

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40376-NB-4

Short Title: Women's Safety and Protection Act. (Public)

Sponsors: Representative Balkcom.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE VARIOUS TERMS IN THE GENERAL STATUTES OF NORTH
3 CAROLINA AND TO ENACT THE WOMEN'S SAFETY AND PROTECTION ACT.
4 The General Assembly of North Carolina enacts:

5
6 **PART I. STANDARDIZATION OF CERTAIN DEFINED TERMS IN STATE LAW**

7 **SECTION 1.** G.S. 12-3 reads as rewritten:

8 **"§ 12-3. Rules for construction of statutes.**

9 (a) In the construction of all statutes the following rules shall be observed, unless such
10 construction would be inconsistent with the manifest intent of the General Assembly, or
11 repugnant to the context of the same statute, that is to say:

12 ...

13 (b) Except as otherwise specifically provided, the following definitions apply throughout
14 the General Statutes as follows:

- 15 (1) Biological sex or sex. – The biological indication of male and female in the
16 context of reproductive potential or capacity, such as sex chromosomes,
17 naturally occurring sex hormones, gonads, and nonambiguous internal and
18 external genitalia present at birth, without regard to an individual's
19 psychological, chosen, or subjective experience of gender.
20 (2) Boy. – A human male who is a minor.
21 (3) Father. – A parent who is of the male sex.
22 (4) Female. – An individual who has, had, will have, or would have, but for a
23 developmental or genetic anomaly or historical accident, the reproductive
24 system that, at some point, produces, transports, and utilities eggs for
25 fertilization.
26 (5) Gender. – The psychological, behavioral, social, and cultural aspects of being
27 male or female.
28 (6) Girl. – A human female who is a minor.
29 (7) Male. – An individual who has, had, will have, or would have, but for a
30 developmental or genetic anomaly or historical accident, the reproductive
31 system that, at some point, produces, transports, and utilities sperm for
32 fertilization.
33 (8) Man. – A human male that has reached the age of majority or a minor who
34 has been emancipated.
35 (9) Mother. – A parent who is of the female sex.



1 various states of undress, including a single stall restroom designated as
2 unisex or for use based on biological sex.

3 (13) Sleeping quarters. – A room with a bed in which more than one individual is
4 housed overnight in a covered facility.

5 (14) Woman. – As defined in G.S. 12-3.

6 **"§ 143-767. Safety and privacy of covered facilities.**

7 (a) Use by One Biological Sex. – Except as provided under subsection (b) of this section,
8 a single or multiple occupancy restroom, changing facility, or sleeping quarters within a covered
9 facility in this State shall only be used by one designated biological sex at one time. If more than
10 one designated biological sex is able to access or use a single or multiple occupancy restroom,
11 changing facility, or sleeping quarters, then the covered facility shall have administrative rules
12 or policies specifying that only one biological sex may use the area at any point in time.

13 (b) Use by Families. – A covered facility may designate a single or multiple occupancy
14 restroom, changing facility, or sleeping quarters for family use for members of the same family.

15 (c) Additional Rules in Public Schools. – During an authorized activity or event by a
16 public school where students share sleeping quarters, no student shall share sleeping quarters
17 with a member of the other biological sex, unless members of the same family, such as a parent,
18 legal guardian, sibling, or grandparent, and the public school has received permission from the
19 parent or legal guardian.

20 **"§ 143-768. Applicability.**

21 (a) Exceptions. – This Article does not apply to a person who enters a single or multiple
22 occupancy bathroom, changing facility, or sleeping quarters designated for a biological sex other
23 than their own biological sex in any of the following circumstances:

24 (1) To perform custodial, maintenance, or inspection services.

25 (2) To render medical assistance.

26 (3) To effectuate assistance by law enforcement.

27 (4) To provide services or render aid during a natural disaster, a declared state of
28 emergency, or when necessary to prevent a serious threat to public order or
29 safety.

30 (b) Limitation. – Nothing in this Article shall be construed to prohibit a domestic violence
31 center or rape crisis center from adopting administrative rules or policies necessary to
32 accommodate persons or minors in need of physical assistance when using a single or multiple
33 occupancy restroom, changing facility, or sleeping quarters.

34 **"§ 143-769. Standard of review.**

35 Intermediate Scrutiny. – Any provision of this Article that distinguishes between biological
36 sexes in the furtherance of the purposes of this Article is subject to intermediate scrutiny, which
37 forbids discrimination against similarly situated persons but allows for distinctions between
38 biological sexes when there exists an important governmental interest.

39 **"§ 143-770. Remedies; cause of action; rebuttable presumption.**

40 (a) Civil Action. – A person who, while accessing a single or multiple occupancy
41 restroom, changing facility, or sleeping quarters, encounters a person of the opposite biological
42 sex in a covered facility has a private cause of action under this Article against the covered facility
43 if the covered facility (i) provided permission to the person to use a single or multiple occupancy
44 restroom, changing facility, or sleeping quarters of the opposite biological sex; or (ii) failed to
45 take reasonable steps to prohibit the person of the opposite biological sex from using the single
46 or multiple occupancy restroom, changing facility, or sleeping quarters.

