

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 21
Second Edition Engrossed 3/9/09
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Short Title: Eugenics Program - Support and Education.

(Public)

Sponsors:

Referred to:

February 2, 2009

A BILL TO BE ENTITLED

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

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,"
34 who were predominantly people with intellectual disabilities; 24% were classified as mentally
35 ill; and 5% were classified as epileptic; and



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

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

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

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

15 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

49 **SECTION 3.** The Board of Governors of The University of North Carolina shall
50 identify and direct the faculty and students of the constituent institutions with the appropriate
51 expertise to conduct interviews with survivors of the North Carolina Eugenics Sterilization

1 Program to document their experiences to share with future generations. The Board of
2 Governors shall report its progress to the Joint Legislative Education Oversight Committee on
3 or before the convening of the 2010 Regular Session of the 2009 General Assembly.

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

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

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