ADOPTED

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 190

H190-ABC-32 [v.2]

Amends Title [YES]
Fourth Edition

Senator [Signature]

moves to amend the bill on page 1, line 3, by rewriting the line to read:

"LAWS PERTAINING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO SESSION LAW
2023-14.";

and on page 23, lines 18-20, by rewriting the lines to read:

"PART XIV. TECHNICAL AND CONFORMING CHANGES TO S.L. 2023-14
SECTION 14.1(a) G.S. 14-23.7 reads as rewritten:

"§ 14-23.7. Exceptions.
Nothing in this Article shall be construed to permit the prosecution under this Article of any
of the following:

(1) Acts which cause the death of an unborn child if those acts were lawful,
pursuant to the provisions of G.S. 14-45.1, Article II of Chapter 90 of the
General Statutes.

(2) Acts which are committed pursuant to usual and customary standards of
medical practice during diagnostic testing or therapeutic treatment.

(3) Acts committed by a pregnant woman with respect to her own unborn child,
including, but not limited to, acts which result in miscarriage or stillbirth by
the woman. The following definitions shall apply in this section:

a. Miscarriage. – The interruption of the normal development of an
unborn child, other than by a live birth, and which is not an induced
abortion permitted under G.S. 14-45.1, Article II of Chapter 90 of the
General Statutes, resulting in the complete expulsion or extraction
from a pregnant woman of the unborn child.

b. Stillbirth. – The death of an unborn child prior to the complete
expulsion or extraction from a woman, irrespective of the duration of
pregnancy and which is not an induced abortion permitted under G.S.
14-45.1, Article II of Chapter 90 of the General Statutes."

SECTION 14.1(b) G.S. 90-21.81A, as enacted by S.L. 2023-14, reads as rewritten:

"§ 90-21.81A. Abortion.
NORTH CAROLINA GENERAL ASSEMBLY
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H190-ABC-32 [v.2]

AMENDMENT NO. A1
(to be filled in by Principal Clerk)

Page 2 of 4

(a) Abortion. – It shall be unlawful after the twelfth week of a woman's pregnancy to advise, procure, or cause a miscarriage or abortion in the State of North Carolina.

"..."

SECTION 14.1(c) G.S. 90-21.81B, as enacted by S.L. 2023-14, reads as rewritten:

"§ 90-21.81B. When abortion is lawful.

Notwithstanding any of the provisions of G.S. 14-44 and G.S. 14-45, and subject to the provisions of this Article, it shall not be unlawful to advise, procure, or cause a miscarriage or an abortion in the State of North Carolina in the following circumstances:

"..."

SECTION 14.1(d) G.S. 90-21.82(b), as amended by S.L. 2023-14, reads as rewritten:

"(b) Except in the case of a medical emergency, consent to a surgical abortion is voluntary and informed only if all of the following conditions are satisfied:

...

(1a) The consent form shall include, at a minimum, all of the following:

a. The name of the physician who will perform the surgical abortion to ensure the safety of the procedure and prompt medical attention to any complications that may arise. Specific information for the physician's hospital admitting privileges, and whether the treatment or procedure to be performed is covered by the pregnant woman's insurance. The physician performing a surgical abortion shall be physically present during the performance of the entire abortion procedure.

"..."

SECTION 14.1(e) G.S. 90-21.83A(b), as enacted by S.L. 2023-14, reads as rewritten:

"(b) Except in the case of a medical emergency, consent to a medical abortion is voluntary and informed only if all of the following conditions are satisfied:

...

(2) The consent form shall include, at a minimum, all of the following:

a. The name of the physician who will prescribe, dispense, or otherwise provide the abortion-inducing drugs to ensure the safety of the procedure and prompt medical attention to any complications that may arise. Specific information for the physician's hospital admitting privileges, and whether the treatment or procedure to be performed is covered by the pregnant woman's insurance. The physician prescribing, dispensing, or otherwise providing any drug or chemical for the purpose of inducing an abortion shall be physically present in the same room as the woman when the first drug or chemical is administered to the woman.

"..."
SECTION 14.1.(f) G.S. 90-21.83B, as enacted by S.L. 2023-14, reads as rewritten:

"§ 90-21.83B. Distribution of abortion-inducing drugs and duties of physician.
(a) A physician prescribing, administering, or dispensing an abortion-inducing drug must examine the woman in person and, prior to providing an abortion-inducing drug, shall do all of the following:

... (6) Verify that the probable gestational age of the unborn child is no more than 70 days old.
(7) Document in the woman's medical chart the probable gestational age and existence of an intrauterine location of the pregnancy, and whether the woman received treatment for an Rh negative condition or any other diagnostic tests.

....."

SECTION 14.1.(g) G.S. 90-21.83C, as enacted by S.L. 2023-14, is repealed.

SECTION 14.1.(h) G.S. 90-21.85(a) reads as rewritten:

"(a) Notwithstanding G.S. 14-45.1, G.S. 90-21.81B, except in the case of a medical emergency, in order for the woman to make an informed decision, at least four hours before a woman having any part of an abortion performed or induced, and before the administration of any anesthesia or medication in preparation for the abortion on the woman, the physician who is to perform the abortion, or qualified technician working in conjunction with the physician, shall do each of the following:

....."

SECTION 14.1.(i) G.S. 131E-269 reads as rewritten:

"§ 131E-269. Authorization to charge fee for certification of facilities suitable to perform abortions.

The Department of Health and Human Services shall charge each hospital or clinic certified by the Department as a facility suitable for the performance of abortions, as authorized under G.S. 14-45.1, G.S. 90-21.81C, a nonrefundable annual certification fee in the amount of seven hundred dollars ($700.00)."

SECTION 14.1.(j) G.S. 90-21.93, as enacted by S.L. 2023-14, reads as rewritten:

"§ 90-21.93. Reporting requirements.
(a) Report. — After a surgical or medical abortion is performed, the physician or health care provider that conducted the surgical or medical abortion shall complete and transmit a report to the Department in compliance with the requirements of this section. The report shall be completed by either the hospital, clinic, or health care provider in which the surgical or medical abortion was completed and signed by the physician who dispensed, administered, prescribed, or otherwise provided the abortion-inducing drug or performed the procedure or treatment to the woman. Any physician or health care provider shall make reasonable efforts to include all of the required information in this section in the report without violating the privacy of the woman. The report shall be transmitted to the Department within 15 days after either the (i) date of the follow-up appointment following a medical abortion, (ii) date of the last patient encounter for treatment directly related to a surgical abortion, or (iii) end of the month in which the last scheduled appointment occurred, whichever is later. A report completed under this section for a
minor shall be sent to the Department and the Division of Social Services within three-30 days of the surgical or medical abortion.

SECTION 14.1.(k) This section becomes effective July 1, 2023.

PART XV. EFFECTIVE DATE

SECTION 15.1. Except as otherwise provided, this act is effective when it becomes law.".

SIGNED ____________________________
Amendment Sponsor

SIGNED ____________________________
Committee Chair if Senate Committee Amendment

ADOPTED _________________ FAILED _________________ TABLED _______________