

# North Carolina Sheriffs' Association

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## Weekly Legislative Report

March 22, 2019

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Each legislative session, the House and Senate establish deadlines by which legislators must submit proposed legislation. Those deadlines require the legislator to submit their request to the legislature's Legislative Drafting Division by a specified date and then the bill must be drafted and actually filed for introduction by another date that is a few weeks later.

The idea is that all bills must be filed by the deadlines so that legislators can focus their attention on those bills which they prefer to deal with before the end of the legislative session. Bills that the leadership do not want to deal with get left behind (i.e. they "die"). However, these deadlines do not prevent legislators from adding new ideas to existing bills after the bill filing deadlines if the legislator can get the votes to do so.

The Senate deadline for submitting bills to the Legislative Drafting Division has already passed and all Senate bills must be filed in the Senate by 4 PM on Tuesday, April 2.

In the House, members have until next Wednesday, March 27 to get bill drafting requests submitted to the Legislative Drafting Division if the bill does not involve any finance or spending provisions and the bills must be filed for introduction in the House by 3 PM on Tuesday, April 16. Bills that involve finance or spending must be submitted to the Legislative Drafting Division by Wednesday, April 3 and must be filed in the House by 3 PM on Tuesday, April 23.

Another important deadline is Thursday, May 9. This is the date by which all bills that do not contain finance or spending provisions must be passed out of one chamber into the other or the bill is no longer eligible for consideration during the 2019 or 2020 General Assembly (i.e. the bill "dies"). While this is a very important deadline, there are multiple ways that legislators can get around this deadline if there is sufficient support from the leadership of the General Assembly.

While the introduction of bills this session has so far been at a moderate pace, it is likely that a large number of new bills will be introduced in the next few weeks as the bill introduction deadlines approach.

The House and Senate adjourned on Thursday and will reconvene on Monday afternoon.

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## BILLS OF INTEREST

[HOUSE BILL 374](#), Sex Offender/Expand Residential Restrictions, would expand the restrictions on sex offenders to include that no registered sex offender may reside within 1000 feet of an

“organized residential youth camp.” An organized residential youth camp would be defined as a program or facility providing lodging, meals and activities for eight or more children over four or more consecutive nights a year for the purposes of providing an outdoor group living experience with both educational and youth development objectives. Currently, a registered sex offender is prohibited from living within 1000 feet of a school or child care center. **Introduced by Representatives McGrady and B. Turner, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 378](#), [Distiller Regulatory Reform Bill](#), is identical to [Senate Bill 290](#), which is listed below in this Weekly Legislative Report. The bill would make numerous changes to the Alcoholic Beverage Control (ABC) Commission’s permitting of distilleries. This bill would allow distillery permit holders to:

1. Sell malt beverages, unfortified wine, and fortified wine for consumption on their premises after obtaining the appropriate permit.
2. Sell mixed beverages without having to first obtain a mixed beverage permit from the ABC.
3. Sell, deliver, and ship spirituous liquor in closed containers at wholesale to holders of a mixed beverages permit and at wholesale or retail to consumers in other states or nations.
4. Sell spirituous liquor distilled at the distillery in closed containers to visitors for consumption off the premises without limit. Currently, distilleries can only sell to those visitors who tour the distillery and are limited to five bottles per 12 month period per consumer.

The bill would also allow the owner or designated employee of a distiller authorized to sell spirituous liquor to issue a purchase-transportation permit for spirituous liquor sold by the distillery. In addition, the bill would allow certain permit holders to obtain a spirituous liquor special event permit allowing free tastings at ABC stores where the local ABC board has approved the tastings.

Finally, this bill would allow a “bar” to obtain an on-premises malt beverage permit, on-premises unfortified wine permit, on-premises fortified wine permit, brown-bagging permit, special occasion permit, and mixed beverages permit. A bar is defined as an establishment in the business of serving alcoholic beverages for consumption on the premises, whose gross receipts from alcohol for consumption on the premises is not less than 75% of the total gross receipts. **Introduced by Representatives McGrady, Hardister, Fisher and B. Turner, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 380](#), [Aerial Adventure Courses/Sander’s Law](#), would require an “aerial adventure course” to be registered through the North Carolina Department of Labor (DOL) and would require the operator of the aerial adventure course to first obtain a permit from the DOL before operating the course. An aerial adventure course would be defined as a facility that is patronized by the public or private members (such as a private club) for the use of rope courses, challenge courses,

adventure courses, adventure parks, zip lines, zip line tours, canopy tours, or high challenge courses. This would not include low rope courses or climbing walls.

