

February 16, 2005

**H 248. DOT RETIRED ENGINEERS.** *TO REMOVE THE CAP ON EARNINGS BY RETIRED DEPARTMENT OF TRANSPORTATION ENGINEERS AND ENGINEERING TECHNICIANS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.* GS 135-3(8)c provides that retiree benefits received under the Teachers' and State Employees' Retirement System (TSERS) will be suspended if a retiree's postretirement earnings from an employer participating in TSERS exceed certain limitations. Act adds new GS 135-3(8)c1 to exempt earnings of retired engineers or engineering technicians reemployed by the Dep't of Transportation. Defines 'retired engineer' or 'retired engineering technician' as TSERS retiree who has been retired and has not been employed in any capacity by DOT for at least six months prior to reemployment and who was a satisfactory employee during last year of employment. Further states that retirees shall be reemployed as probationary employees and shall not be eligible for career status or benefits. Effective July 1, 2005.

**Intro. by Cole, Saunders.**

Ref. to Pensions & Retirement

GS 135

June 13, 2005

**H 248. CHARLOTTE INTERSTATE LOOP (NEW).** Intro. 2/16/05. House committee substitute deletes all provisions of 1st edition and replaces it with *AN ACT TO REQUIRE THE OUTER LOOP AROUND CHARLOTTE TO BE COMPLETED BEFORE ANY EXPANSION LANES MAY BE CONSTRUCTED.* Amends GS 136-180(a) to delete provision authorizing use of Highway Trust Funds monies for the six-laning of the portion of the Charlotte Outer Loop from Johnston Road/US 521 south to I-77 south of Charlotte.

August 24, 2005

**H 248. METH. LAB PREVENTION ACT (NEW).** Intro. 2/16/05. Senate committee substitute replaces 2nd edition with *AN ACT TO PROVIDE THAT CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE STORED AND SOLD BEHIND A PHARMACY COUNTER; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF CERTAIN PSEUDOEPHEDRINE PRODUCTS; TO AUTHORIZE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADD OR DELETE SPECIFIC PSEUDOEPHEDRINE PRODUCTS FROM THE REQUIREMENTS OF THE ARTICLE, OR MODIFY SECURITY AND STORAGE MEASURES APPLICABLE TO SPECIFIC PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO CREATE THE LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS.* Committee substitute adopts the provisions of the 4th edition of S 686 with the following changes. New language throughout the bill limits the scope of the new law so that the restrictions on sales and transactions apply to pseudoephedrine products in the form of tablets or caplets and to those products for which the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services issues an order subjecting them to the law. Unless such an order is issued, any pseudoephedrine product that is

in the form of a liquid, liquid capsule, gel capsule, or pediatric product is exempt. Enacts new GS 90-113.58 to provide the Commission with the authority to issue these orders and outline certain procedures that must be followed. Amends new GS 90-113.52 to provide that any product that contains pseudoephedrine as an active ingredient must be sold behind a pharmacy counter. Deletes provisions that would have permitted retail establishments without a pharmacy on the premises to sell pseudoephedrine products under limited circumstances and subject to video surveillance. New GS 90-113.52(c) incorporates provisions from S 686 that require retailers of pseudoephedrine products to record information about each purchaser on a form developed by the state; committee substitute amends that section to require the form to be compatible with electronic data entry. New GS 90-113.52(d) incorporates provisions from S 686 that require retailers to maintain records of sales for two years from the date of sale, committee substitute requires retailers to provide law enforcement officers with access to those records within 48 hours of the time of the transaction. Deletes provisions of S 686 that would have allowed a person to request an exemption or conditional exemption from the requirements of the law. Enacts new GS 90-113.59 requiring the Commission to develop training programs for employees of establishments where pseudoephedrine products are sold. Deletes provision of S 686 that would have made larceny of any product containing pseudoephedrine as the sole active ingredient a felony. Deletes provision of S 686 that would have established the NC Methamphetamine Abuse Task Force and replaces it with a language establishing a 22-member Legislative Commission on Methamphetamine Abuse. The commission is charged with studying a variety of issues related to methamphetamine precursors, abuse and production. The commission is required to report annually on its activities to the General Assembly. The first report must be submitted on or before November 1, 2005. New language directs the State Bureau of Investigation to study issues regarding the use of pseudoephedrine products to make methamphetamine and to report annually to the Commission for Mental health, Developmental Disabilities, and Substance Abuse Services, the Legislative Commission on Methamphetamine Abuse, and the Joint Governmental Operations Subcommittee on Justice and Public Safety. The first report must be submitted by November 1, 2006. Adds language making provisions of the act severable. Changes the effective dates so that the following provisions are effective when the act becomes law: GS 90-113.58 (authorizing the Commission for Mental health, Developmental Disabilities, and Substance Abuse Services to issue orders); GS 90-113.59 (authorizing the same commission to develop training programs); the establishment of the Legislative Commission on Methamphetamine Abuse; the provision directing the State Bureau of Investigation to conduct a study; and the severability clause. All other provisions are effective January 15, 2006. Makes technical changes.

