

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

S

1

**SENATE BILL 251**

Short Title: Prohibit Rebirthing Therapy. (Public)

---

Sponsors: Senators Allran; Apodaca, Ballantine, Bingham, Carpenter, Clodfelter, Dalton, Forrester, Foxx, Garrou, Garwood, Hartsell, Horton, Hoyle, Jenkins, Lucas, Purcell, Rand, Shubert, Sloan, and Tillman.

---

Referred to: Health and Human Resources.

---

February 27, 2003

A BILL TO BE ENTITLED

1 AN ACT TO PROHIBIT THE PRACTICE OF THE REBIRTHING THERAPEUTIC  
2 TECHNIQUE.  
3

4 Whereas, United States Representative Sue Myrick, a member of the North  
5 Carolina Congressional delegation, introduced House Concurrent Resolution 435 in  
6 Congress encouraging states to outlaw rebirthing therapy; and

7 Whereas, the United States Congress adopted House Concurrent Resolution  
8 435, which passed the House of Representatives by a vote of 397-0; and

9 Whereas, in House Concurrent Resolution 435 the United States Congress  
10 expressed the sense that the therapeutic technique known as rebirthing, a form of  
11 attachment therapy, is a dangerous and harmful practice and should be prohibited; and

12 Whereas, Candace Newmaker, a child from North Carolina, died from use of  
13 the rebirthing technique, and four other children have died from other forms of  
14 attachment therapy; and

15 Whereas, the American Psychological Association does not recognize  
16 rebirthing as proper treatment, Now, therefore,  
17 The General Assembly of North Carolina enacts:

18 **SECTION 1.** Article 52 of Chapter 14 of the General Statutes is amended by  
19 adding the following new section to read:

20 **"§ 14-401.21. Practicing rebirthing therapeutic technique; penalty.**

21 (a) It is unlawful for a person to practice the therapeutic technique of rebirthing.  
22 As used in this section, "rebirthing" means a therapy to reenact the birthing process in a  
23 manner that includes restraint and creates a situation in which a patient may suffer  
24 physical injury or death.

25 (b) A violation of this section is punishable as follows:

26 (1) For a first offense under this section, the person is guilty of a Class A1  
27 misdemeanor.

1           (2) For a second or subsequent offense under this section, the person is  
2           guilty of a Class I felony."

3           **SECTION 2.** G.S. 122C-60(a) reads as rewritten:

4           "(a) Physical restraint or seclusion of a client shall be employed only when there  
5 is imminent danger of abuse or injury to the client or others, when substantial property  
6 damage is occurring, or when the restraint or seclusion is necessary as a measure of  
7 therapeutic treatment. For purposes of this section, rebirthing as defined by G.S.  
8 14-401.21 is not a measure of therapeutic treatment. All instances of restraint or  
9 seclusion and the detailed reasons for such action shall be documented in the client's  
10 record. Each client who is restrained or secluded shall be observed frequently, and a  
11 written notation of the observation shall be made in the client's record."

12           **SECTION 3.** Section 1 of this act becomes effective December 1, 2003, and  
13 applies to offenses committed on and after that date. The remainder of this act is  
14 effective when it becomes law.