

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1782

Short Title: Ultrasound Before an Abortion. (Public)

Sponsors: Representatives Hilton, Johnson (Primary Sponsors); Avila, Brown, Cleveland, Current, Gillespie, Moore, Samuelson, Stam, Starnes, and Tillis.

Referred to: Rules, Calendar, and Operations of the House, if favorable, Health and, if favorable, to the Com on Judiciary I.

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN ULTRASOUND BEFORE PERFORMING AN
ABORTION.

The General Assembly of North Carolina enacts:

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

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

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

(1) The licensed physician performing the abortion shall inform the woman of the probable gestational age of the embryo or fetus, verified by an obstetric ultrasound, at the time the abortion is to be performed.

The licensed physician performing the abortion shall:

a. Perform an obstetric ultrasound on the woman; and

b. After viewing the images to verify the gestational age, reproduce and review the images with the woman before the woman gives informed consent to have an abortion procedure performed.

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

(2) The licensed physician performing the abortion shall present the woman with a written form containing the following statement: 'You have the right to review printed materials prepared by the State of

1 North Carolina that describe fetal development, list agencies that offer
2 alternatives to abortion, and describe medical assistance benefits that
3 may be available for prenatal care, childbirth, and neonatal care.' This
4 form shall be signed and dated by both the licensed physician who is to
5 perform the procedure and the pregnant woman upon whom the
6 procedure is to be performed. The form shall be kept in the woman's
7 medical file, and the medical file shall be maintained for at least three
8 years.

9 (3) The woman shall certify, in writing, before the abortion that the
10 information and obstetric ultrasound images described in subdivision
11 (1) of this subsection have been provided to and reviewed with her,
12 and that she has been informed of her opportunity to review the
13 information referred to in subdivision (2) of this subsection.

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

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

22 (c) In the event the person upon whom the abortion is to be performed is an
23 unemancipated minor, as defined in G.S. 90-21.6(1), the information described in
24 subdivisions (a)(1) and (2) of this section shall be furnished and offered respectively to
25 a person required to give parental consent under G.S. 90-21.7(a) and the unemancipated
26 minor. The person required to give consent in accordance with G.S. 90-21.7(a), as
27 appropriate, shall make the certification required by subdivision (a)(3) of this section. In
28 the event the person upon whom the abortion is to be performed has been adjudicated
29 mentally incompetent by a court of competent jurisdiction, the information shall be
30 furnished and offered respectively to her spouse or a legal guardian if she is married or,
31 if she is not married, to one parent or a legal guardian. The spouse, legal guardian, or
32 parent, as appropriate, shall make the certification required by subdivision (a)(3) of this
33 section. This subsection shall not apply in the case of an abortion performed pursuant to
34 a court order.

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

1 **SECTION 2.** This act becomes effective December 1, 2007.