This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 600: Regulatory Reform Act of 2023.

2023-2024 General Assembly

Committee:	House Regulatory Reform. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	May 3, 2023
Introduced by:	Reps. Riddell, Zenger, Brody, Chesser	**Prepared by:**	Kyle Evans Committee Counsel
Analysis of:	PCS to First Edition H600-CSBR-15		

OVERVIEW: The Proposed Committee Substitute (PCS) to House Bill 600 would amend State laws related to State and local government, agriculture, energy, environment, natural resources, and other various regulations.

CURRENT LAW & BILL ANALYSIS:

PART I. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL RESOURCES PROVISIONS

AMEND LAWS FOR DISPOSAL OF ANIMALS SURRENDERED TO AN ANIMAL SHELTER

Section 1 would create a process by which animal shelters could impound a healthy, unowned cat and sterilize, ear-tip, vaccinate, and provide other veterinarian-directed treatment to the cat before returning the cat to where it was trapped. The 72-hour minimum hold requirements for cats impounded in this manner could be waived, provided the animal shelter traps, treats, and returns the cat consistent with criteria required to be adopted by the Board of Agriculture pursuant to this section. This section would also add recordkeeping requirements for cats trapped in this manner and would make conforming changes.

STORMWATER PERMITTING MODIFICATIONS (Sections 2–4)

G.S. 143-214.7 governs requirements for stormwater control.

- In 2015, the General Assembly enacted legislation to provide that development may occur within an area that would otherwise be required to be placed within a vegetative buffer required by the pursuant to other statute to protect classified shellfish waters, outstanding resource waters, and high-quality waters provided the stormwater runoff from the development is collected and treated from the entire impervious area and discharged so that it passes through the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.
- In 2017, the General Assembly modified that legislation to provide that when a preexisting development is redeveloped, either in whole or in part, increased stormwater controls may only be

required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment.

- In 2021, language was added to provide that a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities for the purpose of exceeding allowable density under the applicable water supply watershed rules[1].

CHANGES TO REQUIREMENTS FOR DEVELOPMENT IN VEGETATIVE BUFFERS

Section 2 would:

- Modify the statutory provision governing development in the vegetative buffer to:
  - Eliminate the requirement that stormwater runoff from the entire impervious area of the development is collected, treated, and discharged so that it passes through a segment of the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.
  - In lieu, require that stormwater runoff from the built-upon area of the vegetative buffer be collected, treated, and discharged so that it passes through a segment of the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.

CHANGES TO STORMWATER TREATMENT REQUIRED WHEN PREEXISTING DEVELOPMENT IS REDEVELOPED, AND FOR EXEMPTION FROM DENSITY LIMITATIONS IN WATER SUPPLY WATERSHED

Section 3 would:

- Modify the language providing that when a preexisting development is redeveloped, either in whole or in part, increased stormwater controls may only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment.

  The PCS would also add language that provides that this requirement applies irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity.
- Modify the statutory provision authorizing a property owner to voluntarily elect to treat all stormwater from preexisting development or redevelopment for the purpose of exceeding allowable density under the applicable water supply watershed rules to:

[1] Under State law, the Environmental Management Commission (EMC) is required to assign each water supply watershed in the State an appropriate classification and applicable minimum management requirements. In addition, every local government that has within its jurisdiction all or a portion of a water supply watershed must adopt and implement a water supply watershed protection program that complies with the minimum standards adopted by the EMC (see applicable rule) that: (i) controls development density within the watershed and (ii) provides for performance-based alternatives to development density controls that are based on sound engineering principles.

- Eliminate the requirement that a property treat all stormwater from preexisting development or redevelopment activities in order to exceed allowable density under the applicable water supply watershed rules.
- In lieu, require that the property owner treat the increase in stormwater resulting from the net increase in built-upon areas, in order to exceed allowable density under the applicable water supply watershed rules.

EXEMPTION FROM REQUIREMENTS OF POST-CONSTRUCTION STORMWATER RULE

Section .1000 of 15A NCAC 02H establishes post-construction stormwater requirements for certain development projects. 15A NCAC 02H .1001 (Post Construction Stormwater Management: Purpose and Scope) sets forth various exemptions from the section's requirements, including linear transportation projects undertaken by an entity other than the NCDOT when:

- The project is constructed to NCDOT standards and is in accordance with the NCDOT Stormwater Best Management Practices.
- Upon completion, the project will be conveyed either to the NCDOT or another public entity and will be regulated in accordance with that entity's NPDES MS4 stormwater permit; and
- The project is not part of a common plan of development.

