



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

H1037-ASH-34 [v.2]

Page 1 of 1

Amends Title [NO]  
Filed Edition

Date 4-28, 2020

Representative Dobson

- 1 moves to amend the bill on page 1, line 28, by deleting "SECTION 2.1." and replacing with  
2 "SECTION 2.1(a)";  
3  
4 and on page 2, lines 18-19, by inserting the following line to read:  
5 "SECTION 2.1(b) This section is effective when it becomes law.";  
6  
7 And to amend the bill on page 12, line 7, by rewriting the line to read:  
8 "required by G.S. 122C-263 to determine whether the respondent will be involuntarily committed  
9 due to mental illness or by G.S. 122C-283(a) to determine whether the respondent will be  
10 involuntarily".

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

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NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037

AMENDMENT NO. 2  
(to be filled in by  
Principal Clerk)

H1037-ABC-112 [v.3]

Page 1 of 1

Amends Title [NO]  
First Edition

Date 4-28, 2020

Representative Sasser

1 moves to amend the bill on page 9, lines 6-7, by inserting a line between the lines to read:

2 "AUTHORIZATION FOR PHARMACISTS TO ADMINISTER COVID-19 TESTS

3 SECTION 4.8.(a) G.S. 90-85.3A is amended by adding a new subsection to read:

4 "(e) The administration by pharmacists of diagnostic tests and antibody tests for  
5 Coronavirus Disease 2019 to patients only if such tests have been approved or authorized for  
6 emergency use by the United States Food and Drug Administration."

7 SECTION 4.8.(b) This section is effective when it becomes law."  
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SIGNED \_\_\_\_\_  
Amendment Sponsor

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Committee Chair if Senate Committee Amendment

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NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037

AMENDMENT NO. 3  
(to be filled in by  
Principal Clerk)

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H1037-ABC-111 [v.3]

Amends Title [NO]  
First Edition

Date 28, 2020

Representative Sasser

1 moves to amend the bill on page 4, lines 36-50, by rewriting the lines to read:

2 " **PRESCRIPTION IDENTIFICATION REQUIREMENTS**

3 **SECTION 4.4.(a)** Notwithstanding any other provision of law to the contrary, for  
4 the duration of the COVID-19 emergency, pharmacists licensed in this State under Article 4A of  
5 Chapter 90 of the General Statutes may confirm the identity of any individual seeking  
6 dispensation of a prescription by the visual inspection of any form of government-issued photo  
7 identification. If the individual seeking dispensation is a known customer, the pharmacist may  
8 confirm the individual's identity by referencing existing records, including the controlled  
9 substances reporting system. Nothing in this section shall be construed to relieve a pharmacist  
10 of the obligation to review information in the controlled substances reporting system in  
11 accordance with G.S. 90-133.74D.

12 **SECTION 4.4.(b)** This section is effective when it becomes law and expires 60 days  
13 after Executive Order 116 is rescinded, or December 31, 2020, whichever is earlier."  
14  
15  
16

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Amendment Sponsor

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Committee Chair if Senate Committee Amendment

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NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037

AMENDMENT NO. 4  
(to be filled in by  
Principal Clerk)

H1037-ABC-115 [v.1]

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Amends Title [NO]  
First Edition

Date 4-28, 2020

Representative P. Jones

1 moves to amend the bill on page 7, line 3, through page 9, line 5, by rewriting the lines to read:  
2 **"HEALTH CARE LIABILITY PROTECTION FOR EMERGENCY OR DISASTER**  
3 **TREATMENT**

4 **SECTION 4.7.(a)** Chapter 90 of the General Statutes is amended by adding a new  
5 Article to read:

6 "Article 1L.

7 "Emergency or Disaster Treatment Protection Act.

