

**SECTION 4.3.(h)** Article 10A of Chapter 90 of the General Statutes is amended by adding the following new section to read:

**"§ 90-178.8. Limit vicarious liability.**

(a) No physician or physician assistant, including the physician assistant's employing or supervising physician, licensed under Article 1 of this Chapter or nurse licensed under Article 9A of this Chapter shall be held liable for any civil damages as a result of the medical care or treatment provided by the physician, physician assistant, or nurse when both of the following occur:

- (1) The physician, physician assistant, or nurse is providing medical care or treatment to a woman or infant in an emergency situation.
- (2) The emergency situation arises during the delivery or birth of the infant as a consequence of the care provided by a Certified Nurse Midwife approved under this Article who attends a planned birth outside of a hospital setting.

(b) No health care facility licensed under Chapter 122C or Chapter 131E of the General Statutes shall be held liable for civil damages as a result of the medical care or treatment provided by the facility when both of the following occur:

- (1) The facility is providing medical care or treatment to a woman or infant in an emergency situation.
- (2) The emergency situation arises during the delivery or birth of the infant as a consequence of the care provided by a Certified Nurse Midwife approved under this Article who attends a planned birth outside of a hospital setting.

(b1) Notwithstanding the provisions of subsections (a) and (b) of this section, health care providers and health care facilities shall remain liable for their own independent acts of negligence.

(c) Nothing in this section shall be construed to limit liability when the civil damages to this section are the result of gross negligence or willful or wanton misconduct."

**SECTION 4.3.(i)** This section becomes effective October 1, 2023.

**SECTION 4.4.(a)** There is appropriated from the General Fund to the Department of Health and Human Services, Division of Public Health, the sum of two hundred fifty thousand dollars (\$250,000) in nonrecurring funds for the 2023-2024 fiscal year and the sum of two hundred fifty thousand dollars (\$250,000) in nonrecurring funds for the 2024-2025 fiscal year to fund expansion of the Safe Sleep North Carolina Campaign administered by the University of North Carolina Collaborative for Maternal and Infant Health, with the goal of strengthening the adoption of infant safe sleep practices across the State that reduce the risk of Sudden Infant Death Syndrome (SIDS) and other infant sleep-related deaths.

**SECTION 4.4.(b)** This section becomes effective July 1, 2023.

**PART V. PAID PARENTAL LEAVE FOR STATE EMPLOYEES**

**SECTION 5.1.(a)** Article 2 of Chapter 126 of the General Statutes is amended by adding a new section to read:

**"§ 126-8.6. Paid parental leave.**

(a) Definitions. – The following definitions apply in this section:

- (1) Child. – A newborn biological child or a newly placed adopted, foster, or otherwise legally placed child under the age of 18 whose parent is a State employee eligible for leave under subsection (b) of this section.
- (2) Parent. – Includes a parent by adoption, foster care, or another legal placement.
- (3) Qualifying event. – When a State employee becomes a parent to a child.

(b) Paid Parental Leave. – The State Human Resources Commission shall adopt rules and policies to provide that a permanent, full-time State employee may take the following paid parental leave:

(1) Up to eight weeks of paid leave after giving birth to a child; or

(2) Up to four weeks of paid leave after any other qualifying event.

(c) Part-Time Employees. – The State Human Resources Commission shall adopt rules and policies to provide that a permanent, part-time State employee may take a prorated amount of paid leave after giving birth, not to exceed four weeks, or paid leave after any other qualifying event, not to exceed two weeks, in addition to any other leave available to the employee.

(d) Requirements. – The paid parental leave authorized by this section:

(1) Is available without exhaustion of the employee's sick and vacation leave and is awarded in addition to shared leave under G.S. 126-8.3, or other leave authorized by State or federal law.

(2) Has no cash value upon termination from employment.

(3) May not be used for calculating an employee's retirement benefits.

(e) The provisions of this section shall apply to employees of State agencies, departments, and institutions, including The University of North Carolina; to public school employees; and to community college employees. The appropriate governing board, officer, or entity shall adopt rules and policies to award paid parental leave to employees that are substantially equivalent to those adopted by the State Human Resources Commission."

**SECTION 5.1.(b)** G.S. 126-5 is amended by adding a new subsection to read:

"(c19) The provisions of G.S. 126-8.6 shall apply to all exempt and nonexempt State employees in the executive branch; to public school employees; and to community college employees. The legislative and judicial branches shall adopt parental leave policies."

**SECTION 5.1.(c)** G.S. 115C-302.1(j) reads as rewritten:

"(j) Parental Leave. – A-In addition to paid parental leave authorized by G.S. 126-8.6, a teacher may use annual leave, personal leave, or leave without pay to care for a newborn child or for a child placed with the teacher for adoption or foster care. A teacher may also use up to 30 days of sick leave to care for a child placed with the teacher for adoption. The leave may be for consecutive workdays during the first 12 months after the date of birth or placement of the child, unless the teacher and local board of education agree otherwise."

**SECTION 5.1.(d)** G.S. 115C-336.1 reads as rewritten:

**"§ 115C-336.1. Parental leave.**

A-In addition to paid parental leave authorized by G.S. 126-8.6, a school employee may use annual leave or leave without pay to care for a newborn child or for a child placed with the employee for adoption or foster care. A school employee may also use up to 30 days of sick leave to care for a child placed with the employee for adoption. The leave may be for consecutive workdays during the first 12 months after the date of birth or placement of the child, unless the school employee and the local board of education agree otherwise."

**SECTION 5.1.(e)** There is appropriated from the General Fund to the Department of Public Instruction the sum of ten million dollars (\$10,000,000) in recurring funds for the 2023-2024 fiscal year and the sum of ten million dollars (\$10,000,000) in recurring funds for the 2024-2025 fiscal year to fund paid parental leave authorized by this section.

**SECTION 5.1.(f)** This Part becomes effective July 1, 2023, and applies to requests for paid parental leave related to births occurring on or after that date.

## **PART VI. CHILD PERMANENCY, SAFE SURRENDER OF INFANTS, FOSTER CARE, ADOPTION, AND SUPPORT FOR NEW MOTHERS**

**SECTION 6.1.** There is appropriated from the General Fund the sum of seven hundred thousand dollars (\$700,000) in recurring funds for each year of the 2023-2025 fiscal biennium to the Department of Health and Human Services to be allocated to the State Maternity Home Fund.

**SECTION 6.2.(a)** Chapter 7B of the General Statutes is amended by adding a new Article to read: