

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE PRINCIPAL CLERK

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HOUSE DRH80239-LU-8C (03/25)

Short Title: Eliminate Exceptions/Med Treatment/Minors. (Public)

Sponsors: Representatives Whitmire, Fulghum, Brisson, and Schaffer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ELIMINATE CERTAIN EXCEPTIONS FOR PARENTAL CONSENT FOR  
3 MEDICAL TREATMENT OF UNEMANCIPATED MINORS UNDER THE LAWS  
4 PERTAINING TO THE PRACTICE OF MEDICINE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 90-21.5(a) is repealed.

7 SECTION 2. G.S. 90-21.7 reads as rewritten:

8 "§ 90-21.7. Parental consent required.

9 (a) No physician licensed to practice medicine in North Carolina shall perform an  
10 abortion upon an unemancipated minor or provide medical health services for an  
11 unemancipated minor for the prevention, diagnosis, and treatment of (i) venereal diseases and  
12 other diseases reportable under G.S. 130A-135, (ii) abuse of controlled substances or alcohol,  
13 (iii) emotional disturbance, or (iv) pregnancy unless the physician or agent thereof or another  
14 physician or agent thereof first obtains the written consent of the minor and the written consent,  
15 acknowledged in accordance with Chapter 10B of the General Statutes, of:

- 16 (1) A parent with custody of the minor; or  
17 (2) The legal guardian or legal custodian of the minor; or  
18 (3) A parent with whom the minor is living; or  
19 (4) A grandparent with whom the minor has been living for at least six months  
20 immediately preceding the date of the minor's written consent.

21 (b) The ~~pregnant~~ minor may petition, on her own behalf or by guardian ad litem, the  
22 district court judge assigned to the juvenile proceedings in the district court where the minor  
23 resides or where she is physically present for a waiver of the parental consent requirement if:

- 24 (1) None of the persons from whom consent must be obtained pursuant to this  
25 section is available to the physician performing the abortion or providing  
26 medical health services for the prevention, diagnosis, and treatment of (i)  
27 venereal diseases and other diseases reportable under G.S. 130A-135, (ii)  
28 abuse of controlled substances or alcohol, (iii) emotional disturbance, or (iv)  
29 pregnancy or the physician's agent or the referring physician or the agent  
30 thereof within a reasonable time or manner; or  
31 (2) All of the persons from whom consent must be obtained pursuant to this  
32 section refuse to consent to the performance of an ~~abortion;~~ abortion or the  
33 provision of medical services as described in subdivision (1) of this  
34 subsection; or  
35 (3) The minor elects not to seek consent of the person from whom consent is  
36 required."



1           **SECTION 3.** G.S. 122C-221(a) reads as rewritten:

2           "(a) Except as otherwise provided in this Part, a minor may be admitted to a facility if  
3 the minor is (i) mentally ill or a substance abuser and in need of treatment, (ii) in need of  
4 treatment, and (iii) has complied with the consent requirements under G.S. 90-21.7(a). Except  
5 as otherwise provided in this ~~Part~~, Part and to the extent allowed under G.S. 90-21.7, the  
6 provisions of G.S. 122C-211 shall apply to admissions of minors under this Part. ~~Except as~~  
7 ~~provided in G.S. 90-21.5, in~~ In applying for admission to a facility, ~~in consenting to medical~~  
8 ~~treatment when consent is required,~~ facility and in any other legal procedure under this Article,  
9 the legally responsible person shall act for the minor. If a minor reaches the age of 18 while in  
10 treatment under this Part, further treatment is authorized only on the written authorization of  
11 the client or under the provisions of Part 7 or Part 8 of Article 5 of this Chapter."

12           **SECTION 4.** This act becomes effective October 1, 2013.