8 **"§ 90-21.130. Short title.**

9 This Article shall be known and may be cited as the Emergency or Disaster Treatment  
10 Protection Act.

11 **"§ 90-21.131. Purpose.**

12 (a) It is the purpose of this section to promote the public health, safety and welfare of all  
13 citizens by broadly protecting the health care facilities and health care providers in this State  
14 from liability that may result from treatment of individuals during the COVID-19 public health  
15 emergency under conditions resulting from circumstances associated with the COVID-19 public  
16 health emergency. A public health emergency that occurs on a statewide basis requires an  
17 enormous response from state and federal and local governments working in concert with private  
18 and public health care providers in the community. The rendering of treatment to patients during  
19 such a public health emergency is a matter of vital state concern affecting the public health,  
20 safety, and welfare of all citizens.

21 **"§ 90-21.132. Definitions.**

22 The following definitions apply in this Article:

23 (1) COVID-19. – Coronavirus Disease 2019.

24 (2) COVID-19 emergency declaration. – Executive Order No. 116 issued March  
25 10, 2020, by Governor Roy A. Cooper, including any amendments issued by  
26 Executive Order, subject to extensions under Chapter 166A of the General  
27 Statutes.

28 (3) COVID-19 emergency rule. – Any executive order, declaration, directive,  
29 request, or other state or federal authorization, policy statement, rule-making,  
30 or regulation that waives, suspends, or modifies applicable State or federal  
31 law regarding scope of practice, including modifications authorizing health  
32 care providers licensed in another state to practice in this State, or the delivery



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- of care, including those regarding the facility space in which care is delivered and which equipment which is used during the COVID-19 emergency declaration.
- (4) Damages. – Economic or non-economic losses for harm to an individual.
- (5) Harm. – Physical and nonphysical contact that results in injury to or death of an individual.
- (6) Health care facility. – Any entity licensed pursuant to Chapters 122C, 131D, or 131E of the General Statutes or Article 64 of Chapter 58 of the General Statutes.
- (7) Health care provider. –
- a. An individual who is licensed, certified, or otherwise authorized under Chapters 90 or 90B of the General Statutes to provide health care services in the ordinary course of business or practice of a profession or in an approved education or training program.
- b. A health care facility where health care services are provided to patients, residents, or others to whom such services are provided as allowed by law.
- c. Individuals licensed under Chapter 90 of the General Statutes or practicing under a waiver in accordance with G.S. 90-12.5.
- d. Any emergency medical services personnel as defined in G.S. 131E-155(7).
- e. Any individual providing health care services within the scope of authority permitted by a COVID-19 emergency rule.
- f. Any individual who is employed as a health care facility administrator, executive, supervisor, board member, trustee, or other person in a managerial position or comparable role at a health care facility.
- g. An agent or employee of a health care facility that is licensed, certified, or otherwise authorized to provide health care services
- h. An officer or director of a health care facility.
- i. An agent or employee of a health care provider who is licensed, certified, or otherwise authorized to provide health care services.
- (8) Health care service. – Treatment, clinical direction, supervision, management, administrative or corporate service, provided by a health care facility or a health care provider during the period of the COVID-19 emergency declaration, regardless of the location in this State where the service is rendered:
- a. To provide testing, diagnosis, or treatment of a health condition, illness, injury, or disease related to a confirmed or suspected case of COVID-19.
- b. To dispense drugs, medical devices, medical appliances, or medical goods for the treatment of a health condition, illness, injury, or disease related to a confirmed or suspected case of COVID-19.

NORTH CAROLINA GENERAL ASSEMBLY  
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c. To provide care to any other individual who presents or otherwise seeks care at or from a health care facility or to a health care provider during the period of the COVID-19 emergency declaration.

(9) Volunteer organization. – Any medical organization, company, or institution that has made its facility or facilities available to support the State's response and activities under the COVID-19 emergency declaration and in accordance with any applicable COVID-19 emergency rule.

**"§ 90-21.133. Immunity.**

(a) Notwithstanding any law to the contrary, except as provided in subsection (b) of this section, any health care facility, health care provider, or entity that has legal responsibility for the acts or omissions of a health care provider shall have immunity from any civil liability for any harm or damages alleged to have been sustained as a result of an act or omission in the course of arranging for or providing health care services only if all of the following apply:

(1) The health care facility, health care provider, or entity is arranging for or providing health care services during the period of the COVID-19 emergency declaration, including but not limited to the arrangement or provision of those services pursuant to a COVID-19 emergency rule.

