

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 580
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10274-MG-38

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

Sponsors: Representative Kidwell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT MAKING IT AN UNLAWFUL EMPLOYMENT PRACTICE TO DISCRIMINATE
3 ON THE BASIS OF AN INDIVIDUAL'S REFUSAL TO SUBMIT TO A MEDICAL
4 PROCEDURE; AND MAKING IT UNLAWFUL TO REFUSE AN INDIVIDUAL'S
5 ENTRANCE INTO CERTAIN PUBLIC OR PRIVATE SPACES FOR REFUSAL TO
6 SUBMIT TO A MEDICAL PROCEDURE.

7 The General Assembly of North Carolina enacts:

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

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

12 **"§ 95-28.2A. Discrimination against persons for refusal of medical procedures.**

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

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

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

26 (1) An injunction against any further violations.

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

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

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

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

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

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



1 **"§ 99D-1.5. No discrimination in public or private spaces for refusal of medical procedures.**

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

8 (1) Places of public accommodation.

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

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

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

17 (1) An injunction against any further violations.

18 (2) Appropriate affirmative relief.

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

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

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

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