Section 4 would require the Environmental Management Commission to modify 15A NCAC 02H .1001 to strike the reference to "common plan of development" in the exemption described above, thereby allowing an exemption for linear transportation projects undertaken by an entity other than the North Carolina Department of Transportation, which are part of a common plan of development (and comply with the other two criteria), from requirements under the rule. Under those rules, the following relevant definitions apply:

- "Public linear transportation project" means a project consisting of a road, bridge, sidewalk, greenway, or railway that is on a public thoroughfare plan or provides improved access for existing development and that is owned and maintained by a public entity.
- "Common plan of development" means a site where multiple separate and distinct development activities may be taking place at different times on different schedules but governed by a single development plan regardless of ownership of the parcels. Information that may be used to determine a "common plan of development" include plats, blueprints, marketing plans, contracts, building permits, public notices or hearings, zoning requests, and infrastructure development plans.

MODIFY CERTAIN RULES RELATED TO DEVELOPMENT DENSITY IN WATER SUPPLY WATERSHEDS, AS APPLICABLE IN IREDELL COUNTY AND THE TOWN OF MOORESVILLE

Pursuant to State law, the Environmental Management Commission (EMC) is required to assign each water supply watershed in the State an appropriate classification and applicable minimum management requirements. In addition, every local government that has within its jurisdiction all or a portion of a water supply watershed must adopt and implement a water supply watershed protection program that complies with the minimum standards adopted by the EMC (see applicable rule) that: (i) controls development

density within the watershed and (ii) provides for performance-based alternatives to development density controls that are based on sound engineering principles.

15A NCAC 02B .0624(7) authorizes local governments to exercise the "10/70 option" whereby a maximum of 10 percent of the land area of a water supply watershed outside of the critical areas may be developed up to 70 percent built-upon area.

Section 5 would direct the EMC to implement 15A NCAC 02B .0624 to authorize Iredell County and the Town of Mooresville to regulate development in water supply watersheds within their planning jurisdiction so that a maximum of 20 percent of the land area of a water supply watershed outside of the critical areas may be developed up to 70 percent built-upon area.

MODIFY THE APPLICATION OF RIPARIAN BUFFER RULES REGARDING AIRPORT FACILITIES

Six river basins or watersheds across the State have specific riparian buffer rules: the Neuse, Tar-Pamlico, Catawba, Randleman Goose Creek, and Jordan rules. These rules generally require a 50-foot riparian buffer that is divided into two zones. The 30 feet closest to the water (Zone 1) must remain undisturbed. The outer 20 feet (Zone 2) can be managed vegetation, such as lawns or shrubbery. The rules do, however allow for uses that are present and ongoing (i.e., existing uses) to remain in the buffer. For new uses, the riparian buffer rules include a Table of Uses that lists activities allowed in each zone of the buffer. There are three different categories of allowable activities:

- Exempt uses are allowed in the riparian buffer without approval from the Division or Local Government.
- Allowable uses may occur in the buffer on a case-by-case basis with approval from the Division or Local Government.
- Allowable with mitigation uses may occur in the buffer on a case-by-case basis with approval from the Division or Local Government when mitigation is provided.

The Neuse and Jordan rules currently include detailed definitions for "airport facilities" and in their respective Table of Uses, designate allowable and allowable with mitigation uses.

In the case where a use is "allowable," or "allowable with mitigation," generally the rules require Authorization Certificate under 15A NCAC 02B .0611(b) shall be required for any work in connection with an Airport Impacted Property, but such work shall be required to provide for mitigation in conformance with applicable Neuse River Basin Riparian Buffer Rules.

Section 6 would:

- Modify the definition for "airport facilities" in these sections of the rules to "include all areas used or suitable for use as borrow areas, staging areas, or other similar areas of the airport that are used or suitable for use directly or indirectly in connection with the construction, dismantling, modification or similar action pertaining to any of the properties, facilities, buildings, or structures" already described in the rules. The provision would also apply this modified definition, as relevant, in other sections of the Subchapter.
- Provide that notwithstanding any provisions of the Neuse River Basin Buffer Rules, no Authorization Certificate would be required for any work in connection with an Airport Impacted Property, but such work would be required to provide for mitigation in conformance with applicable Neuse River Basin Riparian Buffer Rules.