(2) The arrangement or provision of health care services is impacted, directly or indirectly:

a. By a health care facility, health care provider, or entity's decisions or activities in response to or as a result of the COVID-19 epidemic; or

b. By the decisions or activities, in response to or as a result of the COVID-19 epidemic, of a health care facility or entity where a health care provider provides health care services.

(3) The health care facility, health care provider, or entity is arranging for or providing health care services in good faith.

(b) The immunity from any civil liability provided in subsection (a) of this section shall not apply if the harm or damages were caused by an act or omission constituting gross negligence, reckless misconduct, or intentional infliction of harm by the health care facility or health care provider providing health care services; provided that the acts, omissions, or decisions resulting from a resource or staffing shortage shall not be considered to be gross negligence, reckless misconduct, or intentional infliction of harm.

(c) Notwithstanding any law to the contrary, a volunteer organization shall have immunity from any civil liability for any harm or damages occurring in or at its facility or facilities arising from the State's response and activities under the COVID-19 emergency declaration and in accordance with any applicable COVID-19 emergency rule, unless it is established that such harm or damages were caused by the gross negligence, reckless misconduct, or intentional infliction of harm by the volunteer organization.

**"§ 90-21.134. Severability.**

This session law shall be liberally construed to effectuate its public health emergency purpose as outlined in G.S. 90-121.131. The provisions of this session law are severable. If any part of this session law is declared to be invalid by a court, the invalidity does not affect other parts of this session law that can be given effect without the invalid provision."

**NORTH CAROLINA GENERAL ASSEMBLY  
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H1037-ABC-115 [v.1]

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1           **SECTION 4.7.(b)** This section is effective when it becomes law and applies to acts  
2 or omissions occurring during the time of Executive Order No. 116 issued on March 10, 2020 by  
3 Governor Roy A. Cooper, and any subsequent time period during which a state of emergency is  
4 declared to be in effect during calendar year 2020 by the Governor in response to COVID-19".  
5  
6  
7

SIGNED \_\_\_\_\_  
Amendment Sponsor

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Committee Chair if Senate Committee Amendment

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NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037

AMENDMENT NO. 5  
(to be filled in by  
Principal Clerk)

H1037-ASH-37 [v.2]

Page 1 of 1

Amends Title [NO]  
First Edition

Date 4-28, 2020

Representative Dobson

1 moves to amend the bill on page 3, lines 30-31, by inserting the following to read:

2  
3 **"PRIORITY CONSIDERATION OF NORTH CAROLINA BASED COMPANIES WHEN**  
4 **ADDRESSING PUBLIC HEALTH EMERGENCIES**

5  
6 **"SECTION 3.2.(a)** During a public health emergency, the Department of Health and  
7 Human Services and the North Carolina Division of Emergency Management within the  
8 Department of Public Safety shall first consider North Carolina based companies that can provide  
9 mobile response units with capabilities to reach rural areas of the State. Operations that shall be  
10 considered include patient testing or sample collections, feeding operations, triage facilities, and  
11 other operations where it is necessary to deliver mobile services to individuals.

12 **SECTION 3.2.(b)** This section is effective when it becomes law."

