

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 21
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PROPOSED COMMITTEE SUBSTITUTE H21-PCS80486-RJ-32

Short Title: Eugenics Program - Support and Education.

(Public)

Sponsors:

Referred to:

February 2, 2009

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

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

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

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

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

29 Whereas, over the lifetime of the North Carolina Eugenics Sterilization Program,
30 approximately 38% of persons sterilized under the Program were black, and 84% of all those
31 sterilized under the Program were female; and

32 Whereas, over the lifetime of the North Carolina Eugenics Sterilization Program,
33 approximately 71% of persons sterilized under the Program were classified as "feebleminded,"



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1 who were predominantly people with intellectual disabilities; 24% were classified as mentally
2 ill; and 5% were classified as epileptic; and

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

5 Whereas, the governors of Virginia, Oregon, South Carolina, and North Carolina
6 have issued apologies for these forced sterilizations, and Governor Michael F. Easley
7 established a committee to investigate the North Carolina Eugenics Sterilization Program and
8 consider compensation or counseling services for these persons; and

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

13 Whereas, the Speaker of the House of Representatives, the Honorable Joe Hackney,
14 established the House Select Committee on Compensation for Victims of the Eugenics
15 Sterilization Program to study proposals to compensate persons sterilized under the Program;
16 Now, therefore,

17 The General Assembly of North Carolina enacts:

18 **SECTION 1.(a)** The Department of Health and Human Services shall explore
19 options and develop a proposal for providing behavioral health counseling services to
20 confirmed survivors of the North Carolina Eugenics Sterilization Program and report its
21 recommendations and legislative proposals to the Legislative Study Commission on Mental
22 Health, Developmental Disabilities, and Substance Abuse Services on or before the convening
23 of the 2010 Regular Session of the 2009 General Assembly.

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

30 There is appropriated from the General Fund to the Department of Health and
31 Human Services the sum of thirty-eight thousand six hundred forty-eight dollars (\$38,648) for
32 the 2009-2010 fiscal year to administer the provisions of this section.

33 **SECTION 1.(c)** The Department of Health and Human Services shall compare the
34 names and identifying information collected by the Office of Minority Health over the course
35 of the past several years with the names and identifying information entered into the
36 verification database, shall determine whether these individuals were, in fact, program
37 participants, and shall notify each person of his or her status as soon as possible. The
38 Department shall report its progress in accomplishing Sections 1(b) and 1(c) to the Joint
39 Legislative Commission on Governmental Operations on or before the convening of the 2010
40 Regular Session of the 2009 General Assembly.

41 **SECTION 1.(d)** The Department of Health and Human Services shall use available
42 funds to conduct an outreach campaign to identify survivors, including at least the issuance of
43 news releases and public service announcements and joint efforts with relevant interest groups
44 and agencies. The Department shall report its progress to the Joint Legislative Commission on
45 Governmental Operations on or before the convening of the 2010 Regular Session of the 2009
46 General Assembly.

47 **SECTION 2.** The State Board of Education shall include information about the
48 North Carolina Eugenics Sterilization Program in its existing K-12 history curriculum. The
49 Board shall report its progress to the Joint Legislative Education Oversight Committee on or
50 before the convening of the 2010 Regular Session of the 2009 General Assembly.

1 **SECTION 3.** The Board of Governors of The University of North Carolina shall
2 identify and direct the faculty and students of the constituent institutions with the appropriate
3 expertise to conduct interviews with survivors of the North Carolina Eugenics Sterilization
4 Program to document their experiences to share with future generations. The Board of
5 Governors shall report its progress to the Joint Legislative Education Oversight Committee on
6 or before the convening of the 2010 Regular Session of the 2009 General Assembly.

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

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

16 **SECTION 6.** Section 1(b) becomes effective July 1, 2009. The remainder of this
17 act is effective when it becomes law.