directs the Department of Health and Human Services to establish an implicit bias training program for health care workers engaged in pre-natal care; defines the rights of perinatal care patients; and establishes a task force on birthing experience and safe maternity care during a public health emergency.

04/12/2021: House Rules

HB 510 Born-Alive Abortion Survivors Protection Act: Similar to Senate Bill 405. A totally unnecessary bill since anyone who kills a baby born alive after an abortion procedure can be charged with murder under existing law. Another example of Republicans introducing a bill to address a non-existent problem while failing to address real, existing problems.

04/12/21: House Rules

HB 514 (= SB 633) NC Healthy Pregnancy Act: Addresses pregnancy-related discrimination and reasonable accommodation in the workplace.

04/12/2021: House Rules

HB565 Equal Pay for Equal Work: Would prohibit discrimination in wages based on gender.

04/15/2021: Rules

HB 597 (=SB 564) NC Paid Family Leave Insurance Act: Requires employees who meet certain conditions receive paid family leave for specified reasons.

04/20/21: Rules

HB 608 Dignity for Women who are Incarcerated: Sets forth standards and requirements for the care and treatment of incarcerated women during pregnancy and post-partum, including a provision that prohibits using restraints on women in labor.

04/21/21: Health; if fav, House Rules

HB 612 Up Minimum Wages/No Subminimum or Exemptions: Title is self-explanatory.

04/21/2021: House Rules

SENATE BILLS

SB 15 (=HB8) NC ADOPT ERA: An act to ratify the Equal Rights Amendment to the U. S. Constitution.

1/28/21: Senate Rules

SB 35 (=HB41) Amend Lawful Age to Marry/18 Years of Age: An overdue reform of North Carolina's marriage law that currently allows marriage at age 16 with parental consent and at age 14 if there has been cohabitation, pregnancy or a child born to the parties who marry. This law would raise the age to 18 with no exceptions.

04/21/2021: Senate Rules; re-ref Judiciary; if fav. Senate Rules

SB 165 (=HB170): North Carolina CROWN Act: Prohibits employment discrimination based traits historically associated with race, hair texture, or hairstyle.

03/01/2021: Senate Rules

SB 167 (=HB 188): Remove Barriers/Gain Access to Abortion Act ("RBG Act"): Makes technical changes to North Carolina's abortion law and also: (1) Allows nurse practitioners, physician assistants, and certified nurse midwives as well as physicians to perform abortions; (2) Repeals the requirement for biased counseling and a 72-hour waiting period prior to obtaining an abortion; (3) Repeals the ban on insurance/funding for abortion care in Affordable Care Act plans in North Carolina (also banned by the federal Hyde Amendment), in the state employee health plan, and in plans offered to municipal and county employees; and (4) Repeals the ban on abortions provided through telemedicine.

03/02/2021: Senate Rules

SB 190 Prohibit Weapons at Voting Place: Would prohibit weapons at voting places whether carried openly or concealed.

03/08/2021: Senate Rules

SB 199 Freedom from Abuse: Would require public schools to provide students information and resources on child neglect and abuse, including sexual abuse.

03/09/21: Senate Rules

SB 326 Election Integrity Act: In spite of its pious title, this bill actually a voter suppression measure that would restrict absentee voting in a variety of ways. It would prohibit boards of election to accept any absentee ballots after 5 pm on election day or the date of the primary no matter when they were mailed. Voters would need to request an absentee ballot the Tuesday two weeks prior to the election. Absentee voters would also need to include a photocopy of their photo identification. If a voter becomes sick or disabled after two weeks before election day, the person, a relative, or guardian may come personally to the board of

SB 324 (cont.)

elections to request an absentee ballot until 5 pm the night before the election. All ballots must be returned before 5:00 pm on election day or the date of the primary. These deadlines do not affect military or overseas voters. The bill would also establish a 5 million dollar fund to provide a photo ID for those who need it. Finally, it prevents boards of elections from collecting donations from private sources to pay for temporary employees to help with elections.

03/22/2021: Redistricting and Elections; if fav Senate Rules

SB 364 Automatic Voter Registration Act: Provides for automatic voter registration at drivers license offices, public agencies, community colleges, and colleges and universities of the University of North Carolina and requires the State Board of Elections to implement an outreach program to inform citizens about automatic voter registration.

03/29/2021: Senate Rules

SB 392 = (HB 452) Mental Health Protection Act: Would outlaw using "conversion therapy" to alter the sexual orientation of anyone under the age of 18 or who has a mental disability.

03/31/2021: Senate Rules

SB 396 (=HB 450) Equality for All: Would protect all North Carolinians from discrimination in housing, employment, public accommodations, credit, insurance, education, and jury service.

03/30/2021: Senate Rules

SB 402 Close the Medicaid Coverage Gap: Would Expand Medicaid to cover those eligible under the Affordable Care Act. States had the option whether or not to opt in. North Carolina opted out.

