

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 891

Short Title: Ultrasound Before An Abortion. (Public)

Sponsors: Representatives Hilton, McElraft, Burris-Floyd (Primary Sponsors); Barnhart, Blackwood, Blust, Brown, Burr, Cleveland, Current, Daughtry, Dockham, Frye, Gillespie, Guice, Gulley, Hill, Holloway, Hurley, Johnson, Justus, Killian, Langdon, Lewis, McGee, Moore, Neumann, Randleman, Rhyne, Sager, Samuelson, Setzer, Stam, Starnes, Steen, Stevens, Tillis, and West.

Referred to: Judiciary I, if favorable, Health, if favorable, Appropriations.

March 31, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR AN ULTRASOUND BEFORE PERFORMING AN
3 ABORTION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 11 of Chapter 14 of the General Statutes is amended by
6 adding the following new section to read:

7 "§ 14-45.2. Ultrasound before performing an abortion.

8 (a) Notwithstanding G.S. 14-45.1, except in the case of a medical emergency and in
9 addition to any other consent requirements under the laws of this State, no abortion may be
10 performed unless the following conditions are satisfied:

- 11 (1) The licensed physician performing the abortion shall inform the woman of
12 the probable gestational age of the embryo or fetus, verified by an obstetric
13 ultrasound, at the time the abortion is to be performed. The licensed
14 physician performing the abortion shall:
15 a. Perform an obstetric ultrasound on the woman; and
16 b. After viewing the images to verify the gestational age, reproduce and
17 review the images with the woman before the woman gives informed
18 consent to have an abortion procedure performed.

19 Nothing in this subdivision shall be construed as requiring the woman to
20 view the ultrasound image. Neither the physician nor the woman shall be
21 penalized if the woman decides not to view the ultrasound image.

- 22 (2) The licensed physician performing the abortion shall present the woman
23 with a written form containing the following statement: 'You have the right
24 to review printed materials prepared by the State of North Carolina that
25 describe fetal development, list agencies that offer alternatives to abortion,
26 and describe medical assistance benefits that may be available for prenatal
27 care, childbirth, and neonatal care.' This form shall be signed and dated by
28 both the licensed physician who is to perform the procedure and the pregnant
29 woman upon whom the procedure is to be performed. The form shall be kept
30 in the woman's medical file and the medical file shall be maintained for at
31 least three years.

- 32 (3) The woman shall certify, in writing, before the abortion that the information
33 and obstetric ultrasound images described in subdivision (1) of this



1 subsection have been provided to and reviewed with her and that she has
2 been informed of her opportunity to review the information referred to in
3 subdivision (2) of this subsection.

4 (4) Before performing the abortion, the licensed physician performing the
5 abortion shall determine that the written certification required in subdivision
6 (3) of this subsection has been signed. This subdivision shall not apply in the
7 case where an abortion is performed pursuant to a court order.

8 (b) No abortion may be performed less than one hour after the woman receives the
9 written materials and certifies this fact to the licensed physician or the physician's agent.

10 (c) In the event the person upon whom the abortion is to be performed is an
11 unemancipated minor, as defined in G.S. 90-21.6(1), the information described in subdivisions
12 (a)(1) and (2) of this section shall be furnished and offered respectively to a person required to
13 give parental consent under G.S. 90-21.7(a) and the unemancipated minor. The person required
14 to give consent in accordance with G.S. 90-21.7(a), as appropriate, shall make the certification
15 required by subdivision (a)(3) of this section. In the event the person upon whom the abortion
16 is to be performed has been adjudicated mentally incompetent by a court of competent
17 jurisdiction, the information shall be furnished and offered respectively to her spouse or a legal
18 guardian if she is married or, if she is not married, to one parent or a legal guardian. The
19 spouse, legal guardian, or parent, as appropriate, shall make the certification required by
20 subdivision (a)(3) of this section. This subsection shall not apply in the case of an abortion
21 performed pursuant to a court order.

22 (d) For purposes of this section, the phrase 'medical emergency' means that condition
23 which, on the basis of the physician's good faith judgment, so complicates a pregnancy as to
24 necessitate an immediate abortion to avert the risk of her death or for which a delay will create
25 serious risk of substantial and irreversible impairment of major bodily function. The phrase
26 'probable gestational age of the embryo or fetus' means what, in the judgment of the attending
27 physician based upon the physician's examination and the woman's medical history, is with
28 reasonable probability the gestational age of the embryo or fetus at the time the abortion is to
29 be performed. The phrase 'licensed physician' means a physician licensed to practice medicine
30 under Article 1 of Chapter 90 of the General Statutes."

31 **SECTION 2.** This act becomes effective December 1, 2009.