MODIFY CERTAIN PROVISIONS OF THE FLOODPLAIN REGULATION STATUTES TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO ISSUE FLOODPLAIN PERMITS FOR CERTAIN AIRPORT PROJECTS

The statutes on "floodway regulation":

- Authorize local governments to adopt ordinances to regulate uses in flood hazard areas and grant permits for the use of flood hazard areas.
- Require the Department of Public Safety (DPS) to provide advice and assistance to any local government having responsibilities under the regulations. In exercising this function, the Department may furnish manuals, suggested standards, plans, and other technical data; conduct training programs; give advice and assistance with respect to delineation of flood hazard areas and the development of appropriate ordinances; and provide any other advice and assistance that the Department deems appropriate.
- Authorize DPS to prepare a floodplain map that identifies the 100-year floodplain, in certain circumstances.

Section 7 would require DPS to grant a permit for the use of an eligible flood hazard area in connection with an airport project for which an airport authority received a no-rise certificate for that airport project where there is no local government that has a clearly demonstrated statutory authority to issue such a permit for the airport project for the use of a flood hazard area. In the event the Department does not issue a permit for the airport project within 30 days of its receipt of a written request submitted by an airport authority for an airport project, the permit is deemed issued to the airport authority for the airport project by operation of law. Various criteria for an "eligible flood hazard area" would be established by the bill. A "no-rise certificate" would be defined as a certificate "that has been accepted by the Department as demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge."

WASTEWATER DESIGN FLOW RATE RULE CHANGE

The current design daily flow for new dwellings, established in 15A NCAC 02T .0114, is 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day.

Section 8 would direct the Environmental Management Commission to implement 15A NCAC 02T .0114 to set the design daily flow for dwelling units to 75 gallons per day per bedroom. This section would also set the minimum volume of sewage from each dwelling unit to 75 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 75 gallons per day.

UTILITIES COMMISSION AUTHORITY TO ALLOW OWNERS' ASSOCIATIONS TO CHARGE FOR THE COSTS OF PROVIDING WATER AND SEWER SERVICE

To encourage water conservation, G.S. 62-110(g) authorizes the Utilities Commission (Commission) to adopt procedures that allow a lessor to charge for the costs of providing water or sewer service to persons who occupy a leased premises. The statute required that all charges for water or sewer service be based on the user's metered consumption of water, which must be determined by metered measurement of all

water consumed. In 2022, the Commission was authorized to adopt procedures to allow a lessor of a leased residential premise to equally divide the amount of a water and sewer bill for a unit among all the lessees in the unit and bill each lessee accordingly.

Section 9 would authorize the Commission to adopt procedures to allow an owner's association to charge for the costs of providing water or sewer service to persons who occupy townhomes within a planned community, and a unit owners' association to charge for the costs of providing water or sewer service to persons who occupy a condominium. For purposes of this section, a townhome is a single-family dwelling unit constructed in a group of three or more attached units.

PROHIBIT COUNTIES FROM REGULATING BY ORDINANCE CERTAIN OFF-SITE WASTEWATER SYSTEMS

Section 10 would provide that a "unit of local government" shall not prohibit or regulate by ordinance the use of off-site wastewater systems or other Department-approved systems when the proposed systems meet those requirements. Current law only prevents municipalities from prohibiting or regulating by ordinance such systems.

PROHIBIT SALE OF NUTRIENT OFFSETS FROM MUNICIPAL NUTRIENT OFFSET BANKS TO THIRD PARTIES

Various river basins and watersheds in the State are subject to nutrient reduction strategies for nitrogen and phosphorus (Neuse River Basin, Tar-Pamlico River Basin, Jordan Lake Watershed, and Falls Lake Watershed). The rules regulate sources of nutrient pollution in each basin or watershed including wastewater, stormwater, and agricultural nutrient sources. Where nutrient reduction requirements exist Nutrient Offset Mitigation may be required for any new or existing development. The statutes authorize the purchase of nutrient offset credits to offset nutrient loadings to surface waters as follows:

- A government entity[2] may purchase nutrient offset credits through either:
    - (1) Participation in a nutrient offset bank that has been approved by the Department of Environmental Quality if the Department approves the use of the bank for the required nutrient offsets.
    - (2) Payment of a nutrient offset fee established by the Department into the Riparian Buffer Restoration Fund.
- A party other than a government entity, may purchase nutrient offset credits through either:
    - (1) Participation in a nutrient offset bank that has been approved by the Department if the Department approves the use of the bank for the required nutrient offsets.
    - (2) Payment of a nutrient offset fee established by the Department into the Riparian Buffer Restoration Fund if the applicant who demonstrates that the option previous option is unavailable.

