

North Carolina Sheriffs' Association

Proudly Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

June 21, 2024

Well, no one expected to see fireworks this week since July 4th is still a few weeks away. However, there were at least some sparks this week on Jones Street. Earlier this Session, everyone expected that House and Senate leadership would be able to present a unified budget by July 1st. However, this week both chambers made it clear that would not be happening.

After a lot of rumors and speculation in the last week or two about whether there would even be a budget, the House filed their version of this year's budget bill Monday night. The House then efficiently moved their budget bill through committees on Tuesday, considered and made amendments to the bill on Wednesday and Thursday, and held a final vote on Thursday morning approving the 271-page budget bill.

The Senate also threw their hat in the ring, filing their own 44-page budget bill on Wednesday night. On Thursday morning, the Senate version of this year's budget bill received a hearing in the Committee on Appropriations/Base Budget for the Senate with an announcement that the Senate will consider and make amendments to the bill and hold its first vote on the bill this coming Monday night at 7 PM.

If a budget is to be had this Session, leadership will still have to put their heads together and compromise. However, it does not seem that is likely to happen in the heat of July. On Thursday, Speaker Tim Moore announced that after votes next week it was likely the House would take a break for an undetermined amount of time. It is highly anticipated that the Senate will make the same decision next week. What seems to be less certain is when or if everyone will return. So, while most lobbyists and probably most legislators were hoping to wrap things up this year by July 1st, that's not going to happen.

The House and Senate adjourned on Thursday and will reconvene on Monday, June 24, 2024.

BILL STATUS

[HOUSE BILL 155](#), Titles for Off-Road Veh./Low Speed Veh. Insp., has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill, as amended, would allow a "modified utility vehicle," as defined in Chapter 20 of the North Carolina General Statutes, to be operated on streets or highways having four or more travel lanes and where the posted speed limit is greater than 35 miles per hour. Currently, modified utility vehicles cannot be operated on these types of streets and highways.

[HOUSE BILL 263](#), 2023 Appropriations Act, has been amended in the House to replace the entire contents of the bill and rename the bill 2024 Appropriations Act. The bill, as amended, would make various appropriations and changes to the laws affecting the State. The provisions of the bill will be considered by the General Assembly and subjected to negotiation and numerous amendments.

The Senate has introduced its own version of the 2024 budget. The North Carolina Sheriffs' Association will fully summarize the contents of the 2024 budget when the General Assembly has agreed on the final language and has presented it to Governor Roy Cooper for his signature.

[HOUSE BILL 317](#), UNC Omnibus, has been amended in the Senate to replace the entire contents of the bill and rename the bill Adjustments to the 2023 Appropriations Act. The bill, as amended, would make various appropriations and changes to the laws affecting the State. The provisions of the bill will be considered by the General Assembly and subjected to negotiation and numerous amendments.

The House has introduced its own version of the 2024 budget. The North Carolina Sheriffs' Association will fully summarize the contents of the 2024 budget when the General Assembly has agreed on the final language and has presented it to Governor Roy Cooper for his signature.

[HOUSE BILL 495](#), Revise Money Laundering/Retail Crime, has been approved by the General Assembly and has been sent to Governor Roy Cooper for his signature. The bill would create the new offense of "Money laundering" and expand the offenses of "Concealment of merchandise in mercantile establishments" and "Larceny from a merchant," as detailed in the bill.

[HOUSE BILL 563](#), Regulate Hemp-Derived Consumables & Kratom, has been amended in the Senate to the rename the bill Hemp-Derived Consumables/Con Sub Changes. The bill, as amended, would make various changes to the laws regulating hemp-derived consumables, the scheduled substances under the North Carolina Controlled Substances Act, and the sale and possession of embalming fluid. Of interest to the criminal justice community, the bill, as amended, would:

1. Require sellers of hemp-derived consumable products to sell those products in a child proof package or an "exit package," defined in the bill as an opaque bag or similar covering that satisfies child-resistant effectiveness standards in federal regulation.
2. Prohibit the knowing sale of a hemp-derived consumable product that is not in compliance with the packaging, warning label, and serving size requirements contained in the amended bill.
3. Prohibit the sale of hemp flower or a product containing hemp flower that is not accompanied by a certificate issued within the previous 6 months certifying that the product does not have a Delta-9 tetrahydrocannabinol (THC) concentration exceeding 0.3% on a dry weight basis. Hemp flower is not defined in the bill.

