

# North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

September 29, 2023

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The General Assembly has been focused on redistricting this week. Legislators held meetings in various places across the state to solicit public input on the topic. The issue of redistricting has received plenty of attention from the general public and the media in the last few years as it determines how the electoral districts across the state are composed.

Aside from this important election topic, many other issues remain on the table for the General Assembly when they return to Raleigh the week of October 9th.

Because legislators are focused on redistricting issues, there are no scheduled committee meetings next week at the General Assembly. Unless the General Assembly reconvenes earlier than expected, the next edition of the Weekly Legislative Report will be published on Friday, October 13<sup>th</sup>.

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## BILL STATUS

[HOUSE BILL 125](#), NC Health & Human Services Workforce Act, has been approved by the General Assembly with amendment and has been sent to Governor Roy Cooper for his signature. The bill makes various changes to the laws regarding optometry, behavior analyst credentialing, and security in medical facilities.

Of interest to the criminal justice community, the bill, as amended, would require each public hospital to have one law enforcement officer present in the emergency department unless the hospital adopts a security plan implementing a different level of security with the approval of the sheriff and other public officials.

The bill, as amended, would also require the North Carolina Department of Health and Human Services (DHHS) to collect data from hospitals about assaults, incidents where patient behavioral health and substance use issues resulted in violence, and workplace violence and to share that information with the North Carolina Sheriffs' Association, the North Carolina Association of Chiefs of Police, and the North Carolina Emergency Management Association (Associations).

Finally, the bill, as amended, would require DHHS to request the Associations to examine the data and make recommendations to decrease violent incidents in hospitals and to decrease assaults on hospital personnel.

[HOUSE BILL 142](#), Protect Our Students Act.-AB, has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill would increase the penalties for the commission of certain sex offenses against students and would modify certain definitions concerning those sex offenses.

[HOUSE BILL 415](#), Stop Addiction Fraud Ethics Act of 2023, has passed the Senate with amendment and has been sent back to the House for consideration of the Senate amendment. The bill would enact various laws governing advertising for facilities and providers of substance use disorder treatment services.

[HOUSE BILL 563](#), Regulate Hemp-Derived Consumables & Kratom, has passed the House with amendment and has been sent to the Senate for consideration. The bill has been amended to change the definition of “Hemp-derived consumable product” to allow these products to contain concentrations of delta-7 tetrahydrocannabinol (THC), delta-8 THC, and delta-10 THC above three-tenths of one percent (0.3%) on a dry weight basis, which is above the limit for delta-9 THC authorized in hemp by federal law.

The bill, as amended, would also limit the authority of the Alcohol Law Enforcement (ALE) Division of the North Carolina Department of Public Safety to take samples of a hemp or kratom licensee’s inventory to only those hemp-derived consumable products and kratom products considered by the ALE to not be in compliance with the packaging, labeling, and testing requirements in the bill.

[SENATE BILL 189](#), Fentanyl Drug Offenses and Related Changes, has been signed into law by Governor Roy Cooper with an effective date of December 1, 2023 for most provisions in the bill. The bill would make various changes to the laws regarding drug trafficking, death by distribution, and autopsies.

Of interest to the criminal justice community, the bill expands the offense of “Death by distribution of certain controlled substances” to allow the arrest and prosecution of individuals who do not sell, but merely deliver, the controlled substance causing the death of the user.

The bill also expands the existing Good Samaritan law, providing limited immunity from prosecution for any person in possession of less than one gram of a controlled substance who seeks medical attention for someone suffering from an overdose.

In conjunction with [House Bill 259](#), 2023 Appropriations Act, the bill also requires the Chief Medical Examiner or a competent pathologist to perform a complete autopsy in any case in which the district attorney of the county in which the body was located asserts that there is probable cause to believe that a violation of “Death by distribution of certain controlled substances” has occurred.

[SENATE BILL 492](#), Adult Correction/Law Enf. Changes, has been signed into law by Governor Roy Cooper with various effective dates set out in the bill. The bill makes various changes to the laws regarding transfer of individuals in custody, fingerprinting of arrestees, and the carrying of concealed weapons by North Carolina Department of Adult Correction (DAC) employees.

Of particular interest to sheriffs, the bill would allow DAC to transfer custody of a person who is serving a sentence with DAC up to 5 days prior to the expiration of the person's current sentence to a local confinement facility or a federal agency upon the request of the local confinement facility or federal agency.

This provision would give DAC and sheriffs more flexibility in scheduling the transfer of an inmate who has a sentence to be served in a local confinement facility at the expiration of their prison sentence and would help ensure that a sheriff or other local law enforcement will not have to locate and apprehend an inmate released outright from DAC custody at the end of their prison sentence who has time yet to serve in the custody of the sheriff.

[SENATE BILL 579, Prevent Harm to Children](#), has been approved by the General Assembly and has been sent to Governor Roy Cooper for signature. The bill would make various changes to the laws governing dissemination of obscene material and indecent exposure.

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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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