

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS45206-NJ-36B

Short Title: Right to Reproductive Freedom Act. (Public)

Sponsors: Senators Murdock, Chitlik, and Meyer (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REMOVE BARRIERS AND GAIN ACCESS TO ABORTION AND
REPRODUCTIVE HEALTH (RIGHT TO REPRODUCTIVE FREEDOM ACT).

Whereas, the ability to access safe and legal abortion is a critical component of a patient's health and dignity, as well as independence, freedom, and equality; and

Whereas, throughout pregnancy, patients must be able to make their own health care decisions with the advice of health care professionals they trust and without government interference; and

Whereas, North Carolina has limited access to abortion services by enacting a growing number of hurdles, restrictions, and requirements that serve no medical purpose and are intended to make it more difficult for patients to access health care; and

Whereas, the impact of abortion restrictions is predominantly felt by those who already experience systemic barriers to health care, including young people, people of color, those with disabilities, individuals with low incomes, and those who live in rural areas or are undocumented; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 10.

"Codify Roe and Casey Protections.

"§ 90-21.160. Short title.

This Article shall be known and may be cited as "Right to Reproductive Freedom Act."

"§ 90-21.161. Purpose.

The purpose of this Article is to codify the essential holdings of Roe v. Wade, 410 U.S. 113 (1973), and Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992).

"§ 90-21.162. Allowable requirements.

(a) The State shall not impose an undue burden on the ability of a person to choose whether or not to terminate a pregnancy before fetal viability.

(b) The State may restrict the ability of a person to choose whether or not to terminate a pregnancy after fetal viability, unless such a termination is necessary to preserve the life or health of the person.

(c) For the purposes of this section, the term "undue burden" means any burden that places a substantial obstacle in the path of a person seeking to terminate a pregnancy prior to fetal viability.

(d) Nothing in this Article shall be construed to have any effect on laws regarding conscience protection."



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1 **SECTION 1.(b)** G.S. 90-21.4 reads as rewritten:

2 "**§ 90-21.4. Responsibility, liability and immunity of physicians.**

3 ...

4 **(c)** For the purposes of this section, a person who is qualified to practice medicine under
5 Article 1 of this Chapter, a physician assistant as defined in G.S. 90-18.1, a nurse practitioner as
6 defined in G.S. 90-18.2, or a certified nurse midwife licensed under Article 10A of this Chapter
7 shall qualify for the same limited immunity in this section that is designated for a physician."

8 **SECTION 1.(c)** G.S. 90-21.9 reads as rewritten:

9 "**§ 90-21.9. Medical emergency exception.**

10 **(a)** The requirements of parental consent prescribed by G.S. 90-21.7(a) shall not apply
11 when, in the best medical judgment of the physician based on the facts of the case before the
12 physician, a medical emergency exists that so complicates the pregnancy as to require an
13 immediate abortion, or when the conditions prescribed by G.S. 90-21.1(4) are met.

14 **(b)** For the purposes of this section and G.S. 90-21.7, a person who is qualified to practice
15 medicine under Article 1 of this Chapter, a physician assistant as defined in G.S. 90-18.1, a nurse
16 practitioner as defined in G.S. 90-18.2, or a certified nurse midwife licensed under Article 10A
17 of this Chapter may fulfill the requirements and functions designated for a physician."

18 **SECTION 1.(d)** G.S. 90-21.5 reads as rewritten:

19 "**§ 90-21.5. Minor's consent sufficient for certain medical health services.**

20 **(a)** Subject to subsection (a1) of this section, any minor may give effective consent to a
21 physician licensed to practice medicine in North Carolina for medical health services for the
22 prevention, diagnosis and treatment of (i) venereal disease and other diseases reportable under
23 G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, and (iv) emotional
24 disturbance. This section does not authorize ~~the inducing of an abortion,~~ performance of a
25 sterilization ~~operation,~~ operation or admission to a 24-hour facility licensed under Article 2 of
26 Chapter 122C of the General Statutes except as provided in G.S. 122C-223. This section does
27 not prohibit the admission of a minor to a treatment facility upon his own written application in
28 an emergency situation as authorized by G.S. 122C-223.

29 "

30 **SECTION 1.(e)** G.S. 90-21.120 reads as rewritten:

31 "**§ 90-21.120. Definitions.**

32 The following definitions apply in this Article:

33 (1) Abortion. – ~~As defined in G.S. 90-21.81.~~ The use or prescription of any
34 instrument, medicine, drug, or other substance or device intentionally to
35 terminate the pregnancy of a person known to be pregnant with an intention
36 other than to increase the probability of a live birth.

37 (2) ~~Attempt to perform an abortion.~~ – As defined in G.S. 90-21.81.

38 (3) ~~Woman.~~ – As defined in G.S. 90-21.81."

39 **SECTION 1.(f)** G.S. 90-21.121 is repealed.

40 **SECTION 1.(g)** Article 1I of Chapter 90 of the General Statutes is repealed.

41 **SECTION 1.(h)** This section is effective when it becomes law.

42 **SECTION 2.(a)** G.S. 143C-6-5.5 is repealed.

43 **SECTION 2.(b)** G.S. 135-48.50 reads as rewritten:

44 "**§ 135-48.50. Coverage mandates.**

45 The Plan shall provide coverage subject to the following coverage mandates:

46 (1) Abortion coverage. – ~~The Plan shall not provide coverage for abortions for~~
47 ~~which State funds could not be used under G.S. 143C-6-5.5.~~ The Plan shall,
48 however, shall provide coverage for subsequent complications or related
49 charges arising from an abortion not covered under this subdivision.
50 "

51

SECTION 3.(a) G.S. 58-51-63 is repealed.

1 **SECTION 3.(b)** This section is effective 30 days after it becomes law and applies to
2 contracts entered into, amended, or renewed on or after that date.

3 **SECTION 4.(a)** G.S. 153A-92(d) reads as rewritten:

4 "(d) A county may purchase life insurance or health insurance or both for the benefit of
5 all or any class of county officers and employees as a part of their compensation. A county may
6 provide other fringe benefits for county officers and employees. ~~In providing health insurance to~~
7 ~~county officers and employees, a county shall not provide abortion coverage greater than that~~
8 ~~provided by the State Health Plan for Teachers and State Employees under Article 3B of Chapter~~
9 ~~135 of the General Statutes."~~

10 **SECTION 4.(b)** G.S. 160A-162(b) reads as rewritten:

11 "(b) The council may purchase life, health, and any other forms of insurance for the benefit
12 of all or any class of city employees and their dependents, and may provide other fringe benefits
13 for city employees. ~~In providing health insurance to city employees, the council shall not provide~~
14 ~~abortion coverage greater than that provided by the State Health Plan for Teachers and State~~
15 ~~Employees under Article 3B of Chapter 135 of the General Statutes."~~

16 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
17 law.