

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 103
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30053-MVz-11

Short Title: GSC Technical Corrections 2023.

(Public)

Sponsors: Representative Davis.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND
3 SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 90-186 reads as rewritten:

7 "§ 90-186. Special powers of the Board.

8 In addition to the powers set forth in ~~G.S. 90-185 above,~~ G.S. 90-185, the Board ~~may;~~may do
9 any of the following:

10 (1) Fix minimum standards for continuing veterinary medical education for
11 veterinarians and ~~technicians, which shall be technicians.~~ These standards are
12 a condition precedent to the renewal of a veterinary license, limited license,
13 veterinary faculty certificate, zoo veterinary certificate, or veterinary
14 technician registration, respectively, registration under this Article;Article.

15 (2) Inspect any hospitals, clinics, mobile ~~units-units,~~ or other facilities used by
16 any practicing veterinarian, either by a member of the Board or its authorized
17 representatives, for the purpose of reporting the results of the inspection to the
18 Board on a form prescribed by the Board and seeking disciplinary action for
19 violations of health, sanitary, and medical waste disposal rules of the Board
20 ~~affecting that affect~~ the practice of veterinary medicine, or violations of rules
21 of any county, state, or federal department or agency having jurisdiction in
22 these areas of health, sanitation, and medical waste disposal that relate to or
23 affect the practice of veterinary medicine;medicine.

24 (3) **(Contingent expiration date – See editor's note)** Upon complaint or
25 information received by the Board, prohibit through summary emergency
26 order of the Board, prior to a hearing, the operation of any veterinary practice
27 facility that the Board determines is endangering, or may endanger, the public
28 health or safety or the welfare and safety of animals, and suspend the license
29 of the veterinarian operating the veterinary practice ~~facility, provided that~~
30 ~~upon facility.~~ Upon the issuance of any summary emergency order, the Board
31 shall initiate, within 10 days, a notice of hearing under the administrative rules
32 issued pursuant to this Article and Chapter 150B of the General Statutes for
33 an administrative hearing on the alleged ~~violation;~~violation.

34 (3) **(Contingent effective date – See editor's note)** Upon complaint or
35 information received by the Board, prohibit through summary emergency
36 order of the Board, prior to a hearing, the operation of any veterinary facility



1 that the Board determines is endangering, or may endanger, the public health
 2 or safety or the welfare and safety of animals, and suspend the license of the
 3 veterinarian operating the veterinary facility, provided that upon the issuance
 4 of any summary emergency order, the Board shall initiate, within 10 days, a
 5 notice of hearing under the administrative rules issued pursuant to this Article
 6 and Chapter 150B of the General Statutes for an administrative hearing on the
 7 alleged violation;

8 (4) Provide special registration for "veterinary ~~technicians,"~~technicians" and
 9 "veterinary student ~~interns" and "veterinary student preceptees"~~interns" and
 10 adopt rules concerning the training, ~~registration~~registration, and service limits
 11 of ~~such these~~ assistants while employed by and acting under the supervision
 12 and responsibility of veterinarians. The Board has exclusive jurisdiction in
 13 determining eligibility and qualification requirements for these assistants.
 14 Renewals of registrations for veterinary technicians shall be required at least
 15 every 24 months, ~~provided that so long as~~ the certificate of registration for the
 16 veterinary technician is otherwise eligible for ~~renewal;~~renewal.

17 (5) Provide, pursuant to administrative rules, requirements for the inactive status
 18 of licenses and limited veterinary ~~licenses;~~licenses.

19 (6) Set and require fees pursuant to administrative rule. The Board may increase
 20 the following fees, ~~provided so long as~~ (i) no fee shall be increased more than
 21 fifteen percent (15%) within a calendar year and (ii) the cumulative total
 22 increases of any fee shall not exceed one hundred percent (100%) of the fee
 23 amounts set in this subdivision:

24 ...

25 d. **(Contingent expiration date – See editor's note)** Inspection of a
 26 veterinary practice facility, ~~resulting from a serious inspection~~
 27 ~~violation or as a result of the complaint,~~ in the amount of one hundred
 28 fifty ~~fifty~~ dollars ~~(\$150.00)~~(\$150.00).

