

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

D

HOUSE DRH10150-LU-93A (3/27)

Short Title: Ultrasound Before an Abortion.

(Public)

Sponsors: Representative Hilton.

Referred to:

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
North Carolina that describe fetal development, list agencies that offer

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

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

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

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

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

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

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