

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 872

Short Title: Review of Federal Acts/Rules/Regulations. (Public)

Sponsors: Representative Kidwell.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

May 5, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR LEGISLATIVE REVIEW OR REVIEW BY THE ATTORNEY
3 GENERAL OF FEDERAL ACTS TO DETERMINE THE CONSTITUTIONALITY OF
4 THOSE ACTS AND TO PROHIBIT THE IMPLEMENTATION OF
5 UNCONSTITUTIONAL FEDERAL LAWS, RULES, AND EXECUTIVE ORDERS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 2 of Chapter 120 of the General Statutes is amended by adding
8 a new section to read:

9 **"§ 120-9.1. Review of federal actions.**

10 (a) As used in this section, the term "federal action" means any federal law, federal rule,
11 or executive order issued by the President of the United States.

12 (b) The General Assembly may review any federal action to determine the
13 constitutionality of such action. The General Assembly may also direct the Attorney General to
14 conduct a review of any federal action to determine the constitutionality of the federal action and
15 whether the State should seek an exemption from the application of the federal action or seek to
16 have the federal action declared unconstitutional.

17 (c) If the General Assembly determines a federal action is unconstitutional, it may direct
18 the Attorney General to pursue a legal challenge to declare the federal action unconstitutional. If
19 the Attorney General declines to seek to have a federal action declared unconstitutional as
20 directed by the General Assembly under this section, the General Assembly may declare the
21 federal action to be unconstitutional.

22 (d) Notwithstanding any other provision of law, the State, any political subdivision of the
23 State, and any organization that receives State funds shall not implement any federal action that
24 restricts a person's rights. Notwithstanding any other provision of law, the State, any political
25 subdivision of the State, and any organization that receives State funds shall not implement any
26 federal action that either the General Assembly or the Attorney General have determined to be
27 unconstitutional and which relates to any of the following:

28 (1) A pandemic or other health emergency.

29 (2) The regulation of natural resources, including oil and natural gas.

30 (3) The regulation of the agricultural industry.

31 (4) The use of land and wetlands and water.

32 (5) The regulation of the financial sector as it relates to environmental, social, or
33 governance standards.

34 (6) The regulation of the constitutional right to keep and bear arms.

35 (7) The regulation of education.



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- 1 (8) The regulation of interscholastic, intramural, or other extracurricular sports
2 sponsored by an institution of higher education, a local school administrative
3 unit, or a charter school.
4 (9) Any other powers reserved to the State of North Carolina and the people of
5 North Carolina."

6 **SECTION 2.** This act is effective when it becomes law.