A BILL TO BE ENTITLED  
AN ACT TO PROVIDE COUNSELING BENEFITS TO EUGENICS SURVIVORS, TO  
DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO  
ESTABLISH A DATABASE OF EUGENICS PROGRAM PARTICIPANTS AND  
VERIFY THE STATUS OF PERSONS CONTACTING THE STATE TO DETERMINE  
THEIR PARTICIPATION IN THE STATE PROGRAM, TO ERECT A HISTORICAL  
MARKER ABOUT THE PROGRAM, TO DIRECT THE STATE BOARD OF  
EDUCATION TO INCLUDE INFORMATION ABOUT THE PROGRAM IN ITS K-12  
HISTORY CURRICULUM, TO RECOMMEND CREATION OF AN ETHICS  
TRAINING MODULE FOR STATE, COUNTY, AND LOCAL GOVERNMENT  
EMPLOYEES, AND TO DIRECT THE DEPARTMENT OF CULTURAL RESOURCES  
TO DIGITIZE EXISTING RECORDS FOR PRESERVATION AND STUDY  
PURPOSES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON  
COMPENSATION FOR VICTIMS OF THE EUGENICS STERILIZATION PROGRAM.  

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

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

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

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

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

Whereas, over the lifetime of the Eugenics Sterilization Program, approximately 71% of persons sterilized under the Program were classified as "feebleminded," who were
predominantly people with intellectual disabilities; 24% were classified as mentally ill; and 5% were classified as epileptic; and

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

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

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

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

Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1.(a) The Department of Health and Human Services shall explore options and develop a proposal for providing behavioral health counseling services to confirmed survivors of the Eugenics Sterilization Program and report its recommendations and legislative proposals to the 2010 Regular Session of the 2009 General Assembly on or before the convening of that session.

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

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

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

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

SECTION 2. The Department of Cultural Resources shall design and place a historical marker providing information about the North Carolina Eugenics Sterilization Program in an appropriate location in Raleigh. The Department shall report its progress in this regard to the Joint Legislative Commission on Governmental Operations on or before the convening of the 2010 Regular Session of the 2009 General Assembly.
SECTION 3. The State Board of Education shall include information about the North Carolina Eugenics Sterilization Program in its existing K-12 history curriculum. The Board shall report its progress in this regard to the Joint Legislative Education Oversight Committee on or before the convening of the 2010 Regular Session of the 2009 General Assembly.

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

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

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

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