

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 103

Short Title: GSC Technical Corrections 2023. (Public)

Sponsors: Representative Davis.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

February 14, 2023

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.~~ 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



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

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

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

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

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

30 d. **(Contingent effective date – See editor's note)** Inspection of a  
 31 veterinary facility, resulting from a serious inspection violation or as a  
 32 result of the complaint, in the amount of one hundred fifty dollars  
 33 (\$150.00).

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

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

48 ...."

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

50 rewritten:

51 **"§ 90-186. Special powers of the Board.**

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

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

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

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

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

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

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

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

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

- (1) The level and seriousness of the crime.
- (2) The date of the crime.
- (3) The age of the ~~person~~ individual at the time of the crime.
- (4) The circumstances surrounding the commission of the crime, if known.
- (5) The nexus between the criminal conduct and the prospective duties of the applicant as a licensee.

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

1 officer, or to a committee of the board, so that the predeterminations can be made in a timely  
2 manner. No board member having served on a predetermination committee for an individual  
3 shall be required to recuse in any later determinations or hearings involving the same applicant.  
4 The board shall inform the individual of the board's determination within 45 days of receiving  
5 the petition from the individual. The board may charge a fee to recoup its costs not to exceed  
6 forty-five dollars (\$45.00) for each petition. If the board determines an applicant would likely be  
7 denied licensure based on ~~their~~ the individual's criminal history, the board shall notify the  
8 individual in writing of the following:

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

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

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

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

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

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

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

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

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

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

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

37 **"§ 130A-440.1. Early Childhood Vision Care.**

38 (a) Vision Screening Required for Children Entering Kindergarten. – Every child in this  
39 State entering kindergarten in the public schools, ~~beginning with the 2007-2008 school year,~~  
40 schools shall obtain vision ~~screening in accordance with vision screening standards adopted by~~  
41 ~~the Governor's Commission on Early Childhood Vision Care.~~ screening. Within 180 days of the  
42 start of the school year, the parent of the child shall present to the school principal or the  
43 principal's designee certification that the child has, within the past 12 months, obtained vision  
44 screening conducted by a licensed physician, optometrist, physician assistant, nurse practitioner,  
45 registered nurse, orthoptist, or a vision screener certified by Prevent Blindness North Carolina,  
46 or a comprehensive eye examination performed by an ophthalmologist or optometrist. The health  
47 assessment transmittal form required pursuant to G.S. 130A-440 qualifies as certification that the  
48 child has obtained the required vision screening. All providers conducting vision screening shall  
49 provide each parent in writing the results of the vision screening on forms bearing the signature  
50 of the ~~provider supplied to the provider by the Governor's Commission on Early Childhood~~  
51 ~~Vision Care.~~ provider. The provider shall also orally communicate this information to the parent

1 and shall take reasonable steps to ensure that the parent understands the information  
2 communicated. In the instance where a child enters the first grade without having been enrolled  
3 in a kindergarten program requiring a vision screening, the requirements for vision screening  
4 under this subsection ~~shall~~ apply.

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

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

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

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

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

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

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

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

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

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

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

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

3 **SECTION 4.(a)** Section 7(c) of S.L. 2022-73, as amended by Section 5.2(a) of S.L.  
4 2022-72, reads as rewritten:

5 "**SECTION 7.(c)** This section is effective when it becomes law and applies to vacancies  
6 occurring on or after that date."

7 **SECTION 4.(b)** This section is effective retroactively to July 11, 2022.

8 **SECTION 5.(a)** The introductory language of Section 15.3(f) of S.L. 2022-74 reads  
9 as rewritten:

10 "**SECTION 15.3.(f)** ~~G.S. 112-275(c1)~~ G.S. 113-275(c1) reads as rewritten:"

11 **SECTION 5.(b)** This section becomes effective July 1, 2023.

12 **SECTION 6.(a)** Section 20.4(b) of S.L. 2022-74 reads as rewritten:

13 "**SECTION 20.4.(b)** ~~G.S. 147-69.2(22)~~ G.S. 147-69.22(a)(22) and G.S. 147-69.6A are  
14 repealed."

15 **SECTION 6.(b)** This section is effective retroactively to July 1, 2022.

16 **SECTION 7.(a)** The introductory language of Section 39.16 of S.L. 2022-74 reads  
17 as rewritten:

18 "**SECTION 39.16.** Section 39.15A(b) of S.L. 2021-180 reads as rewritten:"

19 **SECTION 7.(b)** This section is effective retroactively to July 1, 2022.

20 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes  
21 law.