The bill would also require an aerial adventure course to have a pre-opening inspection by the DOL and to be inspected annually thereafter. In addition, the bill would require the operator of the aerial adventure course to properly train all employees in the use of the course facilities and equipment and to have an emergency evacuation plan in place. The operator would be required to maintain liability insurance in the amount of \$1 million per occurrence and \$2 million in the aggregate.

The bill would make it a Class 2 misdemeanor for any person to willfully violate any of the registration and permitting requirements for a first violation, and a Class 1 misdemeanor if the person has been convicted previously for violating any of these requirements. Finally, it would be a Class E felony if a person willfully violates any of these requirements and this results in the serious injury or death of a person.

Finally, the bill specifically exempts from these requirements aerial adventure courses operated at a private residence that is not open to the public or that is operated by the State, city or county. Therefore, any aerial adventure course that is operated by a government agency for law enforcement training purposes is exempt from the liability insurance requirement. **Introduced by Representatives Davis, Howard, Setzer and Lucas, and assigned to the House Committee on Insurance.**

[HOUSE BILL 389](#), [ABC/Univ Athletic Facility](#), is identical to [Senate Bill 296](#), which is listed below in this Weekly Legislative Report. The bill would allow for alcohol sales to the general public at a stadium, athletic facility, or arena on the campus or property of a public college or university. The bill would require the Board of Trustees of the public college or university to authorize alcohol sales at these facilities before a permit can be obtained from the North Carolina Alcoholic Beverage Control Commission. Currently, alcohol sales to the general public at a stadium, athletic facility, or arena on the property of a public college or university is prohibited. **Introduced by Representatives Bell, Boles, Goodman and Lewis, and assigned to the House Committee on Alcoholic Beverage Control.**

[HOUSE BILL 391](#), [Sale of Salvage Vehicle/No Inspection](#), would allow a motor vehicle that has been issued a salvage certificate of title to be sold by a vehicle dealer without the need to have the salvaged vehicle inspected. This would only apply if no repairs were made to the vehicle since the salvage certificate of title was issued. In addition, the dealer would be required to disclose in writing to the North Carolina Division of Motor Vehicles that the salvaged vehicle was sold without a vehicle safety inspection. **Introduced by Representative Bell, and assigned to the House Committee on Transportation.**

[HOUSE BILL 393](#), [Modernizing Sexual Assault Laws](#), would modify State law to make it unlawful for any person to knowingly distribute, sell, give away, or otherwise cause to be accessible or ingested by a human, any beverage or other drinkable substances which the person knows contains certain substances, materials, controlled substances, poisonous chemical or compound, or any foreign material. Currently, only food is covered.

The bill would also modify the definition of “mentally incapacitated” in our sexual assault statutes to include a victim of sexual assault who is rendered incapable of appraising the nature of his or her conduct or resisting the act of vaginal intercourse or a sexual act due to any act, regardless of whether committed by a perpetrator or the victim. Currently, this definition is limited to acts committed upon the victim. Therefore, a person who commits a sexual assault on a victim who voluntarily drinks too much alcohol and was rendered unconscious, would still be guilty of the sexual assault.

Finally, this bill removes the word “forcible” from the names of first and second degree forcible rape and first and second degree forcible sexual offense but does not change their criminal elements. **Introduced by Representatives Beasley, Adams, Adcock and Boles, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 401](#), Enact Medical Cannabis Act, would allow patients with certain diagnosed terminal or chronic illnesses (such as cancer, glaucoma and rheumatoid arthritis) to lawfully possess or use cannabis (marijuana). The patient would have to obtain a registry identification card from the North Carolina Department of Health and Human Services to lawfully use the marijuana.

The bill would also allow individuals to apply for a license to become a medical cannabis center or medical cannabis producer, which would be issued by the North Carolina Department of Agriculture and Consumer Services and would allow for the sale of marijuana to qualified patients and qualified caregivers. These licenses to produce and sell marijuana would have to be renewed annually and could not be issued to individuals who have been convicted of certain felony offenses.

A medical cannabis center or medical cannabis producer would be required to provide information about themselves and the person(s) to whom the center or producer distributes the marijuana on a quarterly basis and would also be required to submit 10% of their gross revenue to the North Carolina Department of Agriculture and Consumer Services. The bill would make it a Class 2 misdemeanor for an individual to make false representations to a law enforcement officer relating to the person’s medical use of marijuana in order to avoid arrest or prosecution for the drug.