29 d. **(Contingent effective date – See editor's note)** Inspection of a
 30 veterinary facility, resulting from a serious inspection violation or as a
 31 result of the complaint, in the amount of one hundred fifty dollars
 32 (\$150.00).

33 ...

34 (7) Pursuant to administrative rule, to assess and recover against persons holding
 35 licenses, limited licenses, temporary permits, or any certificates issued by the
 36 Board, costs reasonably incurred by the Board in the investigation,
 37 prosecution, hearing, or other administrative action of the Board in final
 38 decisions or orders where those persons are found to have violated the
 39 Veterinary Practice Act or administrative rules of the Board issued pursuant
 40 to the ~~Act; provided, that all~~ Act. ~~All recovered costs shall be~~ are the property
 41 of the Board.

42 (8) Pursuant to administrative rule, the Board may establish all provisions and
 43 requirements for a veterinary facility permit, the issuance of which ~~shall be is~~
 44 required for any facility where veterinary medicine is practiced, except for
 45 animal shelters registered with the Department of Agriculture and Consumer
 46 Services.

47"

48 **SECTION 1.(b)** G.S. 90-186, as amended by subsection (a) of this section, reads as

49 rewritten:

50 "**§ 90-186. Special powers of the Board.**

51 In addition to the powers set forth in G.S. 90-185, the Board may do any of the following:

1 ...
 2 (6) Set and require fees pursuant to administrative rule. The Board may increase
 3 the following fees, so long as (i) no fee shall be increased more than fifteen
 4 percent (15%) within a calendar year and (ii) the cumulative total increases of
 5 any fee shall not exceed one hundred percent (100%) of the fee amounts set
 6 in this subdivision:

- 7 ...
 8 d. **(Contingent expiration date – See editor's note)** Inspection of a
 9 veterinary practice facility, in the amount of one hundred fifty dollars
 10 (\$150.00).
 11 d. **(Contingent effective date – See editor's note)** Inspection of a
 12 veterinary facility, resulting from a serious inspection violation or as a
 13 result of a complaint, in the amount of one hundred fifty dollars
 14 (\$150.00).
 15"

16 **SECTION 1.(c)** Subsection (a) of this section is effective retroactively to October 1,
 17 2022. Subsection (b) of this section becomes effective 60 days after the date that the rules adopted
 18 pursuant to Section 4 of S.L. 2019-170 become effective. Except as otherwise provided, this
 19 section is effective when it becomes law.

20 **SECTION 2.** G.S. 93B-8.1 reads as rewritten:

21 "**§ 93B-8.1. Use of criminal history records.**

- 22 (a) The following definitions apply in this section:
 23 (1) Applicant. – ~~A person~~ An individual who makes application for licensure from
 24 ~~an occupational licensing board~~ a board.
 25 (2) Board. – An occupational licensing board or a State agency licensing board as
 26 defined in G.S. 93B-1.
 27 (3) Criminal history record. – A State or federal history of conviction of a crime,
 28 whether a misdemeanor or felony, that bears upon an applicant's or a licensee's
 29 fitness to be licensed or disciplined.
 30 (4) Licensee. – ~~A person~~ An individual who has obtained a license to engage in
 31 or represent himself or herself to be a member of a particular profession or
 32 occupation.

33 (b) Unless federal law governing a particular board provides otherwise, a board may deny
 34 an applicant on the basis of a conviction of a crime only if the board finds that the applicant's
 35 criminal conviction history is directly related to the duties and responsibilities for the licensed
 36 occupation or the conviction is for a crime that is violent or sexual in nature. Notwithstanding
 37 any other provision of law, a board shall not automatically deny licensure on the basis of an
 38 applicant's criminal history, and no board ~~may~~ shall deny an applicant a license based on a
 39 determination that a conviction is for a crime of moral turpitude. The board shall make its
 40 determination based on the factors specified in subsection ~~(b1)~~ (b1) of this section.

41 (b1) Before a board may deny an applicant a license due to a criminal conviction under
 42 subsection (b) of this section, the board ~~must~~ shall specifically consider all of the following
 43 factors:

- 44 (1) The level and seriousness of the crime.
 45 (2) The date of the crime.
 46 (3) The age of the ~~person~~ individual at the time of the crime.
 47 (4) The circumstances surrounding the commission of the crime, if known.
 48 (5) The nexus between the criminal conduct and the prospective duties of the
 49 applicant as a licensee.
 50 (6) The prison, jail, probation, parole, rehabilitation, and employment records of
 51 the applicant since the date the crime was committed.

