

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 251
Health and Human Resources Committee Substitute Adopted 3/19/03
House Committee Substitute Favorable 5/27/03

Short Title: Prohibit Rebirthing.

(Public)

Sponsors:

Referred to:

February 27, 2003

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE PRACTICE OF THE "REBIRTHING" TECHNIQUE.

Whereas, United States Representative Sue Myrick, a member of the North Carolina congressional delegation, introduced House Concurrent Resolution 435 in Congress encouraging states to outlaw "rebirthing"; and

Whereas, the United States Congress adopted House Concurrent Resolution 435, which passed the House of Representatives by a vote of 397-0; and

Whereas, in House Concurrent Resolution 435, the United States Congress expressed the sense that the technique known as "rebirthing", a form of "attachment therapy", is a dangerous and harmful practice and should be prohibited; and

Whereas, Candace Newmaker, a child from North Carolina, died from use of the "rebirthing technique", and four other children have died from other forms of "attachment therapy"; and

Whereas, the American Psychological Association does not recognize "rebirthing" as proper treatment; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Article 52 of Chapter 14 of the General Statutes is amended by adding the following new section to read:

"§ 14-401.21. Practicing "rebirthing technique"; penalty.

(a) It is unlawful for a person to practice a technique, whether known as a "rebirthing technique" or referred to by any other name, to reenact the birthing process in a manner that includes restraint and creates a situation in which a patient may suffer physical injury or death.

(b) A violation of this section is punishable as follows:

(1) For a first offense under this section, the person is guilty of a Class A1 misdemeanor.

(2) For a second or subsequent offense under this section, the person is guilty of a Class I felony."

1 **SECTION 2.** G.S. 122C-60(a) reads as rewritten:
2 "(a) Physical restraint or seclusion of a client shall be employed only when there
3 is imminent danger of abuse or injury to the client or others, when substantial property
4 damage is occurring, or when the restraint or seclusion is necessary as a measure of
5 therapeutic treatment. For purposes of this section, a technique to reenact the birthing
6 process as defined by G.S. 14-401.21 is not a measure of therapeutic treatment. All
7 instances of restraint or seclusion and the detailed reasons for such action shall be
8 documented in the client's record. Each client who is restrained or secluded shall be
9 observed frequently, and a written notation of the observation shall be made in the
10 client's record."

11 **SECTION 3.** Section 1 of this act becomes effective December 1, 2003, and
12 applies to offenses committed on and after that date. The remainder of this act is
13 effective when it becomes law.