**Introduced by Representatives Alexander, Autry, Carney and Harrison, and assigned to the House Committee on Health.**

[HOUSE BILL 404](#), Provisional Drivers License/Add. Activities, would expand the areas where a driver with a level 2 provisional drivers license could drive. Level 2 provisional licenses are issued to 16 and 17 year old drivers that meet certain requirements, such as having passed a driving test and driving at least 60 hours. This bill would allow a level two provisional licensee to drive to or from a volunteer search and rescue organization and to or from a school-sponsored extracurricular activity. **Introduced by Representatives Morey and Torbett, and assigned to the House Committee on Transportation.**

[HOUSE BILL 409](#), Legalize FDA-Approved Schedule VI Drugs, would make it lawful to prescribe, distribute, dispense, administer, transfer, transport, possess or use any prescription drug that contains marijuana or tetrahydrocannabinol, so long as the action is lawful under federal law. **Introduced by Representatives Murphy, McElraft and Sasser, and assigned to the**

**House Committee on Health.**

[HOUSE BILL 415](#), Photos of Juveniles/Show-ups, would clarify State law to require an investigator to photograph a juvenile suspect who is 10 years of age or older at the time and place of a “show-up” if the juvenile is suspected of committing certain specified crimes such as murder or sex offenses. This photograph would not be public record and would have to be kept separate from the records of adults. The photograph could be viewed without a court order by: 1) the juvenile or the juvenile’s attorney; 2) the juvenile’s parent or guardian; 3) the prosecutor; or 4) court counselors. **Introduced by Representatives Stevens, Barnes, Hanig and C. Smith, and assigned to the House Committee on Judiciary.**

[HOUSE BILL 416](#), Justice/Judge May Complete Term Past Age 72, would allow justices of the Supreme Court of North Carolina or any judge elected to office prior to the justice or judge’s 72<sup>nd</sup> birthday to complete their term of office past the mandatory judicial retirement age of 72. **Introduced by Representatives Morey and John, and assigned to the Committee on Rules, Calendar, and Operations of the House.**

[HOUSE BILL 422](#), Healthy Families & Workplaces/Paid Sick Days, is identical to [Senate Bill 234](#), which is summarized in the March 15, 2019 Weekly Legislative Report. This bill would require all employers who have employees who are not exempt from the Wage and Hour Act, such as those employees that are subject to overtime rules, to provide those non-exempt employees with paid sick time. The paid sick time would accumulate at the rate of one hour of pay per 30 hours worked. This requirement would not apply to volunteer employees and to employees who are exempt from the Wage and Hour Act, such as management staff. **Introduced by Representative Fisher.**

[HOUSE BILL 425](#), Increase and Expand Assault on/Resist of LEO, would increase the punishment for assaulting a law enforcement officer, probation officer, or parole officer who is in the performance of their duties from a Class F felony to a Class E felony where serious bodily injury is inflicted on the officer.

Additionally, this bill would create additional punishments for the offense of resisting a public officer where the officer is injured as a result of the suspect’s actions. The bill would provide that it would be a Class E felony if a person willfully resists, delays, or obstructs a public officer who is discharging their duties and the person inflicts serious bodily injury on the officer. This offense would be punished as a Class H felony if the person inflicts physical injury on the officer. The offense would remain a Class 2 misdemeanor if no injury is inflicted on the officer. **Introduced by Representative Faircloth.**

[HOUSE BILL 438](#), Campus Police/Private IHE/CC Waiver, is identical to [Senate Bill 298](#), which is listed below in this Weekly Legislative Report. This bill would authorize the North Carolina State Board of Community Colleges to provide waiver of tuition and registration fees for students who are employed by campus police agencies at private colleges and universities. The bill would appropriate \$110,000 in recurring funds for the 2020-2021 fiscal year to support this waiver of tuition and registration fees for students employed by private college or university campus police agencies. Currently, the Board of Community Colleges is authorized to provide waiver of tuition

and registration fees for students employed by municipal, county, or State law enforcement agencies. **Introduced by Representative Hurley.**

[SENATE BILL 290](#), [Distiller Regulatory Reform Bill](#), is identical to [House Bill 378](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Gunn, Blue and Harrison, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 291](#), [Living Wage for NC Workers](#), is similar to [House Bill 366](#), which is summarized in the March 15, 2019 Weekly Legislative Report. The bill would increase the State minimum wage to \$15 per hour in increments over the next five years. The bill would increase the State minimum wage as follows:

1. \$8 per hour effective January 1, 2020;
2. \$10.35 per hour effective January 1, 2021;
3. \$12 per hour effective January 1, 2022;
4. \$13.50 per hour effective January 1, 2023; and
5. \$15 per hour effective January 1, 2024.

