

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 670

Short Title: Preserve Access to Contraceptives. (Public)

Sponsors: Representatives von Haefen, Butler, Prather, and Budd (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT DECLARING AN UNLIMITED RIGHT TO USE CONTRACEPTION TO
3 PREVENT PREGNANCY; REQUIRING CONSTITUENT INSTITUTIONS OF THE
4 UNIVERSITY OF NORTH CAROLINA TO PROVIDE EMERGENCY
5 CONTRACEPTIVE PILLS IN AT LEAST ONE VENDING MACHINE ON EACH
6 CAMPUS; AND APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND
7 HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO PROVIDE GRANTS TO
8 NONPROFIT COMMUNITY HEALTH CENTERS FOR THE PURCHASE AND
9 DISTRIBUTION OF LONG-ACTING REVERSIBLE CONTRACEPTIVES.

10 The General Assembly of North Carolina enacts:

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12 **PART I. UNLIMITED RIGHT TO USE CONTRACEPTION TO PREVENT**
13 **PREGNANCY**

14 **SECTION 1.1.(a)** Chapter 90 of the General Statutes is amended by adding a new
15 Article to read:

16 "Article 44.

17 "Right to Use Contraception.

18 **"§ 90-751.1. Title.**

19 This Article may be cited as the "Right to Use Contraception Act."

20 **"§ 90-751.2. Legislative declaration.**

21 The right to use contraception implicates the fundamental liberty to prevent pregnancy. It is
22 the policy of the State of North Carolina that this State has no legitimate governmental interest
23 in limiting the freedom to use contraception to prevent pregnancy."

24 **SECTION 1.1.(b)** This section is effective when it becomes law.

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26 **PART II. REQUIREMENT FOR EMERGENCY CONTRACEPTIVES ON EACH**
27 **CAMPUS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF**
28 **NORTH CAROLINA**

29 **SECTION 2.1.(a)** Part 5 of Article 1 of Chapter 116 of the General Statutes is
30 amended by adding a new section to read:

31 **"§ 116-43.25. Provide emergency contraceptive pills on each campus.**

32 (a) For purposes of this section, the term "emergency contraceptive pills" means
33 medication in the form of one or more pills that is approved by the federal Food and Drug
34 Administration (FDA) and can significantly reduce the risk of pregnancy after sexual intercourse.



1 **(b)** The board of trustees of each constituent institution of The University of North
2 Carolina that is an institution of higher education shall make emergency contraceptive pills
3 available for purchase in at least one vending machine on the main campus of the institution. At
4 least one vending machine shall be located in an area of campus where students congregate and
5 shall be easily accessible at all hours of the day, including weekends and evenings.

6 **(c)** As part of complying with the requirements of this section, a constituent institution
7 shall do at least the following:

8 **(1)** Ensure that emergency contraceptive pills in one or more vending machines
9 on the campus of the constituent institution meet the following:

10 **a.** Are in the original manufacturer packaging. The packaging shall be
11 clearly labeled with an expiration date.

12 **b.** Are stored under conditions recommended by the manufacturer.

13 **c.** Are sold at a reasonable price not to exceed the actual cost to the
14 constituent institution of acquiring and distributing the pills.

15 **(2)** Regularly inspect every vending machine with emergency contraceptive pills
16 to ensure that the machine is functioning properly, the packaging for the pills
17 is not compromised, and the expiration date on the packaging has not passed.

18 **(3)** Provide the following information on the outside of vending machines with
19 emergency contraceptive pills in an obvious and legible manner:

20 **a.** A statement identifying the owner of the machine.

21 **b.** A toll-free telephone number to contact the owner of the machine.

22 **c.** A statement advising the consumer to check the expiration date of the
23 product before using the product.

24 **(4)** Publish the location of the vending machine on the campus health website for
25 the institution."

26 **SECTION 2.1.(b)** This section is effective when it becomes law and applies
27 beginning with the 2023-2024 academic year.

29 **PART III. FUNDING FOR NONPROFIT COMMUNITY HEALTH CENTERS TO** 30 **PURCHASE AND DISTRIBUTE LONG-ACTING REVERSIBLE CONTRACEPTIVES**

31 **SECTION 3.1.** There is appropriated from the General Fund to the Department of
32 Health and Human Services, Division of Public Health, the sum of three hundred thousand dollars
33 (\$300,000) in nonrecurring funds for the 2023-2024 fiscal year to be used to award grants on a
34 competitive basis to nonprofit community health centers. Nonprofit community health centers
35 selected to receive these grant funds shall use all such funds to purchase and make available
36 long-acting reversible contraceptives for underserved, uninsured, or medically indigent patients.
37 As used in this section, the term "long-acting reversible contraceptives" means a contraceptive
38 drug or device that meets all of the following criteria:

39 **(1)** Is a method of birth control that provides effective contraception for an
40 extended period of time without depending upon user action.

41 **(2)** Is designed as a temporary method of birth control that the user can elect to
42 discontinue.

43 **(3)** Has been approved by the United States Food and Drug Administration for
44 use as a contraceptive.

45 **(4)** Is obtained under a prescription written by a health care provider authorized
46 to prescribe medications under the laws of this State.

48 **PART IV. EFFECTIVE DATE**

49 **SECTION 4.1.** Except as otherwise provided, this act becomes effective July 1,
50 2023.