



HOUSE BILL 142: Reset of S.L. 2016-3.

2017-2018 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: March 30, 2017
Introduced by: Reps. Stevens, Jordan	Prepared by: Kara McCraw
Analysis of: Third Edition	Staff Attorney

OVERVIEW: *The 3rd Edition of HB 142 would do the following:*

- *Repeal S.L. 2016-3 and S.L. 2016-99.*
- *Preempt regulation of access to multiple occupancy restrooms, showers, or changing facilities by any State or local government, except in accordance with an act of the General Assembly.*
- *Prohibit a local government from enacting or amending an ordinance regulating private employment practices or regulating public accommodations. This section would expire December 1, 2020.*

CURRENT LAW: S.L. 2016-3 made the following changes:

- Required single sex multiple occupancy bathrooms and changing facilities in public schools and public agencies.
- Superseded and preempted all local ordinances, regulations, resolutions, or policies imposing any requirements on employers pertaining to compensation of employees, with certain exceptions.
- Prohibited cities and counties from requiring private contractors to abide by regulations or controls on employment practices or mandating or prohibiting provisions of goods, services, or accommodations to any member of the public, except as required by State law.
- Superseded and preempted any local ordinance, regulation, resolution, or policy that regulated or imposed any requirements on employers pertaining to regulation of discriminatory practices in employment.
- Created a State law pertaining to discrimination in public accommodations, and superseded and preempted any local ordinance, regulation, resolution, or policy that regulated or imposed any requirements pertaining to regulation of discriminatory practices in a place of public accommodation.

S.L. 2016-99 repealed a portion of S.L. 2016-3 that prohibited civil actions based upon the public policy in the Equal Employment Practices Act, and created a one year statute of limitations on claims for wrongful discharge in violation of the public policy in that Act.

BILL ANALYSIS: The 3rd Edition of HB 142 would make the following changes:

- S.L. 2016-3 and S.L. 2016-99 would be repealed.
- A new Article would be created preempting State agencies, boards, offices, departments, institutions, branches of government, including The University of North Carolina and the North Carolina Community College System, and political subdivisions of the State, including local

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

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boards of education, from regulating access to multiple occupancy restrooms, showers, or changing facilities, except in accordance with an act of the General Assembly.

- Local governments would be prohibited from enacting or amending an ordinance regulating private employment practices or regulating public accommodations. This provision would expire December 1, 2020.

EFFECTIVE DATE: HB 142 would become effective when it becomes law.