Currently, the State minimum wage is set by statute at \$6.15 per hour. **Introduced by Senators McKissick, Nickel and Mohammed, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 296](#), [ABC/Univ Athletic Facility](#), is identical to [House Bill 389](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Gunn, Rabon and Britt, and assigned to the Senate Committee on Education/Higher Education.**

[SENATE BILL 298](#), [Private IHE/Campus Police/Need-Based Schol](#), is identical to [House Bill 438](#), which is summarized above in this Weekly Legislative Report. **Introduced by Senators Perry and D. Davis, and assigned to the Senate Appropriations/Base Budget.**

[SENATE BILL 306](#), [Conner's Law](#), is identical to [House Bill 283](#), which is summarized in the March 8, 2019 Weekly Legislative Report. The bill would increase the penalty for an assault with a firearm upon a law enforcement officer, probation officer or parole officer while in the performance of their duties from a Class E felony to a Class D felony.

The bill would also create an additional \$100,000 death benefit for the spouse or dependents of a law enforcement officer who is "murdered in the line of duty." This would apply to State and local law enforcement officers and would also apply to detention officers working for a sheriff, custodial employees of the North Carolina Department of Public Safety (DPS), to probation and parole officers employed by DPS and to various other covered persons.

Murdered in the line of duty would be defined as a covered person that is killed in the line of duty in a manner reasonably determined by the North Carolina Industrial Commission to be directly caused by the intentional harmful act of another person. **Introduced by Senators Britt and McInnis, and assigned to the Committee on Rules and Operations of the Senate.**

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[SENATE BILL 314](#), Respect for Families of Law Enforcement, is identical to [House Bill 296](#), which is summarized in the March 8, 2019 Weekly Legislative Report. The bill would allow, but not require, a clerk of superior court to waive any costs or fees related to guardianship or incompetency proceedings for the family of sworn law enforcement officers when the proceedings arise out of injuries sustained by the law enforcement officer in the line of duty. **Introduced by Senators Chaudhuri and Britt, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 315](#), North Carolina Farm Act of 2019, would make numerous changes to the agricultural laws of North Carolina. The changes of interest to the criminal justice community include:

1. This bill would replace the current Hemp Commission with a new Hemp Commission, as described below. The bill would also allow for the implementation of a State hemp program that would legalize the commercial sale of hemp products. Hemp products would include any product within the federally defined tetrahydrocannabinol (THC) level for hemp that would be derived from or made by processing hemp plants. The federally defined THC level for hemp would be a delta-9 THC concentration of not more than 0.3%. Delta-9 THC is the psychoactive substance found in the cannabis plant.

This program would be overseen by the North Carolina Hemp Commission (Commission) which would be composed of: 1) the Commissioner of Agriculture or his designee; 2) a current or retired elected sheriff or their designee recommended by the Speaker of the House of Representatives; 3) a current or retired police chief recommended by the President Pro Tempore of the Senate; 4) two faculty members from a State land grant university; 5) two farmers; 6) a professional agricultural consultant; and 7) a agribusiness professional.

The Commission would also issue licenses to farmers to engage in the hemp program. A person would not be eligible to get a hemp license if the person has previously been convicted of a felony (unless ten years has passed since the felony conviction) or the person made false statements to receive the license. A person would not be eligible to engage in the production or sale of hemp products without this license. Individuals producing and distributing hemp products without a license would be subject to fines by the Commission.

Growing or processing marijuana on property designated for hemp production would be a Class I felony. Any person that willfully, knowingly, or intentionally provides the Commission with false information related to a license application or renewal, a site inspection or an investigation would be guilty of a Class 1 misdemeanor. Any person that adulterates or tampers with a hemp crop would also be guilty of a Class 1 misdemeanor.

2. Drivers would not be authorized to pass self-propelled farm equipment proceeding in the same direction when the farm equipment is making a left hand turn or signaling that it intends to make a left hand turn.

