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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40376-NB-4

Short Title: Women's Safety and Protection Act. (Public)

Sponsors: Representative Balkcom.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO DEFINE VARIOUS TERMS IN THE GENERAL STATUTES OF NORTH
CAROLINA AND TO ENACT THE WOMEN'S SAFETY AND PROTECTION ACT.
The General Assembly of North Carolina enacts:

PART I. STANDARDIZATION OF CERTAIN DEFINED TERMS IN STATE LAW

SECTION 1. G.S. 12-3 reads as rewritten:

"§ 12-3. Rules for construction of statutes.

(a) In the construction of all statutes the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the General Assembly, or repugnant to the context of the same statute, that is to say:

...

(b) Except as otherwise specifically provided, the following definitions apply throughout the General Statutes as follows:

- (1) Biological sex or sex. – The biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.
- (2) Boy. – A human male who is a minor.
- (3) Father. – A parent who is of the male sex.
- (4) Female. – An individual who has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that, at some point, produces, transports, and utilities eggs for fertilization.
- (5) Gender. – The psychological, behavioral, social, and cultural aspects of being male or female.
- (6) Girl. – A human female who is a minor.
- (7) Male. – An individual who has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that, at some point, produces, transports, and utilities sperm for fertilization.
- (8) Man. – A human male that has reached the age of majority or a minor who has been emancipated.
- (9) Mother. – A parent who is of the female sex.



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- (10) Woman. – A human female that has reached the age of majority or a minor who has been emancipated."

PART II. WOMEN'S SAFETY AND PROTECTION ACT

SECTION 2.(a) Chapter 143 of the General Statutes is amended by adding a new Article to read:

"Article 81B.

"Women's Safety and Protection Act.

"§ 143-765. Short title; purpose.

(a) Short Title. – This Article shall be known as and may be cited as the "Women's Safety and Protection Act."

(b) Purpose. – The purpose of this Article is as follows:

- (1) To clarify and reconcile the meaning of the terms biological sex, gender, and any other related terms in State law.
- (2) To provide protections for women against sexual assault, harassment, and violence in correctional facilities, juvenile detention facilities, domestic violence centers, dormitories, and restrooms, or where women have been traditionally afforded safety and protection from acts of abuse committed by biological men.

"§ 143-766. Definitions.

The following definitions apply in this Article:

- (1) Agency. – As defined in G.S. 143-336.
- (2) Biological sex or sex. – As defined in G.S. 12-3.
- (3) Covered facility. – A prison, local confinement facility, domestic violence center, rape crisis center, juvenile detention facility, or public school, that receives State funds.
- (4) Domestic violence center. – A facility that conducts a domestic violence program, as defined in G.S. 8-53.12.
- (5) Gender. – As defined in G.S. 12-3.
- (6) Juvenile detention facility. – Means the same as the term "detention facility" as defined in G.S. 7B-1051.
- (7) Local confinement facility. – As defined in G.S. 153A-217.
- (8) Multiple occupancy restroom/changing facility. – A facility designed or designated to be used by more than one person at a time where persons may be in various states of undress in the presence of other persons. A multiple occupancy bathroom or changing facility may include a school restroom, locker room, changing room, or shower room.
- (9) Prison. – A confinement facility under the supervision of the Division of Prisons of the Department of Adult Correction.
- (10) Public school. – All of the following:
 - a. Any school in a public school unit, as defined in G.S. 115C-5(7a).
 - b. A school providing elementary or secondary education operated by either of the following:
 1. The Department of Health and Human Services.
 2. The Division of Juvenile Justice of the Department of Public Safety.
 - c. A community college located in North Carolina.
 - d. A constituent institution of The University of North Carolina.
- (11) Rape crisis center. – As defined in G.S. 8-53.12.
- (12) Single occupancy restroom/changing facility. – A facility designed or designated to be used by only one person at a time where a person may be in

various states of undress, including a single stall restroom designated as unisex or for use based on biological sex.

(13) Sleeping quarters. – A room with a bed in which more than one individual is housed overnight in a covered facility.

(14) Woman. – As defined in G.S. 12-3.

"§ 143-767. Safety and privacy of covered facilities.

(a) Use by One Biological Sex. – Except as provided under subsection (b) of this section, a single or multiple occupancy restroom, changing facility, or sleeping quarters within a covered facility in this State shall only be used by one designated biological sex at one time. If more than one designated biological sex is able to access or use a single or multiple occupancy restroom, changing facility, or sleeping quarters, then the covered facility shall have administrative rules or policies specifying that only one biological sex may use the area at any point in time.

(b) Use by Families. – A covered facility may designate a single or multiple occupancy restroom, changing facility, or sleeping quarters for family use for members of the same family.

(c) Additional Rules in Public Schools. – During an authorized activity or event by a public school where students share sleeping quarters, no student shall share sleeping quarters with a member of the other biological sex, unless members of the same family, such as a parent, legal guardian, sibling, or grandparent, and the public school has received permission from the parent or legal guardian.

"§ 143-768. Applicability.

(a) Exceptions. – This Article does not apply to a person who enters a single or multiple occupancy bathroom, changing facility, or sleeping quarters designated for a biological sex other than their own biological sex in any of the following circumstances:

(1) To perform custodial, maintenance, or inspection services.

