



2023-2024 General Assembly

HOUSE BILL 259: 2023 Appropriations Act, Sec. 5.9: Preemption of Certain Local Government Actions

Committee:
Introduced by:
Analysis of: Sec. 5.9 of S.L. 2023-134

Date: December 13, 2023
Prepared by: Brad Krehely
Staff Attorney

OVERVIEW: *Section 5.9 of S.L. 2023-134 provides that the North Carolina Wage and Hour Act supersedes and preempts any ordinance, regulation, or policy of a unit of local government or other political subdivision of the State that imposes requirements upon employers pertaining to compensation, including wage levels, hours of labor, payment of wages, benefits, leave, or well-being of minors in the workforce. This does not apply to: a local government regulating, compensating, or controlling its own employees, certain economic development incentives, a requirement of federal community development block grants, and programs established under the statute dealing with community development programs and activities.*

This section also restricts counties and cities from adopting ordinances and rules to: (i) restrict, tax, charge a fee, prohibit, or otherwise regulate the use, disposition, or sale of an auxiliary container (e.g. bags, containers, bottles, merchandise containers, etc.), and (ii) regulate the use of shopping carts, including the imposition of a fee or fine on a business for failure to take possession of a shopping cart that was removed from the premises of the business. This section allows counties and cities to operate recycling programs, composting programs, and solid waste disposal programs and to regulate the use of auxiliary containers on property owned or maintained by the county or city. This section became effective July 1, 2023.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578