

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 28

Short Title: Prohibit Abortions After 13 Weeks. (Public)

Sponsors: Representatives Kidwell, Speciale, and Presnell (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary, if favorable, Health, if favorable, Rules, Calendar, and Operations of the House

February 7, 2019

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT AN ABORTION FROM BEING PERFORMED AFTER 13 WEEKS OF PREGNANCY UNLESS THERE IS A MEDICAL EMERGENCY.

The General Assembly of North Carolina enacts:

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

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

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

...

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

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

The information provided under this subsection shall be for statistical purposes only, and the confidentiality of the patient and the physician shall be protected. It is the duty of the qualified physician to submit information to the Department of Health and Human Services that omits



1 identifying information of the patient and complies with Health Insurance Portability and  
2 Accountability Act of 1996 (HIPAA).  
3 ...."  
4 **SECTION 2.** This act becomes effective December 1, 2019, and applies to  
5 miscarriages or abortions caused or procured on or after that date.