

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE BILL 73

Short Title: Eugenics Program - Support and Education. (Public)

Sponsors: Representatives Womble and Parmon (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Health and Human Services, if favorable, Appropriations.

February 14, 2011

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE COUNSELING BENEFITS TO EUGENICS SURVIVORS, TO
2 DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO
3 ESTABLISH A DATABASE OF EUGENICS PROGRAM PARTICIPANTS AND
4 VERIFY THE STATUS OF PERSONS CONTACTING THE STATE TO DETERMINE
5 THEIR PARTICIPATION IN THE STATE PROGRAM, TO DIRECT THE STATE
6 BOARD OF EDUCATION TO INCLUDE INFORMATION ABOUT THE PROGRAM
7 IN ITS K-12 HISTORY CURRICULUM, TO DIRECT THE BOARD OF GOVERNORS
8 OF THE UNIVERSITY OF NORTH CAROLINA TO DIRECT APPROPRIATE
9 FACULTY AND STUDENTS TO CONDUCT INTERVIEWS WITH SURVIVORS, TO
10 RECOMMEND CREATION OF AN ETHICS TRAINING MODULE FOR STATE,
11 COUNTY, AND LOCAL GOVERNMENT EMPLOYEES, AND TO DIRECT THE
12 DEPARTMENT OF CULTURAL RESOURCES TO DIGITIZE EXISTING RECORDS
13 FOR PRESERVATION AND STUDY PURPOSES.

14 Whereas, during the early part of the 20th century, social reformers advocated
15 eugenics sterilization as a solution to problems such as mental retardation and mental illness;
16 and
17

18 Whereas, in 1907, Indiana was the first state to pass a eugenics sterilization
19 program, and eventually more than 30 states passed these laws, with North Carolina following
20 in 1929; and

21 Whereas, from 1929 to 1974, the Eugenics Board of North Carolina reviewed
22 petitions for sterilizations, and sterilizations were ordered in more than 90% of the cases before
23 the Board; and

24 Whereas, researchers estimate that more than 7,600 people were sterilized in North
25 Carolina between 1929 and 1974, ranking North Carolina third among the states operating
26 eugenics sterilization programs; and

27 Whereas, over the lifetime of the North Carolina Eugenics Sterilization Program,
28 approximately 38% of persons sterilized under the Program were African-American, and 84%
29 of all those sterilized under the Program were female; and

30 Whereas, over the lifetime of the North Carolina Eugenics Sterilization Program,
31 approximately 71% of persons sterilized under the Program were classified as "feebleminded,"
32 who were predominantly people with intellectual disabilities; 24% were classified as mentally
33 ill; and 5% were classified as epileptic; and

34 Whereas, while most states sharply curtailed their sterilization programs after World
35 War II, nearly four-fifths of sterilizations in North Carolina were performed after 1945; and



1 Whereas, the governors of Virginia, Oregon, South Carolina, and North Carolina
2 have issued apologies for these forced sterilizations; and

3 Whereas, the General Assembly urges the citizens of this State to become familiar
4 with the history of the eugenics movement, in the belief that a more educated, enlightened, and
5 tolerant population will reject absolutely any such abhorrent pseudoscientific movement in the
6 future; and

7 Whereas, in 2009, the Speaker of the House of Representatives, the Honorable Joe
8 Hackney, established the House Select Committee on Compensation for Victims of the
9 Eugenics Sterilization Program to study proposals to compensate persons sterilized under the
10 Program; Now, therefore,

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.(a)** The Department of Health and Human Services shall explore
13 options and develop a proposal for providing behavioral health counseling services to
14 confirmed survivors of the North Carolina Eugenics Sterilization Program and report its
15 recommendations and legislative proposals to the Legislative Study Commission on Mental
16 Health, Developmental Disabilities, and Substance Abuse Services on or before the convening
17 of the 2012 Regular Session of the 2011 General Assembly.

18 **SECTION 1.(b)** The Department of Health and Human Services shall immediately
19 create a verification database of individuals ordered to be sterilized under the North Carolina
20 Eugenics Sterilization Program. The database shall be developed in four phases, according to a
21 proposal developed by the Department of Health and Human Services in conjunction with the
22 Department of Cultural Resources. Records maintained in the database shall be confidential
23 and shall not be subject to public disclosure pursuant to G.S. 132-6(a).

24 **SECTION 1.(c)** There is appropriated from the General Fund to the Department of
25 Health and Human Services the sum of thirty-eight thousand six hundred forty-eight dollars
26 (\$38,648) for the 2011-2012 fiscal year to administer the provisions of this section.

27 **SECTION 1.(d)** The Department of Health and Human Services shall compare the
28 names and identifying information collected by the Office of Minority Health over the course
29 of the past several years with the names and identifying information entered into the
30 verification database, shall determine whether these individuals were, in fact, program
31 participants, and shall notify each person of his or her status as soon as possible. The
32 Department shall report its progress in accomplishing Sections 1(b) and 1(d) of this act to the
33 Joint Legislative Commission on Governmental Operations on or before the convening of the
34 2012 Regular Session of the 2011 General Assembly.

35 **SECTION 1.(e)** The Department of Health and Human Services shall use available
36 funds to conduct an outreach campaign to identify survivors, including at least the issuance of
37 news releases and public service announcements and joint efforts with relevant interest groups
38 and agencies. The Department shall report its progress to the Joint Legislative Commission on
39 Governmental Operations on or before the convening of the 2012 Regular Session of the 2011
40 General Assembly.

41 **SECTION 2.** The State Board of Education shall include information about the
42 North Carolina Eugenics Sterilization Program in its existing K-12 history curriculum. The
43 Board shall report its progress to the Joint Legislative Education Oversight Committee on or
44 before the convening of the 2012 Regular Session of the 2011 General Assembly.

45 **SECTION 3.** The Board of Governors of The University of North Carolina shall
46 identify and direct the faculty and students of the constituent institutions with the appropriate
47 expertise to conduct interviews with survivors of the North Carolina Eugenics Sterilization
48 Program to document their experiences to share with future generations. The Board of
49 Governors shall report its progress to the Joint Legislative Education Oversight Committee on
50 or before the convening of the 2012 Regular Session of the 2011 General Assembly.

1 **SECTION 4.** The Office of State Personnel shall create an ethics training module
2 to educate State, county, and local government employees in issues relating to ethics and
3 human rights.

4 **SECTION 5.** Subject to the availability of funds, the Department of Cultural
5 Resources shall create digitized copies of all records currently maintained in the State Archives
6 relating to the North Carolina Eugenics Sterilization Program and make these digitized copies
7 available for continued research and review while maintaining confidentiality of all participants
8 of the Program. The Department shall make every effort to secure philanthropic grant funding
9 to fund preservation of these records.

10 **SECTION 6.** Section 1(c) of this act becomes effective July 1, 2011. The
11 remainder of this act is effective when it becomes law.