47 (b) Contracting Liability. – A contractor who is entered into a contractual relationship
48 with an agency of the State that provides services to women at a covered facility, except for a
49 prison, and operated at the direction of and receives funding from the State, unit of local
50 government, or political subdivision, shall have a cause of action against the agency that employs
51 the person who directed the contractor to violate any provision of this Article.

1 (c) Protection. – A person who is subjected to retaliation or other adverse action by
 2 asserting rights that are affirmed by this Article shall have a cause of action under this Article.

3 (d) Relief. – A person who brings a cause of action under this Article may obtain
 4 appropriate relief as awarded by a court of competent jurisdiction, including injunctive relief,
 5 protective order, writ of mandamus or prohibition, declaratory relief, actual damages, reasonable
 6 attorneys' fees, and costs. A court may also award punitive damages if it is found that the
 7 defendant committed egregiously wrongful acts or to deter the defendant and others from
 8 committing similar wrongful acts.

9 (e) Statute of Limitation. – A person shall have three years from the date that the harm
 10 occurred to bring a cause of action brought under this Article. If the person is a minor, the person
 11 shall have three years from the date the minor attains the age of majority to bring a cause of
 12 action."

13 **SECTION 2.(b)** This section becomes effective October 1, 2025, and applies to acts
 14 or omissions occurring on or after that date.

15
 16 **PART III. BIRTH CERTIFICATE MODIFICATIONS**

17 **SECTION 3.(a)** G.S. 130A-118(b) reads as rewritten:

18 "(b) ~~A The State Registrar shall make a new certificate of birth shall be made by the State~~
 19 ~~Registrar when:~~ whenever any of the following conditions are met:

- 20 (1) Proof is submitted to the State Registrar that the previously unwed parents of
 21 a person have intermarried subsequent to the birth of the ~~person;~~ person.
- 22 (2) Notification is received by the State Registrar from the clerk of a court of
 23 competent jurisdiction of a judgment, order or decree disclosing different or
 24 additional information relating to the parentage of a ~~person;~~ person.
- 25 (3) Satisfactory proof is submitted to the State Registrar that there has been
 26 entered in a court of competent jurisdiction a judgment, ~~order order,~~ or decree
 27 disclosing different or additional information relating to the parentage of a
 28 ~~person;~~ or person.
- 29 (4) ~~A written request from an individual is received by the State Registrar to~~
 30 ~~change the sex on that individual's birth record because of sex reassignment~~
 31 ~~surgery, if the request is accompanied by a notarized statement from the~~
 32 ~~physician who performed the sex reassignment surgery or from a physician~~
 33 ~~licensed to practice medicine who has examined the individual and can certify~~
 34 ~~that the person has undergone sex reassignment surgery."~~

35 **SECTION 3.(b)** This section is effective when it becomes law and applies to any
 36 request for a new certificate of birth received on or after that date.

37
 38 **PART IV. DRIVERS LICENSE MODIFICATIONS**

39 **SECTION 4.(a)** G.S. 20-7 reads as rewritten:

40 "**§ 20-7. Issuance and renewal of drivers licenses.**

41 ...

42 (b1) Application. – To obtain an identification card, learners permit, or drivers license
 43 from the Division, a person shall complete an application form provided by the Division, present
 44 at least two forms of identification approved by the Commissioner, be a resident of this State,
 45 and, except for an identification card, demonstrate his or her physical and mental ability to drive
 46 safely a motor vehicle included in the class of license for which the person has applied. At least
 47 one of the forms of identification shall indicate the applicant's residence address. The Division
 48 may copy the identification presented or hold it for a brief period of time to verify its authenticity.
 49 To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to
 50 drive safely the type of motor vehicle for which the endorsement is required.

1 The application form shall request all of the following information, and it shall contain the
2 disclosures concerning the request for an applicant's social security number required by section
3 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

4 ...

5 (3) A physical description of the applicant, including the applicant's ~~sex~~, sex as
6 reflected on the applicant's certificate of birth, height, eye color, and hair
7 color.

8 ...

9 (n) Format. – A drivers license issued by the Division must be tamperproof and must
10 contain all of the following information:

11 ...

12 (5) A physical description of the license holder, including ~~sex~~, sex as reflected on
13 the person's certificate of birth, height, eye color, and hair color.

14"

15 **SECTION 4.(b)** This section is effective when it becomes law and applies to any
16 drivers license issued on or after that date.

17
18 **PART V. EFFECTIVE DATE**

19 **SECTION 5.** If any provision of this act or its application is held invalid, the
20 invalidity does not affect other provisions or applications of this act that can be given effect
21 without the invalid provisions or application and, to this end, the provisions of this act are
22 severable.

23 **SECTION 6.** Except as otherwise provided, this act becomes effective October 1,
24 2025.