03/31/2021: Senate Rules

SB 404 A Second Chance for LIFE: Would require physicians who perform medical abortions to distribute written material from the Department of Health and Human Services giving false information about reversing the procedure.

03/31/2021: Senate Rules

SB 405 Born-Alive Abortion Survivors Protection Act: A totally unnecessary bill since anyone who kills a baby born alive after an abortion procedure can be charged with murder under existing law.

03/31/2021: Senate Rules

SB 409 (=HB 449) Prohibit Defense Based on Sex or Gender: Would prohibit a defense to a homicide or assault based on the discovery of, perception of, or belief about another person's sex, gender, gender identity, or sexual orientation. Would eliminate what is popularly called the "gay panic" defense.

03/31/2021: Senate Rules

SB 431 Permanent DV Protective Orders: Would allow permanent domestic protective orders that would remain in effect for the lifetime of the person subject to the order.

04/01/2021: Senate Rules

SB 438 (=HB 451) Full Repeal of HB2: Would fully repeal the notorious HB2, the so-called "bathroom bill" that discriminated against trans people.

04/01/2021: Senate Rules

SB 439 Hate Crimes Prevention Act: Would increase the scope and punishment of hate crimes; require the State Bureau of Investigation to create and maintain a hate crimes statistics database; require the N.C. Justice Academy to develop and provide law enforcement officers with training on identifying, responding to, and reporting hate crimes; and require the Conference of District Attorneys of N. C. to provide training to prosecutors on how to prosecute hate crimes.

04/01/2021: Senate Rules

SB 445 Domestic Violence Victims' Separation Waiver: Would waive the one-year separation requirement for absolute divorce when a person in a marriage is a victim of domestic violence and appropriate funds for an awareness campaign.

04/01/2021: Senate Rules

SB 447 Living Wage for NC Workers: Would raise the state minimum wage to fifteen dollars per hour over five years, then annually adjust the minimum wage automatically by increases in the cost of living; end the subminimum wage for individuals with disabilities; amend the subminimum wage for tipped workers; and end the exemption for domestic workers.

04/01/21: Senate Rules

SB 457 (=HB 485) Healthy Families and Workplaces/Paid Sick Days: Would ensure that all workers have earned paid sick days to address their own health needs and those of their families.

04/05/2021: Senate Rules

SB 459 (=HB 485): Amend 1 Year Separation/Repeal Alienation of Affection/Criminal Conversation: Would reduce the period of separation required for absolute divorce from one year to 6 months and eliminate it for uncontested divorce where there are no minor children;

SB 459 (cont.)

allow parties to cohabit for financial reasons; and abolish the common law civil actions of alienation of affection and criminal conversation.

04/05/2021: Senate Rules

SB 514 Youth Health Protection Act: Would ban gender-affirming health care for minors (defined as anyone under the age of 21), defines that health care, and sets penalties for anyone who does provide it. Also requires any "agent of the state," including medical personnel and teachers, has any knowledge of a minor (anyone under the age of 21) exhibiting "symptoms of gender dysphoria, gender nonconformity, or otherwise demonstrates a desire to be treated in a manner incongruent with the minor's sex," to immediately notify each of the minor's custodians or guardians in writing and describe the relevant circumstances with specificity. In addition to this requirement that state-employed caretakers rat out their charges, the bill would prohibit using state funds for any gender-affirming treatment and also prohibit any insurance offered by the state to cover any gender-affirming treatment. On 04/20/2021 Sen. Berger announced this bill would not be heard.

04/06/21: Senate Rules

SB 515 Health Care Heroes Conscience Protection Act: Would allow medical practitioners, health care institutions, and health care payers to refuse medical care or payment for anything that violates their conscience, very broadly defined. This means in practice that doctors, nurses, medical practices, hospitals and other health care institutions could refuse care to anyone whose lifestyle or sexual orientation violates their conscience (according to this bill medical institutions have consciences, too). Patients in need of care related to birth control or abortion could also be refused care. Even more outrageous it would allow health care payers (presumably insurance companies) the right to refuse to pay for any care that outrages their corporate consciences. An insurance company would have the right to refuse to pay for birth control medications, devices, or procedures for conscientious reasons. This bill gives insight into what religious extremists believe laws should be.

04/06/2021: Senate Rules

SB 564 =HB 597 NC Paid Family Leave Insurance Act: Requires employees who meet certain conditions receive paid family leave for specified reasons.

04/07/21: Senate Rules

SB 577 Funds/Establish Black Women and Girls Task Force: Would establish a North Carolina Black Women and Girls Task Force and appropriate funds.

04/07/2021: Appropriations/Base Budget; if fav. Senate Rules

SB 632 (=HB 507) North Carolina Momnibus Act: An omnibus bill dealing with several areas of pregnancy, childbirth, and post-natal care. Establishes a task force dealing with social determinants of maternal health; directs the Department of Health and Human Services to establish an implicit bias training program for health care workers engaged in pre-natal care; defines the rights of perinatal care patients; and establishes a task force on birthing experience and safe maternity care during a public health emergency.

04/07/2021: Senate Rules