

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 846

Short Title: County Eugenics Compensation. (Public)

Sponsors: Representatives Quick and Hardister (Primary Sponsors).

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

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

April 13, 2017

A BILL TO BE ENTITLED

AN ACT ALLOWING COUNTIES TO COMPENSATE PERSONS ASEXUALIZED OR
STERILIZED UNDER COUNTY AUTHORITY FOR THE PURPOSES OF EUGENICS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 13 of Chapter 153A of the General Statutes is amended by
adding a new section to read:

"§ 153A-248.1. County eugenics compensation.

A county may adopt an ordinance to provide for the compensation of qualified recipients
asexualized or sterilized under county authority. An ordinance adopted under this section shall
include provisions to afford claimants with due process of law and prescribe the manner in
which claims will be handled by the county. Any determination by the county favorable to a
claimant shall be final. A county may appropriate funds for eugenics compensation if the funds
are not otherwise limited as to use by law. Records of all inquiries of eligibility, claims, and
payments under this section shall be confidential and not public records under Chapter 132 of
the General Statutes.

A payment made under this section shall not be considered income or assets for purposes of
determining the eligibility for, or the amount of, any benefits or assistance under any State or
local program financed in whole or in part with State funds. Pursuant to G.S. 108A-26.1, the
Department of Health and Human Services shall provide (i) income, resource, and asset
disregard to an applicant for, or recipient of, public assistance who receives compensation
under this section equal to the total compensation paid to the individual and (ii) resource
protection by reducing any subsequent recovery by the State under G.S. 108A-70.5 from a
deceased recipient's estate for payment of Medicaid paid services by the amount of resource
disregard."

SECTION 2. The county's liability related to any asexualization or sterilization
performed pursuant to an order by a county shall be limited to compensation authorized by this
act, and nothing in this act revives or extends any statute of limitation. An agreement for the
acceptance of attorneys' fees from a compensation award from the county is null and void
unless counsel has sought and received an opinion from the North Carolina State Bar that the
fee arrangement is reasonable under the Rules of Professional Conduct.

SECTION 3. This act applies only to counties having a population greater than
500,000 and less than 900,000, according to the most recent federal decennial census.

SECTION 4. This act is effective when it becomes law.

