

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 297  
PROPOSED SENATE COMMITTEE SUBSTITUTE H297-PCS40521-TG-49

Short Title: End Marketing/Sale Unborn Children Body Parts.

(Public)

Sponsors:

Referred to:

March 19, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE INFORMED CONSENT FOR THE DONATION OF THE  
3 REMAINS OF AN UNBORN CHILD; TO PROHIBIT THE SALE OF ANY ABORTED  
4 OR MISCARRIED MATERIAL OR REMAINS OF AN UNBORN CHILD RESULTING  
5 FROM AN ABORTION OR MISCARRIAGE; AND TO LIMIT THE USE OF STATE  
6 FUNDS FOR CONTRACTS PERTAINING TO TEEN PREGNANCY PREVENTION  
7 INITIATIVES AND PROJECTS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 130A-131.10 reads as rewritten:

10 "§ 130A-131.10. Manner of disposition of remains of pregnancies.

11 (a) The Commission for Public Health shall adopt rules to ensure that all facilities  
12 authorized to terminate pregnancies, and all medical or research laboratories or facilities to  
13 which the remains of terminated pregnancies are sent by ~~facilities authorized to terminate~~  
14 ~~pregnancies~~, shall dispose of the remains in a manner limited to burial, cremation, or, except as  
15 prohibited by subsection (b) of this section, approved hospital type of incineration.

16 (b) A hospital or other medical facility or a medical or research laboratory or facility  
17 shall dispose of the remains of a recognizable fetus only by burial or cremation. The  
18 Commission shall adopt rules to implement this subsection.

19 (c) ~~A hospital or other medical facility is relieved from the obligation to dispose of the~~  
20 ~~remains in accordance with subsections (a) and (b) of this section if it sends the remains to a~~  
21 ~~medical or research laboratory or facility.~~

22 (d) This section does not impose liability on a permitted medical waste treatment  
23 facility for a hospital's or other medical facility's violation of this section nor does it impose any  
24 additional duty on the treatment facility to inspect waste received from the hospital or medical  
25 facility to determine compliance with this section.

26 (e) Nothing in this section shall prevent the mother from donating the remains of her  
27 unborn child after a spontaneous abortion or miscarriage to a research facility for research or  
28 from acquiring the remains of the unborn child after a spontaneous abortion or miscarriage. The  
29 mother's informed written consent to allow research to be conducted upon the remains of the  
30 unborn child after a spontaneous abortion or miscarriage must be obtained prior to the donation  
31 and must be separate from any other prior consent.

32 (f) Nothing in this section shall prevent the performance of autopsies performed  
33 according to law, or any pathological examinations, chromosomal analyses, cultures, or any  
34 other examinations deemed necessary by attending pathologists or treating physicians for  
35 diagnostic purposes."



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1           **SECTION 2.** Article 11 of Chapter 14 of the General Statutes is amended by  
2 adding a new section to read:

3 **"§ 14-46.1. Prohibit sale of the remains of an unborn child resulting from an abortion or**  
4 **miscarriage.**

5       (a) No person shall sell the remains of an unborn child resulting from an abortion or a  
6 miscarriage or any aborted or miscarried material.

7       (b) For purposes of this section, the term "sell" shall mean the transfer from one person  
8 to another in exchange for any consideration whatsoever. The term shall not include payment  
9 for incineration, burial, cremation, or any services performed pursuant to G.S. 130A-131.10(f).

10       (c) A person convicted of a violation of this section is guilty of a Class I felony."

11       **SECTION 3.** G.S. 130A-131.15A is amended by adding a new subsection to read:

12       "(h) The Department's use of State funds for initiatives and projects authorized under this  
13 section shall not include the allocation of funds to renew or extend existing contracts or enter  
14 into new contracts for the provision of family planning services, pregnancy prevention  
15 activities, or adolescent parenting programs with any provider that performs abortions."

16       **SECTION 4.** This act becomes effective October 1, 2015. Sections 1 and 2 of this  
17 act apply to offenses committed on or after that date.