

State of North Carolina

JOSH STEIN
GOVERNOR

January 16, 2025

EXECUTIVE ORDER NO. 8

PROTECTING ACCESS TO AND PRIVACY OF REPRODUCTIVE HEALTH CARE SERVICES IN NORTH CAROLINA

WHEREAS, the United States Supreme Court decision in *Dobbs v. Jackson Women's Health Organization* overturned almost fifty (50) years of legal precedent regarding the constitutional right to reproductive health care services; and

WHEREAS, in the wake of *Dobbs*, states have enacted restrictions on reproductive health care access; and

WHEREAS, those restrictions are forcing people to travel to other states where reproductive health care services remain available to receive the care they need; and

WHEREAS, other states have imposed criminal or civil penalties on health care workers or entities that provide reproductive health care services; and

WHEREAS, other states may attempt to impose criminal or civil penalties on people who travel to other states, including North Carolina, to access reproductive health care services; and

WHEREAS, in addition to state-level restrictions on reproductive health care access following *Dobbs*, there is a risk that the federal government will soon similarly begin restricting access to reproductive health care services; and

WHEREAS, individuals' choices about their reproductive health care are deeply personal, and the state should endeavor to protect the privacy of those choices; and

WHEREAS, research demonstrates that unnecessary restrictions and bans on reproductive health care rights have harmful consequences on people's health, safety, and economic stability; and

WHEREAS, unnecessary reproductive health care restrictions disproportionately impact people of color, people with disabilities, people with low incomes, and people who live in rural areas; and

WHEREAS, North Carolina has served and will continue to serve as an increasingly critical access point for reproductive health care services for its residents, as well as people across the Southeast and country; and

WHEREAS, reproductive freedom must remain protected and reproductive health care services must remain available in North Carolina; and

WHEREAS, those who lawfully provide, assist, seek, or obtain reproductive health care services in North Carolina should not be subject to criminal or civil penalties in other states; and

WHEREAS, individuals should receive medically accurate information about their reproductive health care choices from all sources, including the state; and

WHEREAS, on June 25, 2024, a United States Department of Health and Human Services (“HHS”) final rule went into effect prohibiting the use or disclosure of protected health information by covered entities and their business associates for the purposes of investigating or imposing criminal, civil, or administrative liability upon someone for seeking, obtaining, providing, or facilitating presumptively lawful reproductive health care; and

WHEREAS, on July 6, 2022, Governor Cooper issued Executive Order No. 263, which affirmed the commitment of North Carolina’s executive branch to ensuring safe, lawful access to reproductive health care after the *Dobbs* decision; and

WHEREAS, pursuant to Article III of the Constitution of North Carolina and N.C. Gen. Stat. §§ 143A-4 and 143B-4, the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch of state government and ensuring that the laws are faithfully executed; and

WHEREAS, pursuant to N.C. Gen. Stat. § 147-12, the Governor has the authority and duty to supervise the official conduct of all executive and ministerial officers; and

WHEREAS, pursuant to N.C. Gen. Stat. § 15A-726, the Governor has discretionary authority regarding the fulfillment of demands for extradition of individuals charged with crimes in other states; and

WHEREAS, the Governor is committed to protecting reproductive freedom, privacy, and the right for women to make their own medical decisions in North Carolina.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Definitions.

- i. “Cabinet Agencies” are those agencies that are part of the Governor’s Office, are headed by members of the Governor’s Cabinet, and boards and commissions for which the Governor appoints a majority of members.
- ii. “Reproductive health care services” means all medical, procedural, counseling, or referral services relating to the human reproductive system, including, but not limited to, services relating to pregnancy, contraception, or abortion.

Section 2. Cabinet Agency Coordination to Protect Reproductive Health Freedom and Privacy.

All Cabinet Agencies shall coordinate with each other and pursue opportunities to protect people or entities who are providing, assisting, seeking, or obtaining lawful reproductive health care services in North Carolina.

Section 3. No Assistance from Cabinet Agencies.

To the maximum extent permitted under federal or North Carolina law, including but not limited to the June 25, 2024 HHS final rule regarding reproductive health care privacy, and except as required by court order, no Cabinet Agency and no employee, officer, or other person acting on behalf of any Cabinet Agency may provide patient medical records, patient-level data, patient billing information, or other information or expend or use time, money, facilities, property, equipment, personnel, or other resources in furtherance of any investigation or proceeding that seeks to impose civil or criminal liability or professional sanction upon a person or entity for: (i) providing or assisting another person or entity in providing reproductive health care services that are legal in the jurisdiction where the reproductive health care services are provided, regardless of

the residence of the person receiving or seeking to receive the care; or (ii) securing, receiving, or inquiring about or assisting another person or entity in securing, receiving, or inquiring about reproductive health care services that are legal in the jurisdiction where the reproductive health care services are sought, regardless of the residence of the person receiving or seeking to receive the care.

