

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

**H.B. 1206**  
**Apr 30, 2026**  
**HOUSE PRINCIPAL CLERK**

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HOUSE BILL DRH10635-LRa-196

Short Title: Pregnant Workers Fairness Act/Funds. (Public)

Sponsors: Representative Budd.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ELIMINATE DISCRIMINATION AND PROMOTE WOMEN'S HEALTH AND  
3 ECONOMIC SECURITY BY ENACTING THE NORTH CAROLINA PREGNANT  
4 WORKERS FAIRNESS ACT AND APPROPRIATE FUNDING FOR  
5 IMPLEMENTATION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Effective January 1, 2027, Chapter 95 of the General Statutes is  
8 amended by adding a new Article to read:

9 "Article 24.

10 "Pregnant Workers Fairness Act.

11 **"§95-280. Title.**

12 This Article shall be known and may be cited as the "North Carolina Pregnant Workers  
13 Fairness Act."

14 **"§ 95-281. Definitions**

15 The following definitions apply in this Article:

16 (1) Covered entity. – Each of the following:

17 a. A private employer engaged in an industry affecting commerce who  
18 employs 15 or more employees.

19 b. The executive, judicial, and legislative branches of State government.

20 c. A unit of local government, including a county, city, or town.

21 (2) Employee. – Any individual employed by a covered entity, including an  
22 applicant for employment.

23 (3) Known limitation. – Any physical or mental condition related to, affected by,  
24 or arising out of pregnancy, childbirth, or related medical conditions that the  
25 employee or the employee's representative has communicated to the covered  
26 entity, regardless of whether that condition meets the definition of disability  
27 under the Americans with Disabilities Act of 1990, 42 U.S.C. § 12102.

28 (4) Qualified employee. – An employee or applicant who, with or without  
29 reasonable accommodation, can perform the essential functions of the  
30 employment position. An employee or applicant is also qualified if any  
31 inability to perform an essential function is for a temporary period, the  
32 essential function could be performed in the near future, and the inability to  
33 perform that function can be reasonably accommodated.

34 (5) Reasonable accommodation and undue hardship. – As defined in Section 101  
35 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12111, and  
36 interpreted consistent with that Act and the regulations promulgated



1            thereunder, including the interactive process for identifying and implementing  
2            an appropriate accommodation. Rules adopted by the Commissioner under  
3            G.S. 95-285 shall be consistent with this definition and shall not be construed  
4            to limit rights afforded under this Article.

5        **"§ 95-282. Unlawful employment practices.**

6            It is an unlawful employment practice for any covered entity to do any of the following:

- 7            (1)    Fail or refuse to make reasonable accommodations to the known limitations  
8            of a qualified employee related to pregnancy, childbirth, or related medical  
9            conditions, unless the covered entity demonstrates that the accommodation  
10           would impose an undue hardship on the operation of its business.
- 11           (2)    Impose an accommodation upon a qualified employee for a known limitation  
12           related to pregnancy, childbirth, or related medical conditions without first  
13           engaging in the interactive process with that employee to identify an effective  
14           accommodation.
- 15           (3)    Require a qualified employee to accept a particular accommodation for a  
16           known limitation related to pregnancy, childbirth, or related medical  
17           conditions where an alternative accommodation identified through the  
18           interactive process would be equally effective and would not impose an undue  
19           hardship on the covered entity.
- 20           (4)    Deny employment opportunities to a qualified employee where the denial is  
21           based on the need to make reasonable accommodations to that employee's  
22           known limitations related to pregnancy, childbirth, or related medical  
23           conditions.
- 24           (5)    Require a qualified employee to take leave, whether paid or unpaid, where  
25           another reasonable accommodation can be provided to address that  
26           employee's known limitations related to pregnancy, childbirth, or related  
27           medical conditions.
- 28           (6)    Take any adverse action in the terms, conditions, or privileges of employment  
29           against a qualified employee on account of that employee's request for or use  
30           of a reasonable accommodation for known limitations related to pregnancy,  
31           childbirth, or related medical conditions.

32        **"§ 95-283. Retaliation and coercion prohibited.**

33           (a)    Nondiscrimination. – No covered entity or other person shall discriminate against any  
34           employee because that employee has opposed any act or practice made unlawful under this  
35           Article, or because that employee made a charge, testified, assisted, or participated in any manner  
36           in an investigation, proceeding, or hearing under this Article.

37           (b)    No Intimidation. – No covered entity or other person shall coerce, intimidate,  
38           threaten, or interfere with any individual in the exercise or enjoyment of any right granted or  
39           protected by this Article, or on account of that individual having exercised or enjoyed such a  
40           right, or having aided or encouraged any other individual in doing so.