- 1 (6a) The completion of, or active participation in, rehabilitative drug or alcohol
2 treatment.
- 3 (6b) A Certificate of Relief granted pursuant to G.S. 15A-173.2.
- 4 (7) The subsequent commission of a crime by the applicant.
- 5 (8) Any affidavits or other written documents, including character references.
- 6 (b2) If the board denies an applicant a license under this section, the board ~~shall~~shall do
7 all of the following:
- 8 (1) Make written findings specifying the factors in subsection (b1) of this section
9 the board deemed relevant to the applicant and explaining the reason for the
10 denial. The board's presiding officer ~~must~~shall sign the findings.
- 11 (2) Provide or serve a signed copy of the written findings to the applicant within
12 60 days of the denial.
- 13 (3) Retain a signed copy of the written findings for no less than five years.
- 14 (b3) Each board shall include in its application for licensure and on its public ~~Web site~~
15 website all of the following information:
- 16 (1) Whether the board requires applicants to consent to a criminal history record
17 check.
- 18 (2) The factors considered by the board under subsection (b1) of this section
19 ~~which the board shall consider~~ when making a determination of licensure.
- 20 (3) The appeals process pursuant to Chapter 150B of the General Statutes if the
21 board denies an applicant licensure in whole or in part because of a criminal
22 conviction.
- 23 (b4) If a board requires an applicant to submit a criminal history record, the board shall
24 require the provider of the criminal history record to provide the applicant with access to the
25 applicant's criminal history record or otherwise deliver a copy of the criminal history record to
26 the applicant. If an applicant's criminal history includes matters that will or may prevent the board
27 from issuing a license to the applicant, the board shall notify the applicant in writing of the
28 specific issues in sufficient time for the applicant to provide additional documentation supporting
29 the application for consideration by the board prior to any final decision to deny the application.
30 After being notified of any potential issue with licensure due to one or more criminal
31 ~~conviction(s), convictions,~~ an applicant shall have 30 days to respond by either correcting any
32 inaccuracy in the criminal history record or submitting evidence of mitigation or rehabilitation
33 for consideration by the board.
- 34 (b5) If, following a hearing, a board denies an application for licensure, the board's written
35 order shall include specific reference to any criminal ~~conviction(s), conviction~~ considered as part
36 or all of any basis for the denial and the rationale for the denial, as well as a reference to the
37 appeal process and the applicant's ability to reapply. No applicant shall be restricted from
38 reapplying for licensure for more than two years from the date of the most recent application.
- 39 (b6) Notwithstanding any other provisions in the law, an individual with a criminal history
40 may petition a board at any time, including before ~~an~~the individual starts or completes any
41 mandatory education or training requirements, for a predetermination of whether the individual's
42 criminal history will likely disqualify the individual from obtaining a license. This petition shall
43 include a criminal history record report obtained by the individual from a reporting service
44 designated by the board, the cost of which shall be borne by the applicant. Criminal history
45 records relating to a predetermination petition ~~shall not be considered~~ are not public records under
46 Chapter 132 of the General Statutes. A board may predetermine that the petitioner's criminal
47 history is likely grounds for denial of a license only after the board has applied the requirements
48 of subsection (b) of this section. Each board shall delegate authority for ~~such a~~the
49 predetermination to its Executive Director ~~executive director~~ or their equivalent, ~~equivalent~~
50 officer, or to a committee of the board, so that the predeterminations can be made in a timely
51 manner. No board member having served on a predetermination committee for an individual

1 shall be required to recuse in any later determinations or hearings involving the same applicant.
2 The board shall inform the individual of the board's determination within 45 days of receiving
3 the petition from the individual. The board may charge a fee to recoup its costs not to exceed
4 forty-five dollars (\$45.00) for each petition. If the board determines an applicant would likely be
5 denied licensure based on ~~their~~ the individual's criminal history, the board shall notify the
6 individual in writing of the following:

7 (1) The grounds and reasons for the predetermination.

