

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
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S.B. 855
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SENATE DRS45167-MMa-89A (05/20)

Short Title: No Emp. Disc. for Repro. Health Decisions. (Public)

Sponsors: Senator McKissick (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT DISCRIMINATION BY AN EMPLOYER BASED ON AN
3 EMPLOYEE'S DECISIONS REGARDING HIS OR HER REPRODUCTIVE HEALTH.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 3 of Chapter 95 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 95-28.2A. Discrimination against persons for reproductive health choices prohibited.**

8 (a) No person, firm, corporation, unincorporated association, State agency, unit of local
9 government, or any public or private entity shall discriminate with respect to compensation,
10 terms, conditions, or privileges of employment against an employee or applicant for
11 employment on the basis of the applicant's or the employee's reproductive health decision
12 making, including the decision to use or access a particular drug, device, or medical service, or
13 because of or on the basis of an employer's beliefs about a particular drug, device, or medical
14 service.

15 (b) An employee who is discharged or otherwise discriminated against, or a prospective
16 employee who is denied employment in violation of this section, may bring a civil action
17 within one year from the date of the alleged violation against the employer who violates the
18 provisions of subsection (a) of this section and obtain all of the following:

19 (1) Any wages or benefits lost as a result of the violation.

20 (2) An order of reinstatement without loss of position, seniority, or benefits.

21 (3) An order directing the employer to offer employment to the prospective
22 employee.

23 (c) The court may award reasonable costs, including court costs and attorneys' fees, to
24 the prevailing party in an action brought pursuant to this section.

25 (d) Nothing in this section is intended to limit or restrict any other State or federal
26 protections against employment discrimination."

27 **SECTION 2.** There is appropriated from the General Fund to the Department of
28 Administration, Office of State Human Resources, the sum of one hundred thousand dollars
29 (\$100,000) for the 2014-2015 fiscal year to ensure compliance with Section 1 of this act by
30 State agencies.

31 **SECTION 3.** Section 2 of this act becomes effective July 1, 2014. Section 1 of this
32 act becomes effective October 1, 2014, and applies to causes of action occurring on or after that
33 date. The remainder of this act is effective when it becomes law.



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