

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

**H.B. 453**  
**Mar 30, 2021**  
**HOUSE PRINCIPAL CLERK**

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**HOUSE BILL DRH10199-NB-98**

Short Title: Human Life Non-Discrimination Act/No Eugenics. (Public)

Sponsors: Representative McElraft.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROTECT AGAINST DISCRIMINATION OF HUMAN LIFE.

3 Whereas, it is well-established that human life begins at conception and continues in  
4 an unbroken progression through birth until death. Every individual on this continuum is a  
5 "human being," meaning a member of the species *Homo sapiens*; and

6 Whereas, all human beings, from conception through death, have intrinsic dignity and  
7 worth. Human dignity includes the inherent right not to suffer discrimination on the basis of  
8 innate characteristics, such as a human being's race, sex, or genetic characteristics, including any  
9 genetic abnormalities; and

10 Whereas, the U.S. Supreme Court has been zealous in vindicating the rights of people  
11 even potentially subjected to race, sex, and disability discrimination. See *Pena-Rodriguez v.*  
12 *Colorado*, 137 S. Ct. 855 (2017) (condemning "discrimination on the basis of race" as "odious in  
13 all aspects"); *United States v. Virginia*, 518 U.S. 515, 532 (1996) (denouncing any "law or official  
14 policy [that] denies to women, simply because they are women,...equal opportunity to aspire,  
15 achieve, participate in and contribute to society based on their individual talents and capacities");  
16 *Tennessee v. Lane*, 541 U.S. 509, 522 (2004) (condemning "irrational disability discrimination");  
17 and

18 Whereas, the inherent right against discrimination on the basis of race, sex, or genetic  
19 abnormality is protected in federal and state laws. For example, the 1964 Civil Rights Act (42  
20 U.S.C. § 2000e, et seq.) and the laws of every state protect against discrimination on the basis of  
21 race or sex. The Rehabilitation Act of 1973 (29 U.S.C. § 701), the Americans With Disabilities  
22 Amendments Act of 2010 (42 U.S.C. § 12101, et seq.), and numerous state laws prohibit  
23 discrimination against individuals on the basis of a real or perceived physical or mental  
24 impairment that substantially limits one or more major life activities; and

25 Whereas, notwithstanding these protections, unborn human beings are often  
26 discriminated against and deprived of life; and

27 Whereas, "Each of the immutable characteristics protected by this Session Law can  
28 be known relatively early in a pregnancy, and this Session Law prevents them from becoming  
29 the sole criterion for deciding whether the child will live or die."; and

30 Whereas, "Abortion is an act rife with the potential for eugenic manipulation."; and

31 Whereas, the State of North Carolina maintains a "compelling interest in preventing  
32 abortion from becoming a tool of modern-day eugenics."; and

33 Whereas, sex-selection abortions are used to prevent the birth of a child of the  
34 undesired sex. Its victims are overwhelmingly female; and





1 because of the unborn child's actual or presumed race or sex or the presence or presumed presence  
2 of Down syndrome; probable health consequences of the abortion; and an ultrasound image of  
3 the unborn child that depicts the measurements. The qualified physician shall provide this  
4 information, including the ultrasound image, to the Department of Health and Human Services  
5 pursuant to G.S. 14-45.1(c). The physician must provide a signature attesting under oath that the  
6 information contained in the report is true and correct to the best of the physician's knowledge.

7 A qualified physician who procures or causes a miscarriage or abortion after the twentieth  
8 week of a woman's pregnancy shall record the findings and analysis on which the qualified  
9 physician based the determination that there existed a medical emergency as defined by  
10 G.S. 90-21.81(5) and shall provide that information to the Department of Health and Human  
11 Services pursuant to G.S. 14-45.1(c). Materials generated by the physician or provided by the  
12 physician to the Department of Health and Human Services pursuant to this section shall not be  
13 public records under G.S. 132-1.

14 The information provided under this subsection shall be for statistical purposes only, and the  
15 confidentiality of the patient and the physician shall be protected. It is the duty of the qualified  
16 physician to submit information to the Department of Health and Human Services that omits  
17 identifying information of the patient and complies with Health Insurance Portability and  
18 Accountability Act of 1996 (HIPAA)."

19 **SECTION 2.** This act becomes effective September 1, 2021, and applies to all  
20 abortions performed on or after that date.