

March 15, 2005

**S 549. ABORTION—WOMAN'S RIGHT TO KNOW. TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED.** Adds new Article 1H to GS Chapter 90, the "Woman's Right To Know Act." Makes it unlawful for a physician to perform an abortion without obtaining the woman's informed consent, which will be satisfied if the physician who is to perform the abortion or the referring physician orally informs the woman at least 24 hours in advance of abortion: (1) of the name of the physician who will perform the abortion, the medical risks, the probable gestational age of the unborn child at the time of the abortion, and if the physician has no malpractice insurance for the procedure and/or local hospital admitting privileges; (2) that medical assistance benefits may be available for prenatal and childbirth care, that the father is liable to assist in the child's support, that the woman may review information required by GS 90-21.63 (informing woman of available medical services and anatomical characteristics of the unborn child), and that she may withhold or withdraw her consent without losing State or federal benefits to which she may be entitled; and (3) of the woman's right to view the ultrasound image of the unborn child, if available. Requires that woman acknowledge her receipt of required information in writing prior to abortion. Further provides that the woman is not required to pay for the abortion procedure until the 24-hour waiting period has expired. Where abortion is necessary to avoid death or serious risk to the life of the mother, physician is not required to provide information 24 hours in advance of abortion. Provides for a civil cause of action by a woman against any person who performs an abortion in violation of the act. Effective October 1, 2005, and applies to claims arising on or after that date.

**Intro. by Allran.**

Ref. to Health Care

GS 90