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North Carolina's HB2 Is Not Just About Bathrooms

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The lawsuit filed in March against North Carolina's governor and other state leaders over the discriminatory effects of HB2 has been amended to add two new plaintiffs – a couple who allege that a fertility clinic refused to treat them because they are lesbians. Much of the press coverage and public outcry surrounding HB2 has focused on the fact that the bill requires transgender individuals to use bathrooms that match the gender on their birth certificates, not the gender by which they identify. The addition of these two new plaintiffs shows that HB2 has much more far-reaching effects than just bathrooms.

Beverly Newell and Kelly Trent are a married lesbian couple who claim that in March they contacted Advanced Reproductive Concepts, a fertility clinic in Charlotte, to discuss *in vitro* treatment from sperm from a donor they had identified. The couple alleges that a week after HB2 was passed, the clinic called Trent and told her that the clinic was no longer taking “single-sex clients.” Trent assured the clinic that she was not single, at which point she claims that she was told that the clinic was very busy and would “not be accepting same-sex clients at this time.”

Representatives of the clinic deny that the clinic refused to treat the couple for discriminatory reasons, and instead insist that the clinic had stopped performing donor sperm cases altogether because it was not lucrative.

Prior to the passing of HB2, Charlotte had LGBTQ protections in place and Newell and Trent could have filed a “public accommodations” complaint with the city's Community Relations Committee for investigation or mediation. However, HB2 declares that state law overrides any local ordinances concerning wages, employment and public accommodations and while North Carolina does have a nondiscrimination law, it does not include protections for LGBTQ people.

There is immense public pressure on North Carolina's leaders to repeal HB2 through the legislative process. Should that not happen, there is a good chance that HB2 will be dismantled through the judicial process.