3. Hunting, fishing and shooting sports would be added to the list of activities that could be carried out as part of “agritourism activities.” Agritourism activities is currently defined as any activity carried out on a farm or ranch that allows members of the general public to view or enjoy rural activities such as farming. However, hunting or shooting sports would not be allowed to take place with semiautomatic centerfire rifles.

**Introduced by Senators B. Jackson, Sanderson and Johnson, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 321](#), [Motorcycles/Face Masks](#), is identical to [House Bill 257](#), which is summarized in the March 8, 2019 Weekly Legislative Report. The bill would allow the operator of a motorcycle on a public road or highway to use a “face mask” to protect the operator’s head or face. Currently, it is unlawful to wear a mask in public to conceal the identity of a person, unless certain exceptions apply, such as on the Halloween holiday. **Introduced by Senator T. Alexander, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 322](#), [Insurance Fraud Prevention Amendments](#), would make various changes to the insurance laws in this State. Of interest to the criminal justice community, the bill would expand the authorities of the Commissioner of the North Carolina Department of Insurance, or his designee, with regard to investigating and prosecuting insurance crimes. The Commissioner or his designee would be able to carry out activities such as: 1) serving subpoenas; 2) administering oaths; 3) executing search and arrest warrants; 4) arresting persons without a warrant for criminal acts related to insurance; and 5) conducting investigations outside of the State. Currently, the Commissioner or any investigator for the Department of Insurance may arrest any person with a warrant for a criminal violation of the insurance laws.

The above grant of authority to the Commissioner or his designee would not prevent other law enforcement agencies from investigating or prosecuting criminal violations of insurance law.

The bill would also modify the penalty for providing, or aiding and abetting in the provision of false or misleading information to an insurance company related to any claim or benefit, such as by filing an inflated insurance claim to receive more insurance proceeds than a person is entitled to receive. The bill would make it a Class 1 misdemeanor if the value of the false or misleading insurance claim is less than \$1,000. It would be a Class H felony if the value of the false or misleading insurance claim is \$1,000 or more, and a Class E felony if the insurance payment or benefit sought is \$50,000 or more, and a Class C felony if the value of the false or misleading insurance claim is \$100,000 or more. Currently, it is a Class H felony to provide false or misleading information in support of, or in opposition to an insurance claim or benefit, regardless of the value of the claim.

The bill would also modify the penalty for providing, or aiding and abetting in the provision of false or misleading information to an insurance company in support of an application for an automobile insurance policy. The penalty would be increased from a Class 3 to a Class 1 misdemeanor. If the application is for more than one passenger vehicle, the penalty would be a Class H felony. **Introduced by Senators Burgin, Brown and Tillman, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 327](#), Timber Larceny/Strengthen Laws, would provide that a person commits the Class E felony of larceny of timber if a person either: 1) knowingly and willfully cuts down or injures or removes timber owned by another person; or 2) a person buys timber from the owner of the land and fails to make payment in full to the owner. Additionally, the person would be ordered by the court to pay the timber owner three times the value of the timber. **Introduced by Senators McInnis, Sawyer and Burgin, and assigned to the Committee on Rules and Operations of the Senate.**

[SENATE BILL 331](#), REACT Vehicles/Req. Plate/Lights & Sirens, would authorize the North Carolina Division of Motor Vehicles to issue permanent registration plates to Radio Emergency Associated Communications Teams (REACT) that provide their services pursuant to a contract with a county or city. Additionally, REACT vehicles working under a contract with a county or city would be authorized to use lights and sirens while in the performance of their duties. **Introduced by Senator Daniel.**

[SENATE BILL 334](#), Martin County Emergency Facilities Funds, would appropriate to the Town of Williamston \$270,000 in nonrecurring funds for the 2019-2020 fiscal year to assist the Town in getting federal funding to improve the Town's emergency services facilities, which would include an upgrade to the Williamston Police Department. **Introduced by Senator Smith.**

[SENATE BILL 341](#), Government Immigration Compliance, is identical to [House Bill 135](#), which is summarized in the February 22, 2019 Weekly Legislative Report. This bill would make numerous changes to North Carolina law concerning immigration. Among these changes:

