

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 1196
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH50110-MGa-163B

Short Title: Funds/COVID-19 Tests & PPE for Congregate Lvg. (Public)

Sponsors: Representative Richardson.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING MANDATORY WEEKLY TESTING OF STAFF IN CONGREGATE
3 LIVING SETTINGS; AND APPROPRIATING CORONAVIRUS RELIEF FUNDS TO
4 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PURCHASE
5 COVID-19 DIAGNOSTIC TESTS AND PERSONAL PROTECTIVE EQUIPMENT FOR
6 DISTRIBUTION TO CONGREGATE LIVING SETTINGS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** As used in this act, congregate living settings include nursing homes
9 and other residential care facilities, other than correctional facilities, designated as congregate
10 living settings by the Department of Health and Human Services, Division of Health Service
11 Regulation (DHSR).

12 **SECTION 2.** Each person who owns, manages, operates, or otherwise controls a
13 congregate living setting shall require all staff working on the same premises as residents of the
14 congregate living setting to undergo a COVID-19 diagnostic test at least once each week. The
15 purpose of the weekly testing required by this section is to detect and restrict from the premises
16 any staff with a positive test result for an appropriate length of time to prevent COVID-19
17 transmission within the congregate living setting. The DHSR shall enforce the provisions of this
18 section and, within available appropriations, distribute free of charge to each congregate living
19 setting subject to the requirements of this section, a sufficient amount of COVID-19 diagnostic
20 tests and personal protective equipment to conduct the weekly testing required by this section.

21 **SECTION 3.(a)** The State Controller shall transfer the sum of twelve million dollars
22 (\$12,000,000) in nonrecurring funds for the 2019-2020 fiscal year from the Coronavirus Relief
23 Reserve established by Section 2.1 of S.L. 2020-4, to the Coronavirus Relief Fund established
24 by Section 2.2 of that act.

25 **SECTION 3.(b)** There is appropriated from the Coronavirus Relief Fund established
26 by Section 2.2 of S.L. 2020-4 to the Office of State Budget and Management the sum of twelve
27 million dollars (\$12,000,000) in nonrecurring funds, to be allocated to the DHSR to purchase and
28 distribute all of the following free of charge to each congregate living setting subject to the
29 requirements of Section 2 of this act:

- 30 (1) COVID-19 diagnostic test kits for the purpose of complying with the weekly
31 staff testing requirement set forth in Section 2 of this act.
32 (2) Personal protective equipment for staff, such as respiratory masks and gloves,
33 that meets federal Centers for Disease Control and Prevention standards and
34 guidelines.

35 **SECTION 3.(c)** The funds appropriated in this section shall not revert at the end of
36 the 2019-2020 fiscal year but shall remain available to expend until December 30, 2020.



1 **SECTION 4.** Nothing in this act shall be construed as an obligation by the General
2 Assembly to appropriate funds for the purposes of this act, or as an entitlement to any congregate
3 living setting, or its staff, to receive COVID-19 diagnostic test kits or personal protective
4 equipment purchased with State funds for the purpose of complying with Section 2 of this act.

5 **SECTION 5.** By March 1, 2021, the DHSR shall provide a report to the House
6 Appropriations Committee on Health and Human Services, the Senate Appropriations
7 Committee on Health and Human Services, and the Joint Legislative Oversight Committee on
8 Health and Human Services detailing the use of funds appropriated under this act. The report
9 shall include a list of the specific congregate living settings that are recipients of COVID-19
10 diagnostic tests and personal protective equipment purchased with funds appropriated under this
11 act.

12 **SECTION 6.** This act is effective when it becomes law and expires on the date the
13 Governor signs an executive order rescinding Executive Order No. 116 (2020), Declaration of a
14 State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of
15 COVID-19.