This Section shall not apply to any investigation or proceeding where the conduct that is the subject of potential liability or professional sanction would be subject to civil or criminal liability or professional sanction under the laws of North Carolina if committed in North Carolina.

Notwithstanding the general prohibition of this Section, Cabinet Agencies and individuals acting on their behalf may provide information or assistance in connection with an investigation or proceeding if provided at the written request of the subject of such investigation or proceeding.

Section 4. Protection Against Extradition and Arrest.

To the maximum extent permitted under the United States and North Carolina Constitutions, federal and state law, and pursuant to North Carolina General Statute Chapter 15A, Article 37, the Governor will exercise his discretion to decline requests for the extradition of any person charged with a criminal violation in another state where the violation alleged arises out of the inquiry into, provision of, assistance with, securing of, or receipt of reproductive health care services except where: (i) the charged person was physically present in the requesting state at the time of the commission of the alleged offense and thereafter fled from that state; or (ii) if the charged person was not physically present in the requesting state at the time of the commission of the alleged offense, where all of the conduct forming the basis of the criminal charge was committed would be criminal in both North Carolina and the jurisdiction where the charged person inquired into, provided, assisted with, secured or received the reproductive health care services.

The Governor further directs the State Highway Patrol, Alcohol Law Enforcement, and State Capitol Police not to arrest any person charged with a criminal violation in another state where the violation alleged arises out of the inquiry into, provision of, assistance with, securing of, or receipt of lawful reproductive health care services, unless the acts forming the basis of the prosecution of the crime charged would also constitute a criminal offense under North Carolina law.

Section 5. Travel for Pregnant Cabinet Agency Employees.

Cabinet Agencies may not require any pregnant Cabinet Agency employee to travel from North Carolina to a state that has imposed restrictions on access to reproductive health care services if those restrictions do not include an exception for the health of the pregnant Cabinet Agency employee satisfactory to that employee.

Cabinet Agencies shall further grant any reasonable request from a pregnant Cabinet Agency employee to decline travel to, or to immediately return from, a state that has imposed restrictions on access to reproductive health care services.

Section 6. Protecting Access to and Egress from Reproductive Health Care Facilities

The North Carolina Department of Public Safety shall work with law enforcement agencies and reproductive health care services facilities to ensure the enforcement of N.C. Gen. Stat. § 14-277.4, which protects access to and egress from health care facilities.

Section 7. Availability of Safe, Legal Reproductive Health Care Medication

The North Carolina Department of Health and Human Services ("DHHS") is hereby directed to take appropriate and feasible measures, in consultation with the Office of the Governor, to ensure North Carolinians have reliable, consistent access to safe and legal reproductive health care medications and birth control.

Section 8. Transparency of Information Regarding Reproductive Health Care

DHHS is hereby directed to include relevant information about the potential differences among different entities that offer services to pregnant women or women who may become pregnant on printed materials it promulgates pursuant to N.C. Gen. Stat. § 90-21.83, the website it maintains pursuant to N.C. Gen. Stat. § 90-21.84, and any other relevant public-facing document, webpage, or resource.

Section 9. Safeguarding Data Related to Reproductive Health Care that the State Collects

Cabinet Agencies are hereby directed to review and, where necessary, revise their policies for collecting and storing (i) records and data related to an individual’s reproductive health care; and (ii) precise geo-location data from an individual’s mobile phone or other internet-connected device, to maximize protections for individual privacy related to reproductive health care while remaining consistent with the North Carolina Public Records Act, N.C. Gen. Stat. § 132-1, *et seq.*, the records retention schedule promulgated by the North Carolina Department of Natural and Cultural Resources, and applicable policies of the North Carolina Department of Information Technology.

Section 10. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

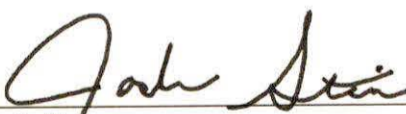
Section 11. No Private Right of Action

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

Section 12. Effect and Duration

This Executive Order is effective immediately and shall remain in effect unless repealed, replaced, or rescinded by another applicable Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 16th day of January in the year of our Lord two thousand and twenty-five.



Josh Stein
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

