

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 855

Short Title: No Emp. Disc. for Repro. Health Decisions. (Public)

Sponsors: Senators McKissick (Primary Sponsor); Bryant and Van Duyn.

Referred to: Rules and Operations of the Senate.

May 28, 2014

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT DISCRIMINATION BY AN EMPLOYER BASED ON AN
EMPLOYEE'S DECISIONS REGARDING HIS OR HER REPRODUCTIVE HEALTH.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 95 of the General Statutes is amended by adding a new section to read:

"§ 95-28.2A. Discrimination against persons for reproductive health choices prohibited.

(a) No person, firm, corporation, unincorporated association, State agency, unit of local government, or any public or private entity shall discriminate with respect to compensation, terms, conditions, or privileges of employment against an employee or applicant for employment on the basis of the applicant's or the employee's reproductive health decision making, including the decision to use or access a particular drug, device, or medical service, or because of or on the basis of an employer's beliefs about a particular drug, device, or medical service.

(b) An employee who is discharged or otherwise discriminated against, or a prospective employee who is denied employment in violation of this section, may bring a civil action within one year from the date of the alleged violation against the employer who violates the provisions of subsection (a) of this section and obtain all of the following:

(1) Any wages or benefits lost as a result of the violation.

(2) An order of reinstatement without loss of position, seniority, or benefits.

(3) An order directing the employer to offer employment to the prospective employee.

(c) The court may award reasonable costs, including court costs and attorneys' fees, to the prevailing party in an action brought pursuant to this section.

(d) Nothing in this section is intended to limit or restrict any other State or federal protections against employment discrimination."

SECTION 2. There is appropriated from the General Fund to the Department of Administration, Office of State Human Resources, the sum of one hundred thousand dollars (\$100,000) for the 2014-2015 fiscal year to ensure compliance with Section 1 of this act by State agencies.

SECTION 3. Section 2 of this act becomes effective July 1, 2014. Section 1 of this act becomes effective October 1, 2014, and applies to causes of action occurring on or after that date. The remainder of this act is effective when it becomes law.

