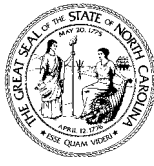


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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 631

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S631-ABE-26 [v.2]

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Amends Title [YES]
Second Edition

Date _____, 2023

Senator Murdock

1 moves to amend the bill on page 1, line 2, by rewriting the line to read:

2
3 "AN ACT TO PROTECT OPPORTUNITIES FOR WOMEN AND GIRLS IN ATHLETICS
4 AND TO MAKE OTHER VARIOUS CHANGES.";

5
6 and on page 1, line 17, by rewriting the line to read:

7
8 "and genetics at birth. Verification of a student's sex shall not include an inspection of genitals.";

9
10 and on page 2, lines 45-46, by rewriting the lines to read:

11
12 "SECTION 6. Article 29E of Chapter 115C of the General Statutes is amended by
13 adding a new section to read:

14 "§ 115C-407.58. Prohibitions on convicted sex offenders.

15 An individual required to register as a sex offender under Article 27A of Chapter 14 of the
16 General Statutes shall not be eligible to:

- 17 (1) Participate in interscholastic or intramural sports in middle or high school.
- 18 (2) Volunteer or be employed as a coach of an interscholastic or intramural sports
19 team in middle or high school."

20 SECTION 7.(a) Chapter 90 of the General Statutes is amended by adding a new
21 Article to read:

22 "Article 1M.

23 "Mental Health Protection Act.

24 "§ 90-21.140. Short title.

25 This Article shall be known as the "Mental Health Protection Act."

26 "§ 90-21.141. Definitions.

27 The following definitions apply in this Article:

- 28 (1) Adult under guardianship. – An adult who has been adjudicated incompetent,
29 in accordance with Chapter 35A of the General Statutes, and who is incapable
30 of providing consent for conversion therapy or a similar course of therapy or
31 treatment.



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1 (2) Conversion therapy. – Any practices or treatments that seek to change an
2 individual's sexual orientation or gender identity, including efforts to (i)
3 change behaviors and gender expressions or (ii) eliminate or reduce sexual or
4 romantic attractions or feelings toward individuals of the same gender.
5 Conversion therapy shall not include counseling that provides assistance to an
6 individual undergoing gender transition or counseling that provides
7 acceptance, support, and understanding of an individual or facilitates an
8 individual's coping, social support, and identity exploration and development,
9 including sexual-orientation-neutral interventions to prevent or address
10 unlawful conduct or unsafe sexual practices, as long as such counseling does
11 not seek to change an individual's sexual orientation or gender identity.

12 **"§ 90-21.142. Conversion therapy prohibited.**

13 (a) The following professionals shall not engage in conversion therapy with an individual
14 under 18 years of age or an adult under guardianship:

15 (1) Licensed clinical social worker as defined in G.S. 90B-3.

16 (2) Licensed marriage and family therapist as defined in G.S. 90-270.47.

17 (3) Licensed clinical mental health counselor as defined in G.S. 90-330.

18 (4) Psychiatrist licensed in accordance with Article 1 of Chapter 90 of the General
19 Statutes.

20 (5) Licensed psychologist as defined in G.S. 90-270.136.

21 (b) Conversion therapy practiced by any professional listed in subsection (a) of this
22 section shall be considered unprofessional conduct and shall subject each licensed professional
23 who engages in the practice of conversion therapy to discipline under the licensed professional's
24 respective licensing entity.

25 (c) The Department of Health and Human Services shall report to the appropriate
26 licensing entity any professional found to be in violation of this section. The Department may
27 adopt rules to set forth and implement reporting requirements of violations of this section.

28 **"§ 90-21.143. Prohibited State funding.**

29 No State funds, nor any funds belonging to a municipality, agency, or political subdivision
30 of this State, shall be expended for the purpose of conducting conversion therapy, referring an
31 individual for conversion therapy, health benefits coverage for conversion therapy, or a grant or
32 contract with any entity that conducts conversion therapy or refers individuals for conversion
33 therapy."

34 **SECTION 7.(b)** If any provision of this section or its application is held invalid, the
35 invalidity does not affect other provisions or applications of this section that can be given effect
36 without the invalid provisions or application and, to this end, the provisions of this section are
37 severable.

38 **SECTION 7.(c)** This section is effective when it becomes law and applies to acts on
39 or after that date.

40 **SECTION 8.(a)** Article 25B of Chapter 115C of the General Statutes is amended
41 by adding a new section to read:

42 **"§ 115C-376.6. Mental Health Grant Program.**

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1 (a) Definitions. – For purposes of this section, the term "mental health support personnel"
2 refers to any of the following:

- 3 (1) School counselors, school psychologists, and school social workers.
4 (2) Psychiatrists licensed in accordance with Article 1 of Chapter 90 of the
5 General Statutes.
6 (3) Psychologists, as defined in G.S. 90-270.136(6).
7 (4) Licensed psychological associates, as defined in G.S. 90-270.136(7).
8 (5) Licensed clinical mental health counselors, as defined in G.S. 90-330(a).
9 (6) Substance use disorder professionals, as defined in G.S. 90-113.31A(26).
10 (7) Social workers engaged in clinical social work practice, as defined in
11 G.S. 90B-3(6).

12 (b) Program; Purpose. – The Department of Public Instruction shall establish the School
13 Mental Health Grant Program (Program). To the extent funds are made available for the Program,
14 its purpose is to increase student access to mental health support personnel in public school units.

15 (c) Applications. – The Department shall make grant applications available to public
16 school units pursuant to this section. The Department shall establish (i) deadlines for receipt of
17 applications and the award of funds and (ii) any information to be included in the applications.

18 (d) Award of Funds. – The Department shall award funds to selected public school units
19 based on the need of the public school unit. In evaluating the need of the unit, the Department
20 shall prioritize the award of funds to units with a greater proportion of students who have limited
21 or no access to mental health services, including students who do not have health insurance and
22 students with disabilities.

23 (e) Use of Funds. – A public school unit shall use funds received pursuant to the Program
24 to contract with mental health support personnel to provide mental health services in one or more
25 schools in the unit.

26 (f) Supplement Not Supplant. – Grants provided to public school units pursuant to the
27 Program shall be used to supplement and not supplant funds from any source already provided
28 for mental health services in schools.

29 (g) Report. – No later than March 15, 2024, and every year thereafter in which funds are
30 provided for the Program, the Department shall report on the Program to the Joint Legislative
31 Education Oversight Committee and the Joint Legislative Oversight Committee on Health and
32 Human Services. The report shall include at least the following information:

- 33 (1) The identity of each public school unit that received a grant through the
34 Program.
35 (2) The amount of funding received by each public school unit.
36 (3) The services purchased with grant funds by each public school unit that
37 received a grant.
38 (4) Recommendations for the implementation of additional measures to improve
39 student mental health, especially among students with limited or no access to
40 mental health services."

41 **SECTION 8.(b)** There is appropriated from the General Fund to the Department of
42 Public Instruction for the 2023-2024 fiscal year the sum of forty million dollars (\$40,000,000) in
43 recurring funds to provide grants for school mental health services in public school units in

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1 accordance with G.S. 115C-376.6, as enacted by this act. The Department may use up to fifty
2 thousand dollars (\$50,000) of these funds each year for administrative costs related to the
3 Program.

4 **SECTION 8.(c)** This section becomes effective July 1, 2023.

5 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes law.
6 Sections 1 through 6 apply beginning with the 2023-2024 school year.".

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9
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11
12

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____