SIGNED \_\_\_\_\_  
Amendment Sponsor

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Committee Chair if Senate Committee Amendment

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NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037

AMENDMENT NO. 6  
(to be filled in by  
Principal Clerk)

H1037-ABC-114 [v.3]

Page 1 of 2

Amends Title [NO]  
First Edition

Date 4-28, 2020

Representative Lambeth

1 moves to amend the bill on page 4, lines 14-15, by inserting a line between the lines to read:

2 "SECTION 4.3.(b) Following the consultation provided in subsection (a) of this  
3 section, if the State Health Director approves the petition, the State Health Director may issue a  
4 statewide standing order authorizing the administration of an immunization or vaccination of  
5 COVID-19 by immunizing pharmacists. If the State Health Director issues a statewide standing  
6 order, it shall expire upon the adjournment of the next regular session of the General Assembly.";

7  
8 and on page 4, line 15, by deleting "SECTION 4.3.(b)" and replacing it with "SECTION  
9 4.3.(c)";

10  
11 and on page 4, lines 30-33, by rewriting the lines to read: "G.S. 90-85.15B.";

12  
13 and on page 4, lines 33-34, by inserting a line between the lines to read:

14 "SECTION 4.3.(d) All of the following individuals shall be immune from any civil  
15 or criminal liability for actions authorized by this section as follows:

- 16 (1) The State Health Director acting pursuant to this section.  
17 (2) Any pharmacist who administers a COVID-19 an immunization or vaccine  
18 pursuant to a statewide standing order issued under this section.";

19  
20 and on page 4, line 34, by deleting "SECTION 4.3.(c)" and replacing it with "SECTION  
21 4.3.(e)".



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**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037**

H1037-ABC-114 [v.3]

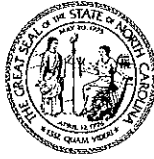
AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

Page 2 of 2

SIGNED \_\_\_\_\_  
Amendment Sponsor

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Committee Chair if Senate Committee Amendment

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**NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037**

AMENDMENT NO. 7  
(to be filled in by  
Principal Clerk)

H1037-ABP-29 [v.1]

Page 1 of 2

Amends Title [NO]  
First Edition

Date 4-28, 2020

Representative Dobson

Moves to amend the bill on page 9, line 42, by rewriting the line to read:  
**"REQUIREMENT/CHILD CARE PROVIDERS/ADOPTIONS/FOSTER CARE";**

and on page 9, line 45, by deleting the word "all" and substituting the word "current";

and on page 9, lines 46-47, by rewriting the lines to read:  
"every three years."

and on page 9, lines 48-49, by rewriting the lines to read:

**"SECTION 5.2.(b)** In accordance with federal guidance, all available State and federal name-based criminal background checks for prospective employees seeking employment in licensed child care shall be completed. Prospective employees will be issued a provisional qualification status. In situations where only State and federal name-based checks were completed, fingerprint-based criminal history checks shall be completed within 60 days of Executive Order 116 being rescinded, in compliance with State law and rules. If fingerprint-based checks are not completed within 60 days of Executive Order 116 being rescinded, the prospective employee will be disqualified until a fingerprint-based check is completed.

**SECTION 5.2.(c)** Notwithstanding any provision of law or rules to the contrary, the Department of Health and Human Services, Division of Social Services, shall temporarily waive any requirement to complete a fingerprint-based criminal history check pertaining to adoptions, foster care, or child care institutions. However, in accordance with federal guidance, all available name-based criminal background checks for prospective foster parents, adoptive parents, legal guardians and adults working in child care institutions shall be completed and, in situations where only name-based checks were completed, fingerprint-based criminal history checks shall be completed within 60 days of Executive Order 116 being rescinded, in compliance with State law and rules.

**SECTION 5.2.(d)** This section is effective when it becomes law and expires 60 days after Executive Order 116 is rescinded, or December 31, 2020, whichever is earlier."



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**NORTH CAROLINA GENERAL ASSEMBLY**  
**AMENDMENT**  
**House Bill 1037**

H1037-ABP-29 [v.1]

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

Page 2 of 2

SIGNED \_\_\_\_\_  
Amendment Sponsor

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Committee Chair if Senate Committee Amendment

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NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037

AMENDMENT NO. 8  
(to be filled in by  
Principal Clerk)

HI037-ABP-30 [v.2]

Page 1 of 1

Amends Title [NO]  
First Edition

Date 9-28, 2020

Representative Cunningham

1 moves to amend the bill on page 9, lines 6-7, by inserting a line between the lines to read:  
2 **"DISPENSE AND USE OF CONTROLLED SUBSTANCES TEMPORARILY AT**  
3 **ADDITIONAL PLACES OF BUSINESS**

