

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 190

AMENDMENT NO. A14
(to be filled in by
Principal Clerk)

H190-ABC-46 [v.3]

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Amends Title [YES]
Fourth Edition

Date _____, 2023

Senator Marcus

1 moves to amend the bill on page 1, line 3, by inserting the following before the period:
2 "AND TO MAKE VARIOUS CHANGES TO THE LAWS PERTAINING TO CRISIS
3 PREGNANCY CENTERS";

4
5 and on page 23, lines 17-18, by inserting the following between the lines:

6 **"PART XIII-L. CRISIS PREGNANCY CENTER CHANGES**

7 **SECTION 13L.1.(a)** Article 16 of Chapter 131E of the General Statutes is amended
8 by adding a new sections to read:

9 **"§ 131E-269.5. Certification of Crisis Pregnancy Centers.**

10 (a) No person shall operate a crisis pregnancy center without obtaining certification from
11 the Department as a facility suitable for the provision of crisis pregnancy services. As used in
12 this section, "crisis pregnancy center" means a nonprofit organization, other than a hospital,
13 ambulatory surgical facility, or clinic that performs abortions, that holds itself out as a facility
14 that provides care for pregnant women, including pregnancy counseling services, pregnancy
15 testing, and other non-medical pregnancy services.

16 (b) Applications for certification shall be available from the Department, and each
17 application filed with the Department shall contain all necessary and reasonable information that
18 the Department may by rule require. The Department shall grant certification to the applicant
19 upon a determination by the Department that the applicant has complied with this section and
20 any rules adopted under this section. The Department shall charge the applicant a nonrefundable
21 annual certification fee in the amount of nine hundred dollars (\$900).

22 (c) Each certification shall be issued only for the premises and persons named in the
23 application and shall not be transferable or assignable except with the written approval of the
24 Department.

25 (d) Certifications shall be posted in a conspicuous place on the certified premises.

26 (e) The Department shall adopt rules pertaining to the certification of crisis pregnancy
27 centers. The Department is authorized to apply any relevant requirement for the certification of
28 clinics that perform abortions to the standards applicable to crisis pregnancy centers certified by
29 the Department as suitable for the provision of crisis pregnancy services. The rules shall ensure
30 that standards for crisis pregnancy centers certified by the Department address patient care at the
31 center, protect patient privacy, provide quality assurance, and ensure that patients experiencing
32 pregnancy complications receive a referral for any necessary medical attention.



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1 (f) The Department shall make or cause to be made inspections of crisis pregnancy
2 centers on an annual basis. The Department is authorized to delegate to a State officer, agent,
3 board, bureau, or division of State government the authority to make inspections according to the
4 rules adopted by the Department. The Department may revoke this delegated authority in its
5 discretion.

6 (g) Notwithstanding the provisions of G.S. 8-53 or any other provision of law relating to
7 the confidentiality of communications between physician and patient, the representatives of the
8 Department who make these inspections may review any writing or other record in any recording
9 medium that pertains to the admission, discharge, medication, treatment, medical condition, or
10 history of persons who are or have been patients of the facility being inspected unless that patient
11 objects, in writing, to review of that patient's records. Physicians, psychologists, psychiatrists,
12 nurses, and anyone else involved in giving treatment at or through a facility who may be
13 interviewed by representatives of the Department may disclose to these representatives
14 information related to an inquiry, notwithstanding the existence of the physician-patient privilege
15 in G.S. 8-53 or any other rule of law; provided, however, that the patient has not made written
16 objection to this disclosure. The facility, its employees, and any person interviewed during these
17 inspections shall be immune from liability for damages resulting from the disclosure of any
18 information to the Department. Any confidential or privileged information received from review
19 of records or interviews shall be kept confidential by the Department and not disclosed without
20 written authorization of the patient or legal representative, or unless disclosure is ordered by a
21 court of competent jurisdiction. The Department shall institute appropriate policies and
22 procedures to ensure that this information is not disclosed without authorization or court order.
23 The Department shall not disclose the name of anyone who has furnished information concerning
24 a facility without the consent of that person. Neither the names of persons furnishing information
25 nor any confidential or privileged information obtained from records or interviews shall be
26 considered "public records" within the meaning of G.S. 132-1. Prior to releasing any information
27 or allowing any inspections referred to in this section, the patient must be advised in writing by
28 the facility that the patient has the right to object, in writing, to this release of information or
29 review of the records and that by objecting, in writing, the patient may prohibit the inspection or
30 release of the records.

31 (g) The Department shall publish the results of the inspections described in subsection (f)
32 of this section on its website and the website established under Article 1I of Chapter 90.

33 (h) No crisis pregnancy center may provide medical advice to its patients, nor perform
34 any medical procedures on them, unless the advice or procedure is provided by a healthcare
35 professional licensed under Chapter 90 of the General Statutes acting within the scope of the
36 healthcare professional's license. For purposes of this subsection, "medical procedure" will
37 include any procedure used or intended to diagnose a pregnancy, including an ultrasound.

38 (i) The Department shall enforce the rules adopted for the certification of crisis
39 pregnancy centers.

40 **"§ 131E-269.6. Funding for crisis pregnancy centers.**

41 (a) No crisis pregnancy center shall receive state funding unless it discloses to its patients
42 that there are alternatives to continuing a pregnancy, including abortion.

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1 (b) If a crisis pregnancy center that receives State funds provides information concerning
2 abortion to a patient, the information provided must be medically accurate, or the funding will
3 be revoked. The Department shall adopt rules determining what qualifies as medically accurate
4 information for abortion.

5 (c) A crisis pregnancy center receiving State funds must report annually on what
6 information concerning abortion it provides to patients or otherwise publishes. If the information
7 provided or published is not medically accurate as determined by the rules adopted by the
8 Department under subsection (b) of this section, State funding may be revoked.

9 (d) All crisis pregnancy centers must include the following information on all public-
10 facing communications, including signs, websites, and advertisements: "Abortion is not provided
11 here. For information about abortion services please access information provided by the
12 Department of Health and Human Services at [https://www.ncdhhs.gov/assistance/north-carolina-](https://www.ncdhhs.gov/assistance/north-carolina-reproductive-health-services)
13 reproductive-health-services, or any similar website provided by the department.

14 (e) For purposes of this section, "crisis pregnancy center" shall be defined as in G.S.
15 131E-269.5."

16 **SECTION 13L.1.(b)** This section becomes effective July 1, 2023."
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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____