(2) To render medical assistance.

(3) To effectuate assistance by law enforcement.

(4) To provide services or render aid during a natural disaster, a declared state of emergency, or when necessary to prevent a serious threat to public order or safety.

(b) Limitation. – Nothing in this Article shall be construed to prohibit a domestic violence center or rape crisis center from adopting administrative rules or policies necessary to accommodate persons or minors in need of physical assistance when using a single or multiple occupancy restroom, changing facility, or sleeping quarters.

"§ 143-769. Standard of review.

Intermediate Scrutiny. – Any provision of this Article that distinguishes between biological sexes in the furtherance of the purposes of this Article is subject to intermediate scrutiny, which forbids discrimination against similarly situated persons but allows for distinctions between biological sexes when there exists an important governmental interest.

"§ 143-770. Remedies; cause of action; rebuttable presumption.

(a) Civil Action. – A person who, while accessing a single or multiple occupancy restroom, changing facility, or sleeping quarters, encounters a person of the opposite biological sex in a covered facility has a private cause of action under this Article against the covered facility if the covered facility (i) provided permission to the person to use a single or multiple occupancy restroom, changing facility, or sleeping quarters of the opposite biological sex; or (ii) failed to take reasonable steps to prohibit the person of the opposite biological sex from using the single or multiple occupancy restroom, changing facility, or sleeping quarters.

(b) Contracting Liability. – A contractor who is entered into a contractual relationship with an agency of the State that provides services to women at a covered facility, except for a prison, and operated at the direction of and receives funding from the State, unit of local government, or political subdivision, shall have a cause of action against the agency that employs the person who directed the contractor to violate any provision of this Article.

(c) Protection. – A person who is subjected to retaliation or other adverse action by asserting rights that are affirmed by this Article shall have a cause of action under this Article.

(d) Relief. – A person who brings a cause of action under this Article may obtain appropriate relief as awarded by a court of competent jurisdiction, including injunctive relief, protective order, writ of mandamus or prohibition, declaratory relief, actual damages, reasonable attorneys' fees, and costs. A court may also award punitive damages if it is found that the defendant committed egregiously wrongful acts or to deter the defendant and others from committing similar wrongful acts.

(e) Statute of Limitation. – A person shall have three years from the date that the harm occurred to bring a cause of action brought under this Article. If the person is a minor, the person shall have three years from the date the minor attains the age of majority to bring a cause of action."

SECTION 2.(b) This section becomes effective October 1, 2025, and applies to acts or omissions occurring on or after that date.

PART III. BIRTH CERTIFICATE MODIFICATIONS

SECTION 3.(a) G.S. 130A-118(b) reads as rewritten:

"(b) ~~A~~The State Registrar shall make a new certificate of birth ~~shall be made by the State Registrar when~~ whenever any of the following conditions are met:

- (1) Proof is submitted to the State Registrar that the previously unwed parents of a person have intermarried subsequent to the birth of the ~~person; person.~~
- (2) Notification is received by the State Registrar from the clerk of a court of competent jurisdiction of a judgment, order or decree disclosing different or additional information relating to the parentage of a ~~person; person.~~
- (3) Satisfactory proof is submitted to the State Registrar that there has been entered in a court of competent jurisdiction a judgment, ~~order order,~~ or decree disclosing different or additional information relating to the parentage of a ~~person; or person.~~
- (4) ~~A written request from an individual is received by the State Registrar to change the sex on that individual's birth record because of sex reassignment surgery, if the request is accompanied by a notarized statement from the physician who performed the sex reassignment surgery or from a physician licensed to practice medicine who has examined the individual and can certify that the person has undergone sex reassignment surgery."~~

SECTION 3.(b) This section is effective when it becomes law and applies to any request for a new certificate of birth received on or after that date.

PART IV. DRIVERS LICENSE MODIFICATIONS

SECTION 4.(a) G.S. 20-7 reads as rewritten:

"§ 20-7. Issuance and renewal of drivers licenses.

...

(b1) Application. – To obtain an identification card, learners permit, or drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and, except for an identification card, demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

1 The application form shall request all of the following information, and it shall contain the
2 disclosures concerning the request for an applicant's social security number required by section
3 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

4 ...

5 (3) A physical description of the applicant, including the applicant's ~~sex~~, sex as
6 reflected on the applicant's certificate of birth, height, eye color, and hair
7 color.

8 ...

9 (n) Format. – A drivers license issued by the Division must be tamperproof and must
10 contain all of the following information:

11 ...

12 (5) A physical description of the license holder, including ~~sex~~, sex as reflected on
13 the person's certificate of birth, height, eye color, and hair color.

14"

15 **SECTION 4.(b)** This section is effective when it becomes law and applies to any
16 drivers license issued on or after that date.

17 **PART V. EFFECTIVE DATE**

18 **SECTION 5.** If any provision of this act or its application is held invalid, the
19 invalidity does not affect other provisions or applications of this act that can be given effect
20 without the invalid provisions or application and, to this end, the provisions of this act are
21 severable.

22 **SECTION 6.** Except as otherwise provided, this act becomes effective October 1,
23 2025.
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