[2] Defined as "[t]he State and its agencies and subdivisions, or the federal government. "Government entity" does not include a unit of local government unless the unit of local government was a party to a mitigation banking instrument executed on or before July 1, 2011, notwithstanding subsequent amendments to such instrument executed after July 1, 2011."

Section 11 would prohibit nutrient offset banks owned by a unit of local government, from selling nutrient offset credits to a third party.

PART II. STATE AND LOCAL GOVERNMENT PROVISIONS

LIMIT LOCAL GOVERNMENT ZONING AUTHORITY

Under current law, local government zoning and development regulations may not (i) set a minimum square footage of structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings, or (ii) set a maximum parking space size larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.

Section 12 would additionally prohibit local government zoning and development regulations from requiring additional entrances into a residential subdivision that are not in compliance with the number of entrance requirements into a residential subdivision set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings.

This section would be effective when it becomes law and would apply to existing municipal or county ordinances. Any municipal or county ordinance inconsistent with this section would be void and unenforceable.

PROHIBIT LOCAL GOVERNMENTS FROM IMPOSING REQUIREMENTS ON ACCESS POINTS FOR SCHOOL ROADS IN ADDITION TO REQUIREMENTS IMPOSED BY THE DEPARTMENT OF TRANSPORTATION

Under current law, a city may only require street improvements related to schools that are required for safe ingress and egress to the municipal street system and that are physically connected to a driveway on the school site. These improvements must not exceed those required by Department of Transportation (DOT) rules concerning the size, location, direction of traffic flow, and the construction of driveway connections into any street or highway which is a part of the State Highway System.

DOT must coordinate with all public and private entities planning schools to provide written recommendations and evaluations of driveway access and traffic operational and safety impacts on the State highway system resulting from the development of the proposed sites. Upon the request of an entity building, relocating, or expanding a school, the Department must provide a written evaluation and recommendations to ensure that all proposed access points comply with the criteria in the current DOT "Policy on Street and Driveway Access."

Section 13 would provide that any local government may not impose any requirement regarding access points, driveway access, or curb cuts for a property to be used by a school that are in addition to those imposed by the Department of Transportation in their written evaluation and recommendations.

DEEMED COMPLIANCE OF SUBDIVISION STREETS WITH MINIMUM STANDARDS OF BOARD OF TRANSPORTATION

G.S. 136-102.6(d) requires the Board of Transportation to add transportation improvements designated as public to the State highway system for maintenance no later than 90 days after receipt of a petition for

road addition and the Department determines those subdivision streets meet the minimum standards of the Board of Transportation.

Section 14 would provide that if the Department of Transportation fails to make a final determination whether a subdivision street meets the minimum standards of the Board of Transportation within 120 days of receipt of the petition for road addition in the State highway system, the subdivision street shall be deemed to meet the minimum standards of the Board of Transportation.

DEPARTMENT OF INFORMATION TECHNOLOGY PROCUREMENT CHANGES

Section 14.5 would allow the Department of Information Technology's procurement activities, including but not limited to the Statewide Information technology Procurement Office, to be funded through a combination of administrative fees as part of the IT Supplemental Staffing contract, as well as fees charged to agencies using their services.

PART III. LABOR PROVISIONS

CLARIFY THAT INFLATABLE DEVICES ARE NOT AMUSEMENT DEVICES

The Amusement Device Safety Act charges the Department of Labor with regulating the use and operation of amusement devices in the State.

Section 15 would clarify that inflatable devices, including air-supported devices made of flexible fabric, inflated by on or more blowers, that relies upon air pressure to maintain its shape, are not considered amusement devices subject to Department of Labor regulation. This section would also make technical and conforming changes to the Amusement Device Safety Act.

DIRECT THE DEPARTMENT OF LABOR TO WORK WITH THE NORTH CAROLINA BUILDING CODE COUNCIL TO STUDY ELECTRICAL REQUIREMENTS FOR ELEVATOR INSTALLATION, PERMITTING, AND INSPECTION

Section 16 would direct the Standards and Inspections Division of the Department of Labor to study existing requirements for electrical work conducted during the installation of elevators to identify deficiencies or conflicts in statute or rule. The Division must consult with the Building Code Council and may consult with the Office of the State Fire Marshal or any other State or local government organization in conducting the study. The Division must report its findings and recommendations to the House Committee on Regulatory Reform by March 1, 2024, and must consider all of the following:

- Current Department of Labor requirements for elevator installation, particularly with respect to electrical work and inspection, found in the Elevator Safety Act.
- Current requirements for electrical work, including fire alarm installation, found in the latest version of the North Carolina Building Code.
- Whether conflicts exist between current Division and Building Code requirements with respect to elevators, electrical wiring, or fire alarm installation, and what steps can be taken to resolve those conflicts.
- Whether the Division needs additional personnel trained and certified as electrical inspectors pursuant to the National Electrical Code.

