

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 169

Short Title: Abortion: Duty to Advise.

(Public)

Sponsors: Representatives Dawkins; and L. Etheridge.

Referred to: Judiciary.

February 7, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPOSE UPON PERSONS WHO PERFORM ABORTIONS A DUTY
3 TO PROVIDE MEDICAL ADVICE AND COUNSELING REGARDING THE
4 POTENTIAL PHYSIOLOGICAL AND PSYCHOLOGICAL CONSEQUENCES
5 OF ABORTION.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 1 of the General Statutes is amended by adding a new
8 Article to read:

9 **“ARTICLE 43E.**
10 **“DUTY TO PROVIDE MEDICAL ADVICE AND COUNSELING ON**
11 **ABORTION.**

12 **“§ 1-539.25. Duty to advise and counsel abortion patients.**

13 (a) A person authorized to perform abortions in this State shall, before
14 performing the abortion, provide medical advice and counseling to the woman seeking
15 the abortion regarding the potential medical, physiological, and psychological
16 consequences of having an abortion.

17 (b) A person who fails to comply with subsection (a) shall be liable to the woman
18 upon whom the person performed an abortion, for severe mental distress proximately
19 caused by the abortion.

20 (c) Actual and punitive damages shall be recoverable in an action brought under
21 this section.”

22 Sec. 2. This act shall become effective January 1, 1990, and shall apply to
23 abortions performed on or after that date.