



State of North Carolina

ROY COOPER
GOVERNOR

July 6, 2022

EXECUTIVE ORDER NO. 263

PROTECTING ACCESS TO 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 federal right to reproductive health care services; and

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

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

WHEREAS, other states have enacted or plan to enact restrictions on reproductive health care access, including restrictions on abortion without exception for cases of rape or incest or when the health of the pregnant person is in danger; and

WHEREAS, those restrictions are forcing people to travel to other states that protect reproductive freedoms, including North Carolina, in order to access essential reproductive health care services; and

WHEREAS, other states may seek to impose criminal or civil penalties on health care workers or entities that provide reproductive health care services; and

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

WHEREAS, North Carolina will serve as an increasingly critical access point for reproductive health care services for people across the Southeast and country; 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, 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, this Executive Order is not intended to change and does not change North Carolina law, but rather ensures that North Carolinians are afforded the protections and rights provided under North Carolina law; 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.

NOW, THEREFORE, by 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 or are headed by members of the Governor's Cabinet.
- ii. "Reproductive health care services" means all medical, surgical, counseling, or referral services relating to the human reproductive system, including, but not limited to, services relating to pregnancy, contraception, or the termination of a pregnancy.

Section 2. Cabinet Agency Coordination to Protect Reproductive Health.

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, 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 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) the provision of, securing of, receipt of, or any inquiry concerning reproductive health care services that are legal in North Carolina; or (ii) any assistance given to any person or entity that relates to the provision of, securing of, receipt of, or any inquiry concerning reproductive health care services that are legal in North Carolina.

This Section 3 shall not apply to any investigation or proceeding where the conduct that is the subject of potential liability or professional sanction under the investigation or proceeding initiated in or by the other state 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 3, Cabinet Agencies and individuals acting on their behalf may provide information or assistance in connection with such an investigation or proceeding if provided at the written request of the subject of such an investigation or proceeding.

Section 4. Protection Against Extradition.

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 undersigned 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 that are lawful in North Carolina, 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.

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. Participation of Other State Agencies.

All other state agencies are encouraged to voluntarily adopt the provisions of this Executive Order, or similar provisions.

Section 8. 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.

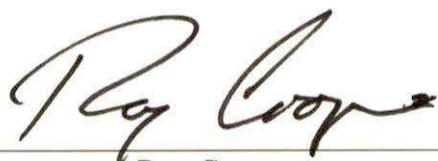
Section 9. Savings Clause.

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 10. Duration and Effective Date.

This Executive Order is effective immediately and shall remain in effect until repealed, replaced, or rescinded by future 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 6th day of July in the year of our Lord two thousand and twenty-two.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

