

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 580

Short Title: My Body, My Choice Medical Privacy Act. (Public)

Sponsors: Representatives Kidwell, Hanig, and Goodwin (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 2, if favorable, Health, if favorable, Rules, Calendar, and Operations of the House

April 19, 2021

A BILL TO BE ENTITLED

AN ACT MAKING IT AN UNLAWFUL EMPLOYMENT PRACTICE TO DISCRIMINATE ON THE BASIS OF AN INDIVIDUAL'S REFUSAL TO SUBMIT TO A MEDICAL PROCEDURE; AND MAKING IT UNLAWFUL TO REFUSE AN INDIVIDUAL'S ENTRANCE INTO CERTAIN PUBLIC OR PRIVATE SPACES FOR REFUSAL TO SUBMIT TO A MEDICAL PROCEDURE.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act shall be known and may be cited as the "My Body, My Choice Medical Privacy Act."

**SECTION 2.** Article 3 of Chapter 95 of the General Statutes is amended by adding a new section to read:

**"§ 95-28.2A. Discrimination against persons for refusal of medical procedures.**

(a) As used in this section, "employer" means the State and all political subdivisions of the State, public and quasi-public corporations, boards, bureaus, commissions, councils, and private employers.

(b) It is an unlawful employment practice for an employer to fail or refuse to hire a prospective employee, or discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment on the basis of the prospective employee's or employee's refusal to (i) submit to a medical procedure, including a vaccination or series of vaccinations, or (ii) provide proof of vaccination for, or immunity from, a specific disease.

(c) An employee who is discharged or otherwise discriminated against, or a prospective employee who is denied employment in violation of this section, may bring a civil action in district court against an employer who violates the provisions of this section and obtain any one or more of the following remedies:

(1) An injunction against any further violations.

(2) Appropriate affirmative relief, including, but not limited to, reinstatement of employment with back pay plus ten percent (10%) interest.

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

(4) An order directing the employer to offer employment to the prospective employee.

(5) Any other relief necessary to ensure compliance with this section.

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



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1           **SECTION 3.** Chapter 99D of the General Statutes is amended by adding a new  
2 section to read:

3 **"§ 99D-1.5. No discrimination in public or private spaces for refusal of medical procedures.**

4       (a) It is an unlawful discriminatory practice for a person to deny any individual entrance  
5 into a public space or a private facility, building, or entertainment or sports venue that is generally  
6 open to the public on the basis of that individual's refusal to (i) submit to a medical procedure,  
7 including a vaccination or series of vaccinations, or (ii) provide proof of vaccination for, or  
8 immunity from, a specific disease. As used in this section, "public space" includes all of the  
9 following:

10           (1) Places of public accommodation.

11           (2) Any building or space, whether indoors or outdoors, that is owned, leased,  
12 operated, occupied, or otherwise used by a public body.

13           (3) Any other building or space, whether indoors or outdoors, that is generally  
14 open to the public.

15       (b) An individual who is denied entrance into a public space, or a private facility,  
16 building, or entertainment or sports venue that is generally open to the public, in violation of this  
17 section, may bring a civil action in district court against any person who violates the provisions  
18 of this section and obtain any one or more of the following remedies:

19           (1) An injunction against any further violations.

20           (2) Appropriate affirmative relief.

21           (3) An order directing that the individual be allowed entrance into the public or  
22 private space.

23           (4) Any other relief necessary to ensure compliance with this section.

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

26       **SECTION 4.** This act is effective when it becomes law.