

March 25, 2009

**S 884. RENUNCIATION AMENDMENTS (=H 800).** Filed 3/25/09. *TO AMEND THE LAW RELATING TO RENUNCIATIONS AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE AND THE LAW GOVERNING POWERS OF ATTORNEY AND ADMINISTRATION OF DECEDENTS' ESTATES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Identical to H 800, filed 3/25/09.

**Intro. by Hartsell.**

GS 28A, 31B, 32A, 36C

May 11, 2009

**S 884. RENUNCIATION AMENDMENTS.** Filed 3/25/09. Senate committee substitute makes the following changes to 1st edition. Amends proposed GS 31B-3(k) to clarify that a renunciation is binding upon the person whose property is being renounced as well as a person whose interest is being renounced. Amends GS 36C-1-105(b) to provide that the terms of a trust do not prevail over the power of a trustee to renounce an interest in or power over property under GS 36C-8-816(32) (was, in accordance with the provisions of GS Chapter 31B). Makes additional conforming and technical changes.

July 23, 2009

**S 884. RENUNCIATION AMENDMENTS.** Filed 3/25/09. House committee substitute makes the following changes to 2nd edition. Deletes entire contents of the previous edition and replaces it with *AN ACT TO PROVIDE THAT THE TERM 'CIGAR BAR' INCLUDES A 'HOOKAH BAR' FOR PURPOSES OF EXTENDING TO HOOKAH BARS AND NO OTHERS THE EXEMPTION FOR CIGAR BARS FROM THE SMOKING PROHIBITIONS OF G.S. 130A-496(B)(2) AND G.S. 130A-498(B1)(6) IF THE HOOKAH BAR MEETS THE FOLLOWING FIVE REQUIREMENTS AND NO OTHERS: (1) THE HOOKAH BAR'S PRIMARY BUSINESS IS TO RENT TO PATRONS A HOOKAH PIPE THAT CONTAINS A SPECIFIED AMOUNT OF FLAVORED TOBACCO FOR THE PURPOSE OF SMOKING THE HOOKAH PIPE ON THE PREMISES, (2) FORTY PERCENT OF THE HOOKAH BAR'S QUARTERLY GROSS REVENUE IS GENERATED FROM HOOKAH PIPE RENTALS AND THE SALE OF FLAVORED TOBACCO, (3) THE HOOKAH BAR PROHIBITS INDIVIDUALS UNDER THE AGE OF EIGHTEEN FROM ENTERING THE HOOKAH BAR PREMISES, (4) THE HOOKAH BAR PROHIBITS THE SMOKING OF CIGARETTES AND CIGARS ON THE HOOKAH BAR'S PREMISES AND DOES NOT ALLOW INDIVIDUALS UNDER THE AGE OF TWENTY-ONE TO ENTER THE PREMISES IF IT HAS A PERMIT TO SELL ALCOHOLIC BEVERAGES, AND (5) THE HOOKAH BAR MEETS THE APPLICABLE REQUIREMENTS OF ARTICLE 23 OF CHAPTER 130A OF THE GENERAL STATUTES PERTAINING TO QUARTERLY REVENUE REPORTING AND VERIFICATION AND TO STRUCTURAL AND SMOKE MIGRATION REQUIREMENTS.*

Effective January 2, 2010, amends GS 130A-492(1a) to include hookah bars in the definition of *cigar bar* for the purposes of exemption from smoking prohibitions under GS 130A-496(b)(2) and GS 130A-498(b1)(6). Lists five requirements that the hookah bar must meet to qualify for the exemption as the title indicates.

August 6, 2009

**S 884. CIG SAF AMEND/DHHS ELEC. SUPERVISION (NEW).** Filed 3/25/09. House committee substitute House committee substitute deletes all the provisions of the 3rd edition and replaces it with *AN ACT TO MAKE CHANGES TO THE FIRE-SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ESTABLISH A PILOT PROGRAM TO STUDY ALTERNATIVE STAFFING REQUIREMENTS FOR FACILITIES THAT USE ELECTRONIC SUPERVISION DEVICES AND TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES ESTABLISHING ACCEPTABLE ELECTRONIC SUPERVISION STANDARDS AND RELATED PERSONNEL REQUIREMENTS AT FACILITIES FOR CHILDREN*

*AND ADOLESCENTS WHO HAVE A PRIMARY DIAGNOSIS OF MENTAL ILLNESS AND/OR EMOTIONAL DISTURBANCE.*

Amends GS 58-92-15(p) to direct the Commissioner of Insurance (Commissioner) to implement GS Chapter 58, Article 92 (Fire-Safety Standard and Firefighter Protection Act) in accordance with the implementation and substance of the New York Fire Safety Standards for Cigarettes as it read on August 24, 2007. Amends GS 58-92-30(g) law enforcement or authorized representatives of the Commissioner are authorized to seize and take possession of any cigarettes that have not been marked in the manner required by Article 92 (was, the manner required by GS 58-92-25). Effective January 1, 2010.

Authorizes the Commissioner to adopt rules, pursuant to GS Chapter 150B, necessary to effectuate the purposes of GS Chapter 58, Article 92, but prohibits the rules from becoming effective earlier than January 1, 2010.

Directs the Department of Health and Human Services (DHHS), Division of Health Service Regulation to establish a pilot program to study the use of electronic devices as an alternative method of supervision during sleep hours at facilities for children and adolescents who have a primary diagnosis of mental illness and/or emotional disturbance. Calls for the implementation of a pilot program using electronic supervision devices and provides criteria for determining a location for such a pilot program. Requires DHHS to report on the implementation of the pilot program to various legislative committees and the Fiscal Research Division no later than April 10, 2010.

Amends GS 143B-147(a)(2) to specify that the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services has the authority to adopt licensing rules that include: (1) standards for the use of electronic supervision devices during client sleep hours for facilities licensed under 10A NCAC 27G.1700 or any other regulations setting licensing standards for the facilities; and (2) personnel requirements for facilities licensed under 10A NCAC 27G.1700 or any other regulations setting licensing standards for the facilities when continuous electronic supervision is present.

The act becomes effective when it becomes law except as otherwise indicated.

September 1, 2009

**SL 2009-490 (S 884). CIGARETTE SAFETY AMENDMENTS/DHHS ELECTRONIC SUPERVISION.** *AN ACT TO MAKE CHANGES TO THE FIRE-SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ESTABLISH A PILOT PROGRAM TO STUDY ALTERNATIVE STAFFING REQUIREMENTS FOR FACILITIES THAT USE ELECTRONIC SUPERVISION DEVICES AND TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES ESTABLISHING ACCEPTABLE ELECTRONIC SUPERVISION STANDARDS AND RELATED PERSONNEL REQUIREMENTS AT FACILITIES FOR CHILDREN AND ADOLESCENTS WHO HAVE A PRIMARY DIAGNOSIS OF MENTAL ILLNESS AND/OR EMOTIONAL DISTURBANCE.* Summarized in *Daily Bulletin* 8/6/09. Enacted August 26, 2009. Sections 1 and 2 are effective January 1, 2010. The remainder is effective August 26, 2009.