8 (2) That the petitioner has the right to complete any requirements for ~~licensure~~
9 ~~and licensure~~, to apply to the ~~board~~ board, and to have ~~their~~ the petitioner's
10 application considered by the board under its application process.

11 (3) That further evidence of rehabilitation will be considered upon application.

12 (b7) A predetermination made under subsection (b6) of this section that a petitioner's
13 criminal history would likely prevent ~~them from~~ licensure is not a final agency decision and ~~shall~~
14 does not entitle the individual to any right to judicial review under Article 4 of Chapter 150B of
15 the General Statutes.

16 (b8) A predetermination made under subsection (b6) of this section that a petitioner is
17 eligible for a license ~~shall be~~ is binding if both of the following apply:

18 (1) ~~the~~ The petitioner applies for licensure and fulfills all other requirements for
19 the occupational ~~license~~ license.

20 (2) ~~and the~~ The applicant's submitted criminal history was correct and remains
21 unchanged at the time of application for a license.

22 (c) ~~The board may deny licensure to an applicant who refuses~~ If a board requires an
23 applicant to consent to a criminal history record check or use of fingerprints or other identifying
24 information required by the State or National Repositories of Criminal ~~Histories~~ Histories, ~~the~~
25 board may deny licensure to an applicant who refuses to consent.

26 (c1) Nothing in this section or in G.S. 93B-1 ~~shall be construed as authorizing an~~
27 occupational licensing board or a State agency licensing ~~authorizes~~ a board to require an applicant
28 to consent to a criminal history record check or use of fingerprints or other identifying
29 information required by the State or National Repositories of Criminal Histories as a condition
30 of granting or renewing a license.

31 (d) This section does not apply to The North Carolina Criminal Justice Education and
32 Training Standards Commission and the North Carolina Sheriffs' Education and Training
33 Standards Commission."

34 **SECTION 3.** G.S. 130A-440.1 reads as rewritten:

35 **"§ 130A-440.1. Early Childhood Vision Care.**

36 (a) Vision Screening Required for Children Entering Kindergarten. – Every child in this
37 State entering kindergarten in the public ~~schools, beginning with the 2007-2008 school year,~~
38 schools shall obtain vision screening ~~in accordance with vision screening standards adopted by~~
39 ~~the Governor's Commission on Early Childhood Vision Care~~ screening. Within 180 days of the
40 start of the school year, the parent of the child shall present to the school principal or the
41 principal's designee certification that the child has, within the past 12 months, obtained vision
42 screening conducted by a licensed physician, optometrist, physician assistant, nurse practitioner,
43 registered nurse, orthoptist, or a vision screener certified by Prevent Blindness North Carolina,
44 or a comprehensive eye examination performed by an ophthalmologist or optometrist. The health
45 assessment transmittal form required pursuant to G.S. 130A-440 qualifies as certification that the
46 child has obtained the required vision screening. All providers conducting vision screening shall
47 provide each parent in writing the results of the vision screening on forms bearing the signature
48 of the ~~provider supplied to the provider by the Governor's Commission on Early Childhood~~
49 ~~Vision Care~~ provider. The provider shall also orally communicate this information to the parent
50 and shall take reasonable steps to ensure that the parent understands the information
51 communicated. In the instance where a child enters the first grade without having been enrolled

1 in a kindergarten program requiring a vision screening, the requirements for vision screening
2 under this subsection ~~shall~~ apply.

3 ~~comprehensive eye examination pursuant to the terms of this section not more than six~~
4 ~~months prior to the date of school entry~~

5 (a1) Comprehensive Eye Examination. – For children who receive and fail to pass a vision
6 screening as required under subsection (a) of this section, a comprehensive eye examination is
7 required. If a public school teacher, administrator, or other appropriate school personnel has
8 reason to believe that a child enrolled in kindergarten through third grade is having problems
9 with vision, the school personnel may recommend to the child's parent that the child have a
10 comprehensive eye examination. ~~Notification to the parent shall also inform the parent that funds~~
11 ~~may be available from the Governor's Commission on Early Childhood Vision Care to pay~~
12 ~~providers for the examination, including corrective lenses.~~

