

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 576

Short Title: County Eugenics Compensation. (Public)

Sponsors: Representatives Quick, Hardister, Harrison, and Lambeth (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, State and Local Government, if favorable, Appropriations,
if favorable, Rules, Calendar, and Operations of the House

April 4, 2019

A BILL TO BE ENTITLED

AN ACT ALLOWING COUNTIES TO COMPENSATE PERSONS ASEXUALIZED OR
STERILIZED UNDER COUNTY AUTHORITY FOR THE PURPOSES OF EUGENICS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 13 of Chapter 153A of the General Statutes is amended by
adding a new section to read:

"§ 153A-248.1. County eugenics compensation.

(a) A county may adopt an ordinance to provide for the compensation of qualified
recipients asexualized or sterilized under county authority. An ordinance adopted under this
section:

(1) Shall include provisions to afford a qualified recipient with due process of law
and prescribe the manner in which claims will be handled by the county; and,

(2) May include provisions to allow the estate of a deceased qualified recipient to
be compensated only if the claim was made while the qualified recipient was
living, but the claim was verified and any compensation was awarded after the
qualified recipient's death.

(b) Any determination by the county favorable to a qualified recipient or the qualified
recipient's estate shall be final.

(c) A county may appropriate funds for eugenics compensation if the funds are not
otherwise limited as to use by law. Records of all inquiries of eligibility, claims, and payments
under this section shall be confidential and not public records under Chapter 132 of the General
Statutes.

(d) Any payment made under this section to a claimant shall not be considered income or
assets for purposes of determining the eligibility for, or the amount of, any benefits or assistance
under any State or local program financed in whole or in part with State funds. Pursuant to
G.S. 108A-26.1, the Department of Health and Human Services shall provide (i) income,
resource, and asset disregard to an applicant for, or recipient of, public assistance who receives
compensation under this section equal to the total compensation paid to the individual and (ii)
resource protection by reducing any subsequent recovery by the State under G.S. 108A-70.5 from
a deceased recipient's estate for payment of Medicaid paid services by the amount of resource
disregard."

SECTION 2. The county's liability related to any asexualization or sterilization
performed pursuant to an order by a county shall be limited to compensation authorized by this
act, and nothing in this act revives or extends any statute of limitation. An agreement for the



1 acceptance of attorneys' fees from a compensation award from the county is null and void unless
2 counsel has sought and received an opinion from the North Carolina State Bar that the fee
3 arrangement is reasonable under the Rules of Professional Conduct.

4 **SECTION 3.** This act applies only to counties having a population greater than
5 500,000 according to the most recent federal decennial census.

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