

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 28
Feb 5, 2019
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40017-ML-33

Short Title: Prohibit Abortions After 13 Weeks.

(Public)

Sponsors: Representative Kidwell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT AN ABORTION FROM BEING PERFORMED AFTER 13 WEEKS
3 OF PREGNANCY UNLESS THERE IS A MEDICAL EMERGENCY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-45.1 reads as rewritten:

6 "§ 14-45.1. When abortion not unlawful.

7 (a) Notwithstanding any of the provisions of G.S. 14-44 and 14-45, it shall not be
8 unlawful, during the first ~~20~~13 weeks of a woman's pregnancy, to advise, procure, or cause a
9 miscarriage or abortion when the procedure is performed by a qualified physician licensed to
10 practice medicine in North Carolina in a hospital or clinic certified by the Department of Health
11 and Human Services to be a suitable facility for the performance of abortions.

12 ...

13 (b) Notwithstanding any of the provisions of G.S. 14-44 and 14-45, it shall not be
14 unlawful, after the ~~twentieth~~thirteenth week of a woman's pregnancy, to advise, procure or cause
15 a miscarriage or abortion when the procedure is performed by a qualified physician licensed to
16 practice medicine in North Carolina in a hospital licensed by the Department of Health and
17 Human Services, if there is a medical emergency as defined by G.S. 90-21.81(5).

18 ~~(b1) A qualified physician who advises, procures, or causes a miscarriage or abortion after~~
19 ~~the sixteenth week of a woman's pregnancy shall record all of the following: the method used by~~
20 ~~the qualified physician to determine the probable gestational age of the unborn child at the time~~
21 ~~the procedure is to be performed; the results of the methodology, including the measurements of~~
22 ~~the unborn child; and an ultrasound image of the unborn child that depicts the measurements.~~
23 ~~The qualified physician shall provide this information, including the ultrasound image, to the~~
24 ~~Department of Health and Human Services pursuant to G.S. 14-45.1(c).~~ A qualified physician
25 who procures or causes a miscarriage or abortion after the ~~twentieth~~thirteenth week of a woman's
26 pregnancy shall record the findings and analysis on which the qualified physician based the
27 determination that there existed a medical emergency as defined by G.S. 90-21.81(5) and shall
28 provide that information to the Department of Health and Human Services pursuant to
29 G.S. 14-45.1(c). Materials generated by the physician or provided by the physician to the
30 Department of Health and Human Services pursuant to this section shall not be public records
31 under G.S. 132-1.

32 The information provided under this subsection shall be for statistical purposes only, and the
33 confidentiality of the patient and the physician shall be protected. It is the duty of the qualified
34 physician to submit information to the Department of Health and Human Services that omits
35 identifying information of the patient and complies with Health Insurance Portability and
36 Accountability Act of 1996 (HIPAA).



1 "

2 **SECTION 2.** This act becomes effective December 1, 2019, and applies to
3 miscarriages or abortions caused or procured on or after that date.