41           (c)    Remedies. – The remedies and procedures available under G.S. 95-284 apply to  
42           violations of this section.

43        **"§ 95-284. Enforcement and remedies.**

44           (a)    Private right of action. – Any employee aggrieved by a violation of this Article may  
45           bring a civil action in the Superior Court of the county where the violation occurred, where the  
46           covered entity maintains its principal place of business, or where the employee resides.

47           (b)    Exhaustion. – Before filing a civil action under this section, an aggrieved State  
48           employee shall first exhaust any applicable State Human Resources Commission, or other  
49           grievance procedures, before filing suit.

50           (c)    Remedies. In any civil action brought under this Article, the court may award the  
51           following:

- 1           (1) Injunctive relief, including reinstatement and reasonable accommodation.
- 2           (2) Back pay and lost benefits.
- 3           (3) Compensatory damages for future pecuniary losses, emotional pain and
- 4           suffering, inconvenience, mental anguish, and loss of enjoyment of life.
- 5           (4) Punitive damages, where the covered entity engaged in an unlawful
- 6           employment practice with malice or with reckless indifference to the rights of
- 7           the aggrieved employee.
- 8           (5) Reasonable attorneys' fees and costs to a prevailing plaintiff.

9           (d) Damages limitation. – Compensatory and punitive damages may not be awarded  
10 under this section where the unlawful employment practice involves the provision of a reasonable  
11 accommodation and the covered entity demonstrates that it made good-faith efforts, in  
12 consultation with the affected employee, to identify and provide a reasonable accommodation  
13 that would offer an equally effective opportunity and would not cause undue hardship on the  
14 operation of the covered entity.

15           (e) State employees. – Nothing in this section shall be construed to waive the State's  
16 sovereign immunity beyond the extent expressly provided herein. An employee of the State or  
17 any of its agencies, institutions, or subdivisions may bring a civil action under this Article in  
18 State Superior Court, and the State shall not assert sovereign immunity as a defense to such an  
19 action.

20           (f) Statute of limitations. – An aggrieved employee must bring a civil action under this  
21 Article within three years after the date the unlawful employment practice occurred. For a State  
22 employee required to exhaust State Human Resources Commission grievance procedures under  
23 subsection (b) of this section, the three-year period is tolled from the date the employee initiates  
24 those grievance procedures until the date a final decision is issued or the procedures are otherwise  
25 concluded.

26 **"§ 95-285. Rulemaking; policies.**

27           (a) Subject to the provisions of subsection (b) of this section, the Commissioner of Labor  
28 shall adopt rules in accordance with Chapter 150B of the General Statutes to carry out the  
29 purposes of this Article. The rules shall include examples of reasonable accommodations  
30 addressing known limitations related to pregnancy, childbirth, and related medical conditions,  
31 and shall be issued in an accessible format.

32           (b) Notwithstanding the provisions of subsection (a) of this section:

- 33           (1) The Chief Justice of the Supreme Court shall adopt policies to implement the
- 34           provisions of this Article for the judicial branch.
- 35           (2) The Legislative Service Officer shall adopt policies to implement the
- 36           provisions of this Article for the legislative branch.

37 **"§ 95-286. Relationship to other laws.**

38           Nothing in this Article limits or supersedes any right, remedy, or protection provided under  
39 any other provision of State or federal law that affords equal or greater protection to individuals  
40 affected by pregnancy, childbirth, or related medical conditions. The protections of this Article  
41 are cumulative with and in addition to those provided under Article 49A of Chapter 143 of the  
42 General Statutes and any applicable federal law.

43 **"§ 95-287. Severability.**

44           If any provision of this Article or its application to any person or circumstance is held invalid  
45 or unconstitutional, the remainder of the Article and the application of that provision to other  
46 persons or circumstances are unaffected."

47           **SECTION 2.** Effective July 1, 2026, there is appropriated from the General Fund  
48 the sum of six hundred thousand dollars (\$600,000) for the 2026-2027 fiscal year to be allocated  
49 as follows for implementation of this act:

- 50           (1) Two hundred thousand dollars (\$200,000) to the Department of Labor.

- 1           (2)    Two hundred thousand dollars (\$200,000) to the Administrative Office of the  
2                    Courts for the judicial branch,  
3           (3)    Two hundred thousand dollars (\$200,000) to the Legislative Services Office  
4                    for the legislative branch.  
5           **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
6 law.