4. Provide that any person who sells hemp-derived consumable products without a valid license is guilty of a misdemeanor if the person makes another sale of a hemp-derived consumable product after being assessed a civil penalty for unlicensed sale. The bill, as amended, would make a third or subsequent unlicensed sale after being assessed a civil penalty a Class H felony.
5. Prohibit a hemp farmer or hemp harvester from selling or transferring hemp that has been processed or prepared with the intent that it be used in a hemp-derived consumable product to a person or entity other than a manufacturer licensed under the bill.
6. Make it unlawful to give a hemp-derived consumable product to anyone under the age of 21. Previously, the bill made it unlawful to give such a product to anyone under the age of 18.
7. Make it unlawful for a person under the age of 21 to possess, purchase, or attempt to purchase a hemp-derived consumable product. The age limit was 18 previously in the bill.
8. Require hemp-derived consumable products that are not liquid and not intended for inhalation to be sold in a serving that contains no more than 25 milligrams, in the aggregate, of Delta-9, Delta-7, Delta-8, and Delta-10 THC.
9. Require hemp-derived consumable products that are ingestible liquids to be sold in a serving that contains no more than 10 milligrams, in the aggregate, of Delta-9, Delta-7, Delta-8, and Delta-10 THC.
10. Require hemp-derived consumable products that are intended for inhalation “by vaporization” to be sold in containers that contain no more than 3 milliliters, in the aggregate, of Delta-9, Delta-7, Delta-8, and Delta-10 THC. “Vaporization” is defined in the bill as the heating of hemp-derived oil to release aerosolized hemp-derived cannabinoids.
11. Give the Alcohol Law Enforcement (ALE) Division of the North Carolina Department of Public Safety the authority to inspect the premises, records, equipment, and proceeds of licensees under the bill any time it reasonably appears that someone is on the premises.
12. Make it a Class 2 misdemeanor to resist or obstruct an ALE agent making a lawful inspection.
13. Require governing bodies of public-school units and charter schools to adopt a written policy prohibiting the use of any hemp-derived consumable product on school buses or school transportation service vehicles.
14. Place Tianeptine on Schedule II of the North Carolina Controlled Substances Act.
15. Place Xylazine on Schedule III of the North Carolina Controlled Substances Act.

16. Place Kratom on Schedule VI of the North Carolina Controlled Substances Act.
17. Create the offense of “Unlawful sale of embalming fluid,” making it a Class I felony for a funeral director, embalmer, or resident trainee to knowingly give, sell, or offer for sale embalming fluid to another person with knowledge that that person is not a funeral director, embalmer, or resident trainee.
18. Create the offense of “Criminal possession of embalming fluid,” making it a felony to possess embalming fluid for any purpose other than the lawful preservation of dead human bodies or wildlife or to sell, deliver, or distribute embalming fluid to another person knowing that the person intends to use the embalming fluid for a purpose other than preserving dead human bodies or wildlife.
19. Create the offense of “Exposing a child to a controlled substance,” making it a Class I felony to knowingly, recklessly, or intentionally expose a child to a controlled substance. The bill, as amended, would classify the offense as a higher-level felony if the child ingests the controlled substance as a result of the exposure or suffers serious physical injuries or death as a result of ingestion.
20. Allow medical use of marijuana in the State under certain conditions as set forth in the bill. The bill, as amended, would allow patients with certain diagnosed debilitating conditions listed in the bill (such as PTSD, cancer, epilepsy, or HIV) to lawfully possess and or purchase an “adequate supply” of marijuana, as defined in the bill, if they obtain a registry information card from the North Carolina Department of Health and Human Services to lawfully possess and purchase marijuana, based upon a written certification from a physician stating that the patient suffers from a debilitating medical condition.

The provisions in the amended bill addressing medical use of marijuana are identical to [Senate Bill 3](#), NC Compassionate Care Act, which is summarized in the January 27, 2023 and February 24, 2023 Weekly Legislative Reports.

[HOUSE BILL 834](#), Juvenile Justice Modifications, has been vetoed by Governor Roy Cooper and has been returned to the General Assembly to see if there are sufficient votes to override the Governor’s veto. If the General Assembly overrides the veto and the bill becomes law, the bill would make various changes to the procedures for the transfer of delinquent juveniles between juvenile court and superior court, the secure custody process, and the punishment for solicitation to commit a crime.

[SENATE BILL 425](#), Medicaid Agency Omnibus.-AB, has been amended in the House to replace the entire contents of the bill and rename the bill HHS Omnibus. The bill has passed the House with amendment and has been sent back to the Senate for consideration of the House amendment. The bill, as amended, would specify that if an individual is surrendering an infant not more than 30 days of age to a first responder, including a law enforcement officer, they must surrender the infant to a first responder who is on duty.

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

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