1. Identification documents issued or created by any person, organization, county, city, or other local authority could not be used by a law enforcement officer to assist the officer in determining the identity of a person. Currently, if such documents are the only documents providing an indication of identity or residency of a person, a law enforcement officer may use the document to assist them in determining the identity or residency of a person.
2. Any person would be able to submit a complaint to the North Carolina Attorney General alleging that a city, county or law enforcement agency is not in compliance with State law related to immigration. If, after an investigation, the Attorney General finds that the unit of local government or law enforcement agency is not in compliance with State laws related to immigration, the unit of local government or the law enforcement agency would be ineligible to receive certain money from the State.
3. The Attorney General would be required to maintain a database of the local governments and law enforcement agencies that are ineligible to receive funds from the State because they are not enforcing State laws related to immigration. This database would be available to the public.
4. Anybody who lives in the jurisdiction of a city, county, or law enforcement agency that the person believes is not in compliance with State immigration laws would be able to bring a lawsuit in the superior court of any county in which the city, county, or local law enforcement agency has jurisdiction to try to stop that local government or law enforcement

agency from refusing to enforce State laws related to immigration. The bill would allow a citizen, if they win, to collect the costs of the lawsuit, including attorneys' fees, and would also give the superior court judge the authority to fine a city, county, or law enforcement agency up to \$10,000 each day the entity fails to follow the court's order to enforce the immigration laws.

5. Neither The University of North Carolina, nor any of its constituent institutions, would be able to have any policy that would restrict the enforcement of immigration laws or prohibit law enforcement officials from gathering immigration information.
6. The Secretary of the North Carolina Department of Public Safety would be required to enter into a memorandum of agreement with the Director of the United States Immigration and Customs Enforcement (ICE) agency to permit designated State law enforcement officers to perform immigration law enforcement functions.

### **Introduced by Senators Sanderson and Britt.**

[SENATE BILL 344](#), Allow Common Area Entertainment ABC Permit, would allow the North Carolina Alcoholic Beverage Control Commission to issue a "Common Area Entertainment Permit" to the owner of a shopping mall. A common area entertainment permit would allow customers of a shopping mall tenant with an alcoholic beverage permit that allows for the sale and consumption of alcoholic beverages to consume an alcoholic beverage bought from the tenant within a designated common area on the shopping mall property. **Introduced by Senators Woodard and Gunn.**

### **BILL STATUS**

[HOUSE BILL 179](#), Mini-Truck Classification, which is summarized in the March 1, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[HOUSE BILL 283](#), Conner's Law, which is summarized in the March 8, 2019 Weekly Legislative Report, has passed the House and has been sent to the Senate for consideration.

[SENATE BILL 12](#), Alexander County/Sheriff Vacancies, has been approved by the General Assembly and became effective March 19, 2019. Since the bill applies to fewer than 15 counties, it is considered a local bill and therefore does not require the signature of the Governor to become law. Rather, this local bill became law when it was approved by the General Assembly.

The bill amends G.S. 162-5.1 to remove Alexander County and Burke County from those counties listed in G.S. 162-5.1. G.S. 162-5.1 requires that upon a vacancy in the office of sheriff, such as due to retirement, the board of county commissioners must first consult with the county executive committee of the political party of the outgoing sheriff and must elect the person selected by the executive committee to fill the vacancy.

A vacancy in the office of sheriff in Alexander and Burke counties will now be filled by the board of county commissioners without the input of the county executive committee of the political party

of the outgoing sheriff.

[SENATE BILL 151](#), Break or Enter Pharmacy/Increase Penalty, which is summarized in the March 1, 2019 Weekly Legislative Report, has been amended to make it a Class E felony for a person to break into or enter a pharmacy with the intent to commit a larceny of any controlled substance (including an opioid).

[SENATE BILL 168](#), Expand Allowed Medical Uses/Cannabis Extract, which is summarized in the March 1, 2019 Weekly Legislative Report, has been amended. This amendment would expand the medical use of “cannabis extract” and allow cannabis extract to be possessed and used to treat autism, multiple sclerosis, Crohn’s disease and Mitochondrial disease under certain conditions. The original version of this bill referred to “hemp extract” instead of “cannabis extract.”

Cannabis extract would be defined as an extract from the cannabis plant that: 1) is composed of more than 0.3% tetrahydrocannabinol and less than .9% tetrahydrocannabinol; 2) is at least 5% cannabinoids other than tetrahydrocannabinol; and 3) contains no other psychoactive substance. A patient would have to be referred by a physician to use the cannabis extract. Currently, this cannabis extract use and possession is limited to treat epilepsy.

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The **Weekly Legislative Report** is provided at no charge as a service to the sheriffs, criminal justice community and citizens of North Carolina.

North Carolina Sheriffs' Association, Inc.

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