13 The comprehensive eye examination shall be conducted by a duly licensed optometrist or
14 ophthalmologist. The comprehensive eye examination conducted pursuant to this section shall
15 consist of a complete and thorough examination of the eye and shall ~~include~~include the
16 following:

- 17 (1) Measurement of visual ~~acuity~~acuity.
- 18 (2) Ocular alignment and ~~motility~~motility.
- 19 (3) Depth perception – ~~stereopsis~~stereopsis.
- 20 (4) ~~Fusion~~Fusion.
- 21 (5) Slit lamp examination of the lid margins, conjunctivae, cornea, anterior
22 chamber, iris, and crystalline ~~lens~~lens.
- 23 (6) Examination of the ocular adnexa, the anterior segment, and ~~pupils~~and pupils.
- 24 (7) Cycloplegic refraction and dilated fundus examination.

25 Health assessment vision screening under G.S. 130A-440 is not a comprehensive eye
26 examination for purposes of this section.

27 (b) Repealed by Session Laws 2006-240, s. 1(a), effective August 13, 2006.

28 (c) The results of a comprehensive eye examination conducted under this section shall
29 ~~be included on the comprehensive eye examination transmittal form developed by the~~
30 ~~Commission pursuant to G.S. 143B-216.75 and shall contain a summary of the comprehensive~~
31 ~~eye examination performed by the optometrist or ophthalmologist. Any treatment~~
32 ~~recommendations by the optometrist or ophthalmologist, such as spectacles for schoolwork, shall~~
33 ~~appear in the summary and school health card. The provider shall present a signed transmittal~~
34 ~~form to the parent upon completion of the examination. The parent shall submit the transmittal~~
35 ~~form to the school in accordance with this section.~~

36 (d) Repealed by Session Laws 2006-240, s. 1(a), effective August 13, 2006.

37 (e) G.S. 130A-441, 130A-442, and 130A-443, pertaining to health assessments, apply to
38 comprehensive eye examinations required under this section.

39 (f) No child shall be excluded from attending school for a parent's failure to obtain a
40 comprehensive eye examination required under this section. If a parent fails or refuses to obtain
41 a comprehensive eye examination or to provide the certification of a comprehensive eye
42 examination, the school shall send a written reminder to the parent of required eye ~~examinations~~
43 ~~and shall include information about funds that may be available from the Governor's Commission~~
44 ~~on Early Childhood Vision Care examinations.~~

45 (g) ~~In adopting standards for vision screening under this section and as required under~~
46 ~~G.S. 130A-440, the Commission shall take into account the resources necessary to comply with~~
47 ~~the standards and, if standards will require additional resources, shall mitigate the impact on~~
48 ~~resources without compromising vision screening effectiveness.~~

49 (h) As used in this section, the term "parent" means the parent, guardian, or person
50 standing in loco parentis."

1 **SECTION 4.(a)** Section 7(c) of S.L. 2022-73, as amended by Section 5.2(a) of S.L.
2 2022-72, reads as rewritten:
3 **"SECTION 7.(c)** This section is effective when it becomes law and applies to vacancies
4 occurring on or after that date."
5 **SECTION 4.(b)** This section is effective retroactively to July 11, 2022.
6 **SECTION 5.(a)** The introductory language of Section 15.3(f) of S.L. 2022-74 reads
7 as rewritten:
8 **"SECTION 15.3.(f)** ~~G.S. 112-275(e1)~~G.S. 113-275(c1) reads as rewritten:"
9 **SECTION 5.(b)** This section becomes effective July 1, 2023.
10 **SECTION 6.(a)** Section 20.4(b) of S.L. 2022-74 reads as rewritten:
11 **"SECTION 20.4.(b)** ~~G.S. 147-69.2(22)~~G.S. 147-69.22(a)(22) and G.S. 147-69.6A are
12 repealed."
13 **SECTION 6.(b)** This section is effective retroactively to July 1, 2022.
14 **SECTION 7.(a)** The introductory language of Section 39.16 of S.L. 2022-74 reads
15 as rewritten:
16 **"SECTION 39.16.** Section 39.15A(b) of S.L. 2021-180 reads as rewritten:"
17 **SECTION 7.(b)** This section is effective retroactively to July 1, 2022.
18 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
19 law.