EXEMPTING MINOR LEAGUE BASEBALL PLAYERS EMPLOYED UNDER A COLLECTIVE BARGAINING AGREEMENT FROM STATE MINIMUM WAGE, OVERTIME, AND RECORD KEEPING REQUIREMENTS

Employees who work for employers with at least two employees and that meet either of the following conditions are covered by the federal Fair Labor Standards Act (FLSA):

- The employer has an annual dollar volume of sales or business of at least $500,000.
- The employer is a hospital, a provider of medical or nursing care for residents, a school, a preschool, or a government agency.

The FLSA requires that covered employers pay their employees at least the federal minimum wage and overtime pay (i.e., at time and one-half the regular rate of pay after 40 hours in a workweek), except for certain classes of exempt employees. States may elect to either apply the federal exemptions or to apply minimum wage and overtime requirements that are more protective than the FLSA.

In 2018, the United States Congress enacted the Save America's Pastime Act, which exempts baseball players from federal minimum wage and overtime requirements if compensated under a contract that provides a weekly salary at a rate not less than a weekly salary equal to the federal minimum wage for a 40-hour workweek, irrespective of the number of hours the employee devotes to baseball related activities.

Section 17 would exempt minor league baseball players employed under a collective bargaining agreement from State minimum wage, overtime, and record keeping requirements.

This section would become effective August 1, 2023.

PART IV. HEALTH PROVISIONS

CODIFY MEDICAL RECORD RETENTION REQUIREMENT FOR HEALTH CARE PROVIDERS

Pursuant to 10A NCAC 13B .3903 (Preservation of Medical Records), the North Carolina Medical Care Commission requires hospitals to maintain patient records for a minimum of 11 years following the discharge of an adult patient, or in the case of a minor, until the patient's 30th birthday.

In 2022, the Medical Care Commission readopted 10A NCAC 13B .3903 with amendments. However, the Rules Review Commission objected to the readoption of this administrative rule on the basis that it exceeded the statutory authority delegated to the Commission.

Section 18 would codify a requirement that health care providers retain medical records for a minimum of ten years from the date of service to which the medical record pertains, or in the case of a minor, until the patient's 28th birthday.

NORTH CAROLINA HEALTH INFORMATION EXCHANGE ACT CHANGES

The Health Information Exchange Network (HIE Network) is a voluntary, statewide health information exchange network overseen and administered by the North Carolina Health Information Exchange Authority. Despite the voluntary nature of the HIE Network, hospitals, most physicians, physician assistants and nurse practitioners have been required to submit at least demographic and clinical data through the HIE Network pertaining to services rendered to Medicaid beneficiaries and to other State-

funded health care program beneficiaries and paid for with Medicaid or other State-funded health care funds since 2018. Beginning January 1, 2023, several other entities were required to submit demographic and clinical data, including dentists.

The Health Information Exchange Advisory Board (HIE Board) was also established in the Department of Information Technology to provide consultation to the Authority with respect to the advancement, administration, and operation of the HIE Network and on matters pertaining to health information technology and exchange, generally. It is a 12-member board with four members appointed by the President Pro Tempore of the Senate; four members appointed by the Speaker of the House of Representatives; three ex officio, nonvoting members; and the Executive Administrator of the State Health Plan for Teachers and State Employees or their designee, as an ex officio voting member.

Section 19.1 would make submitting data to the HIE Network voluntary for dentists and would also allow chiropractors to voluntarily submit data to the HIE Network.

Section 19.2 would add two members to the membership of the HIE Board, both of whom are to be a provider of Medicaid or other State-funded health care services that is connected to the HIE Network. One would be appointed by the President Pro Tempore of the Senate and one would be appointed by the Speaker of the House of Representatives.

CODIFY EXISTING STROKE CENTER DESIGNATIONS AND ADD A THROMBECTOMY-CAPABLE STROKE CENTER DESIGNATION

S.L. 2013-44 directed the Department of Health and Human Services (DHHS) to designate a qualified hospital as primary stroke center if that hospital submits an application that demonstrates the hospital is certified as a primary stroke center by the Joint Commission or other nationally recognized body that requires conformance to best practices for stroke care. DHHS maintains a list of hospitals designated as primary stroke centers on its website. Rules adopted by DHHS provide criteria for designating a hospital as a primary stroke center, comprehensive stroke center, or acute stroke ready hospital.

