

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 21
Second Edition Engrossed 3/9/09**

Short Title: Eugenics Program - Support and Education. (Public)

Sponsors: Representatives Womble, Sutton, Parmon, M. Alexander (Primary Sponsors); Adams, K. Alexander, Bell, Bordsen, Bryant, Carney, Cotham, Fisher, E. Floyd, Glazier, Goforth, Hall, Harrell, Harrison, Holliman, Hughes, Insko, Jones, Lucas, Luebke, Mackey, Martin, Michaux, Mobley, Pierce, Ross, Samuelson, Wainwright, Weiss, and Wray.

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

February 2, 2009

A BILL TO BE ENTITLED

1
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 ERECT A HISTORICAL
7 MARKER ABOUT THE PROGRAM, TO DIRECT THE STATE BOARD OF
8 EDUCATION TO INCLUDE INFORMATION ABOUT THE PROGRAM IN ITS K-12
9 HISTORY CURRICULUM, TO RECOMMEND CREATION OF AN ETHICS
10 TRAINING MODULE FOR STATE, COUNTY, AND LOCAL GOVERNMENT
11 EMPLOYEES, AND TO DIRECT THE DEPARTMENT OF CULTURAL RESOURCES
12 TO DIGITIZE EXISTING RECORDS FOR PRESERVATION AND STUDY
13 PURPOSES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
14 COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION PROGRAM.

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

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

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

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

27 Whereas, over the lifetime of the Eugenics Sterilization Program, approximately
28 38% of persons sterilized under the Program were black, and 84% of all those sterilized under
29 the Program were female; and

30 Whereas, over the lifetime of the Eugenics Sterilization Program, approximately
31 71% of persons sterilized under the Program were classified as "feebleminded," who were



1 predominantly people with intellectual disabilities; 24% were classified as mentally ill; and 5%
2 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 Eugenics Sterilization Program and consider
8 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 Eugenics Sterilization Program and report its recommendations and
21 legislative proposals to the 2010 Regular Session of the 2009 General Assembly on or before
22 the convening of that session.

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

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

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

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

46 **SECTION 2.** The Department of Cultural Resources shall design and place a
47 historical marker providing information about the North Carolina Eugenics Sterilization
48 Program in an appropriate location in Raleigh. The Department shall report its progress in this
49 regard to the Joint Legislative Commission on Governmental Operations on or before the
50 convening of the 2010 Regular Session of the 2009 General Assembly.

1 **SECTION 3.** The State Board of Education shall include information about the
2 North Carolina Eugenics Sterilization Program in its existing K-12 history curriculum. The
3 Board shall report its progress in this regard to the Joint Legislative Education Oversight
4 Committee on or before the convening of the 2010 Regular Session of the 2009 General
5 Assembly.

6 **SECTION 4.** The Board of Trustees of each of the constituent institutions of The
7 University of North Carolina shall direct its students and faculty with the appropriate expertise
8 to conduct interviews with survivors of the Eugenics Sterilization Program to document their
9 experiences to share with future generations. The Board shall report its progress in this regard
10 to the Joint Legislative Education Oversight Committee on or before the convening of the 2010
11 Regular Session of the 2009 General Assembly.

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

15 **SECTION 6.** Subject to the availability of funds, the Department of Cultural
16 Resources shall create digitized copies of all records currently maintained in the State Archives
17 relating to the North Carolina Eugenics Sterilization Program and make these digitized copies
18 available for continued research and review, while maintaining confidentiality of all
19 participants of the Program. The Department shall make every effort to secure philanthropic
20 grant funding to fund preservation of these records.

21 **SECTION 7.** This act becomes effective July 1, 2009.