4 **SECTION 4.8.(a)** Notwithstanding any provision of law to the contrary, for the  
5 duration of the COVID-19 emergency, a hospital, nursing home, or clinic holding a valid State  
6 registration for controlled substances under Article 5 of Chapter 90 of the General Statutes may  
7 temporarily dispense or use controlled substances at additional places of business by completing  
8 the registration process developed by the Division of Mental Health, Developmental Disabilities  
9 and Substance Abuse Services of the North Carolina Department of Health and Human Services  
10 and providing all information required pursuant to said emergency registration process for any  
11 overflow facility or satellite facility that may be established temporarily by the hospital, nursing  
12 home, or clinic registrant in response to the COVID-19 emergency, and no registration fee shall  
13 be required in connection with any such emergency registration.

14 **SECTION 4.8.(b)** This section is effective when it becomes law and expires 60 days  
15 after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier."  
16  
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SIGNED \_\_\_\_\_  
Amendment Sponsor

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Committee Chair if Senate Committee Amendment

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NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037

AMENDMENT NO. 9  
(to be filled in by  
Principal Clerk)

H1037-ABP-28 [v.2]

Page 1 of 1

Amends Title [NO]  
First Edition

Date 4-28, 2020

Representative Lambeth

1 moves to amend the bill on page 2, line 40, by deleting the word "June" and substituting the word  
2 "July";

3  
4 and on page 11, lines 17-19, by rewriting the line to read:  
5 "all annual and biennial inspections and regular monitoring requirements for licensed facilities  
6 under Article 2 of Chapter 122C of the General Statutes, and Articles 1 and 3 of Chapter 131D  
7 of the General Statutes, and Articles 5,6, and 10 of Chapter 131E of the General Statutes, and  
8 provisions within any rules adopted under these chapters that pertain to the Department or DHSR  
9 monitoring, inspection, or investigative requirements, except (i) as DHSR deems necessary to";

10  
11 and on page 11, line 26, by inserting between the words "rules" and "or" the words "or statutes";

12  
13 and on page 11, line 28, by deleting the word "conducted" and inserting the word "designated";

14  
15 and on page 11, lines 29-30, by rewriting the lines to read:  
16 "proper use of personal protective equipment. The training required by this section may be  
17 conducted online, by videoconference, or in such manner as DHSR determines appropriate  
18 under".

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

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NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1037

AMENDMENT NO. 10  
(to be filled in by  
Principal Clerk)

H1037-ASH-35 [v.4]

Page 1 of 1

Amends Title [NO]  
Filed Edition

Date 4-28, 2020

Representative P. Jones

1 moves to amend the bill on page 9, lines 6-7, by inserting the following between the lines to read:

2  
3 **"PRE-PROCEDURE COVID-19 TEST RESULT REPORTING**

4 **SECTION 4.8.(a)** All healthcare providers, as defined under 130A-476(g), shall  
5 receive and report the results, both positive and negative, of any COVID-19 diagnostic test or  
6 COVID-19 antibody test performed on an individual prior to any non-emergency surgery or  
7 procedure to the Commission for Public Health (Commission) and to the Division of Public  
8 Health. The Department of Health and Human Services shall report pre-procedure test result data  
9 on a county by county basis and update it daily on its Web site.

10 ~~**SECTION 4.8.(b)** The Commission shall adopt rules adding COVID-19 to the list of~~  
11 ~~communicable diseases to be reported under G.S. 130A-134. In accordance with its authority~~  
12 ~~under G.S. 130A-147, the Commission shall adopt rules for the detection of COVID-19,~~  
13 ~~including rules related to reporting of any COVID-19 diagnostic or antibody testing.~~

14 **SECTION 4.8.(c)** This section is effective when it comes law and expires upon the  
15 adoption of the permanent rules required under subsection (b) of this section."

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in Committee  
aj*

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

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