

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B 1118
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10524-TCa-41A (06/08)

Short Title: Provide Protections Against Discrimination. (Public)

Sponsors: Representatives W. Richardson, Cotham, Hamilton, and D. Hall (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REPEAL RESTRICTIONS ON USE OF PUBLIC BATHROOMS AND STATEWIDE PREEMPTIONS IN LAWS RELATED TO EMPLOYMENT AND PUBLIC ACCOMMODATIONS; TO REPEAL RESTRICTIONS ON LOCAL GOVERNMENT CONTRACTS; TO ADD VETERAN STATUS, SEXUAL ORIENTATION, AND GENDER IDENTITY AS CLASSES PROTECTED FROM DISCRIMINATION IN EMPLOYMENT AND PUBLIC ACCOMMODATIONS; TO PROVIDE FOR PRIVATE ENFORCEMENT OF THOSE RIGHTS; AND TO PROVIDE FUNDING FOR THE HUMAN RELATIONS COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) S.L. 2016-3 is repealed.

SECTION 1.(b) This section becomes effective March 23, 2016.

SECTION 2.(a) G.S. 143-422.2 reads as rewritten:

"§ 143-422.2. Legislative declaration.

(a) It is the public policy of this State to protect and safeguard the right and opportunity of all persons to seek, obtain and hold employment without discrimination or abridgement on account of race, religion, color, national origin, age, sex, sexual orientation, gender identity, status as a current member or veteran of the Armed Services, or handicap by employers which regularly employ 15 or more employees.

(a1) For purposes of this Article, Armed Services is as defined in G.S. 116-143.3(a)(2).

(a2) It shall not be deemed to constitute discrimination for an employer to provide separate bathrooms or changing facilities for employees based on gender, but an employer shall provide access to such facilities based on a person's gender identity.

(b) It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment foments domestic strife and unrest, deprives the State of the fullest utilization of its capacities for advancement and development, and substantially and adversely affects the interests of employees, employers, and the public in general."

SECTION 2.(b) Article 49A of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-422.4. Private right of action.

An employee may bring a private action for damages against that employee's employer for a violation of this Article. In the event of a violation of this Article, as a result of intentional wrongdoing, the court shall award the employee treble damages, reasonable attorneys' fees, and costs incurred in the action."



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1 **SECTION 3.** Chapter 143 of the General Statutes is amended by adding a new Article
2 to read:

3 "Article 49B.

4 "Equal Access to Public Accommodations.

5 "§ 143-422.10. Short title.

6 This Article shall be known and may be cited as the Equal Access to Public Accommodations
7 Act.

8 "§ 143-422.11. Legislative declaration.

9 (a) It is the public policy of this State to protect and safeguard the right and opportunity of
10 all individuals within the State to enjoy fully and equally the goods, services, facilities, privileges,
11 advantages, and accommodations of places of public accommodation free of discrimination
12 because of race, religion, color, national origin, sex, sexual orientation, gender identity, or status
13 as a current member or veteran of the Armed Services. It shall not be deemed to constitute
14 discrimination for a place of public accommodation to provide separate bathrooms or changing
15 facilities based on gender, but a place of public accommodation shall provide access to such
16 facilities based on a person's gender identity.

17 "§ 143-422.12. Definitions.

18 For purposes of this Article, the following definitions shall apply:

19 (1) Armed Forces. – As defined in G.S. 116-143.3(a)(2).

20 (2) Places of public accommodation. – As defined in G.S. 168A-3(8), but shall
21 exclude any private club or other establishment not, in fact, open to the public.

22 "§ 143-422.13. Investigations; conciliations.

23 The Human Relations Commission in the Department of Administration shall have the
24 authority to receive, investigate, and conciliate complaints of discrimination in public
25 accommodations. Throughout this process, the Human Relations Commission shall use its good
26 offices to affect an amicable resolution of the complaints of discrimination.

27 "§ 143-422.14. Private right of action.

28 An individual may bring a private action for a violation of this Article. In the event of a
29 violation of this Article, as a result of intentional wrongdoing, the court shall award the plaintiff
30 treble damages, reasonable attorneys' fees, and costs incurred in the action."

31 **SECTION 4.** Any local ordinance, resolution, regulation, or policy enacted prior to
32 March 23, 2016, is not abated or affected by S.L. 2016-3, and any local ordinance, resolution,
33 regulation, or policy that would be valid but for the enactment of S.L. 2016-3 remains valid.

34 **SECTION 5.(a)** S.L. 2015-241, Section 6.20(b)(2)a., is repealed.

35 **SECTION 5.(b)** There is appropriated from the General Fund to the Department of
36 Administration, Human Relations Commission, the sum of five hundred forty-five thousand four
37 hundred seven dollars (\$545,407) in recurring funds for the 2016-2017 fiscal year to be used for
38 operating expenses.

39 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes law.