October 5, 2005

**SL 2005-434 (H 248). METH. LAB PREVENTION ACT. AN ACT TO PROVIDE THAT CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE SHALL NOT BE OFFERED FOR SELF-SERVICE SALES, BUT SHALL BE STORED AND SOLD BEHIND A PHARMACY COUNTER; TO PROVIDE THAT RETAILERS MUST REQUIRE IDENTIFICATION FROM PROSPECTIVE PURCHASERS AND MAINTAIN INFORMATION FROM EACH TRANSACTION IN A RECORD AVAILABLE FOR INSPECTION BY LAW ENFORCEMENT; TO PROVIDE FOR PURCHASE LIMITS ON CERTAIN PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE OF TWO PACKAGES PER SINGLE TRANSACTION AND THREE PACKAGES PER MONTH; TO PROVIDE THAT RETAILERS MUST TRAIN EMPLOYEES INVOLVED IN THE SALE OF CERTAIN PSEUDOEPHEDRINE PRODUCTS; TO AUTHORIZE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADD OR DELETE SPECIFIC PSEUDOEPHEDRINE PRODUCTS FROM THE REQUIREMENTS OF THE ARTICLE, OR MODIFY SECURITY AND STORAGE MEASURES APPLICABLE TO SPECIFIC PSEUDOEPHEDRINE PRODUCTS; TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES FOR RETAILERS', EMPLOYEES', AND PURCHASERS' VIOLATIONS OF THE ACT; TO CREATE THE LEGISLATIVE COMMISSION ON METHAMPHETAMINE ABUSE; TO REQUIRE THAT WHOLESALE DISTRIBUTORS OF PRODUCTS THAT CONTAIN PSEUDOEPHEDRINE MUST BE LICENSED UNDER ARTICLE 12A OF CHAPTER 106 OF THE GENERAL STATUTES; TO MAKE THE MANUFACTURE OF METHAMPHETAMINE IN A**

*DWELLING THAT IS ONE OF FOUR OR MORE CONTIGUOUS DWELLINGS AN AGGRAVATING FACTOR; TO PROVIDE FOR RESTRICTED BAIL FOR CERTAIN PERSONS ARRESTED FOR VIOLATIONS OF G.S. 90-95(B)(1A) OR G.S. 90-95(D1)(2)B.; AND TO PROHIBIT THE SALE OF DRUGS AS DEFINED UNDER THE NORTH CAROLINA FOOD, DRUG, AND COSMETIC ACT AND PRODUCTS CONTAINING PSEUDOEPHEDRINE BY CERTAIN PERSONS.* Summarized in *Daily Bulletin* 8/24/05. Enacted September 27, 2005. GS 90-113.58 and GS 90-113.59, as enacted by Section 1, and Sections 7–10 are effective September 27, 2005. The remainder is effective January 15, 2006.