Section 20 would amend the existing stroke designation statute to codify the criteria for designating a hospital as a primary stroke center, comprehensive stroke center, or acute stroke ready hospital, and would provide that in addition to a certification from the Joint Commission, a certification from the American Heart Association would suffice to qualify as a designated stroke center. This section would also create a new designation for a thrombectomy-capable stroke center for hospitals that are so certified by the American Heart Association, Joint Commission, or other DHHS-approved certifying body. This section would also require certified hospitals to report that certification to DHHS within 90 days of receiving certification.

PART V. VARIOUS PROVISIONS

EXEMPT CERTIFIED REFLEXOLOGISTS FROM OVERSIGHT BY THE NORTH CAROLINA BOARD OF MASSAGE AND BODYWORK THERAPY

The North Carolina Massage and Bodywork Therapy Practice Act establishes legal requirements for licensure and regulation of massage and bodywork therapy practitioners (Article 36 of Chapter 90 of the General Statutes).

G.S. 90-622 defines "massage and bodywork therapy" as "systems of activity applied to the soft tissues of the human body for therapeutic, educational, and relaxation purposes. The application may include (*i*) pressure, friction, stroking, rocking, kneading, percussion, or passive or active stretching within the normal anatomical range of movement; (*ii*) complimentary methods, including the external application of water, heat, cold, lubricants, and other topical preparations; and (*iii*) the use of mechanical devices that mimic or enhance actions that may possibly be done by the hands."

Section 21 would provide that the following individuals engaged in the practice of reflexology are not subject to licensure requirements or regulation under the Massage and Bodywork Therapy Practice Act:

- Nationally certified reflexologists who have a current certification from the American Reflexology Certification Board (ARCB).
- Reflexology students working to obtain certification from the ARCB under the supervision of an ARCB-certified reflexologist. The licensure exemption for reflexology students would be effective for a maximum of 12 months from the beginning of the certification process.

This section would define "reflexology" as "a protocol of manual techniques, including thumb- and finger-walking, hook and backup, and rotating-on-a-point, that are applied to specific reflex areas predominately on the feet and hands and that stimulate the complex neural pathways linking body systems and support the body's efforts to function optimally." This section would become effective October 1, 2023.

TIME-LIMITED AUTHORIZATION FOR LEGISLATORS TO PERFORM WEDDING CEREMONIES

Under G.S. 51-1, a marriage ceremony may be conducted by an ordained minister of any religious denomination, a minister authorized by a church, or a magistrate. A marriage may also take place in accordance with any mode of solemnization recognized by any religious denomination, or federally or State recognized Indian Nation or Tribe.

Section 22 would temporarily authorize members of the General Assembly to perform marriage ceremonies in North Carolina from August 12, 2023, to August 15, 2023.

CLARIFICATIONS PERTAINING TO DOMESTIC VIOLENCE

Chapter 50B (Domestic Violence) of the General Statutes authorizes courts to issue domestic violence protective orders against a person who has had a "personal relationship" with the aggrieved party or a minor child residing with or in the custody of the aggrieved party when there is a fact-specific showing that there is a danger of acts of domestic violence against the aggrieved party or a minor child.

Section 23 would revise the definition of "personal relationship" as it pertain to the Domestic Violence statutes (Chapter 50B of the General Statutes), and clarify that nothing in the Domestic Violence statutes prevents a court from issuing an ex parte order during the pendency of a case if such order is requested by an aggrieved party and the court believes there is a danger of acts of domestic violence against the aggrieved party or a minor child.

EXPANSION OF THE HOMESCHOOL COOPERATIVE EXEMPTION TO THE DEFINITION OF CHILD CARE

Child care facilities are regulated by the Department of Health and Human Services (DHHS) pursuant to Article 7 of Chapter 110 of the General Statutes. Child care facilities subject to regulation by DHHS must register with DHHS and meet certain operating requirements.

Section 24 would revise the homeschool cooperative exemption to the definition of "child care" to allow cooperative arrangements to occur in a location outside the home of one of the cooperative participants.

EFFECTIVE DATE: Except as otherwise provided, this act would be effective when it becomes law.

Jennifer McGinnis, Chris Saunders, and Aaron McGlothlin, Legislative Analysis Division, substantially contributed to this summary.