

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

1

HOUSE BILL 31

Short Title: Detected Heartbeat/Prohibit Abortion. (Public)

Sponsors: Representatives Kidwell, Hanig, Cleveland, and C. Smith (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

February 1, 2021

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT, UNLESS THERE IS A MEDICAL EMERGENCY, AN ABORTION FROM BEING PERFORMED AFTER THE UNBORN CHILD IS DETERMINED TO HAVE A DETECTABLE HUMAN HEARTBEAT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-45.1 reads as rewritten:

"§ 14-45.1. When abortion not unlawful.

(a) Notwithstanding any of the provisions of G.S. 14-44 and 14-45, it shall not be unlawful, ~~during the first 20 weeks of a woman's pregnancy, prior to a determination by a qualified physician licensed to practice medicine in North Carolina that the unborn child has a detectable human heartbeat,~~ to advise, procure, or cause a miscarriage or abortion when the procedure is performed by a qualified physician licensed to practice medicine in North Carolina in a hospital or clinic certified by the Department of Health and Human Services to be a suitable facility for the performance of abortions.

...

(b) Notwithstanding any of the provisions of G.S. 14-44 and 14-45, it shall not be unlawful, ~~after the twentieth week of a woman's pregnancy, after a determination by a qualified physician licensed to practice medicine in North Carolina that the unborn child has a detectable human heartbeat,~~ to advise, procure or cause a miscarriage or abortion when the procedure is performed by a qualified physician licensed to practice medicine in North Carolina in a hospital licensed by the Department of Health and Human Services, if there is a medical emergency as defined by G.S. 90-21.81(5).

(b1) ~~A qualified physician who advises, procures, or causes a miscarriage or abortion after the sixteenth week of a woman's pregnancy shall record all of the following: the method used by the qualified physician to determine the probable gestational age of the unborn child at the time the procedure is to be performed; the results of the methodology, including the measurements of the unborn child; and an ultrasound image of the unborn child that depicts the measurements. The qualified physician shall provide this information, including the ultrasound image, to the Department of Health and Human Services pursuant to G.S. 14-45.1(e).~~

A qualified physician who procures or causes a miscarriage or abortion after ~~the twentieth week of a woman's pregnancy~~ a qualified physician determines that the unborn child has a detectable human heartbeat shall record the findings and analysis on which the qualified physician based the determination that there existed a medical emergency as defined by G.S. 90-21.81(5) and shall provide that information to the Department of Health and Human



1 Services pursuant to G.S. 14-45.1(c). Materials generated by the physician or provided by the
2 physician to the Department of Health and Human Services pursuant to this section shall not be
3 public records under G.S. 132-1.

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

9 ...

10 (e) No physician, nurse, or any other health care provider who shall state an objection to
11 abortion on moral, ethical, or religious grounds shall be required to perform or participate in
12 medical procedures which result in an abortion. The refusal of a physician, nurse, or health care
13 provider to perform or participate in these medical procedures shall not be a basis for damages
14 for the refusal, or for any disciplinary or any other recriminatory action against the physician,
15 nurse, or health care provider. ~~For purposes of this section, the phrase "health care provider" shall~~
16 ~~have the same meaning as defined under G.S. 90-410(1).~~

17 ...

18 (g) ~~For purposes of this section, "qualified physician" means (i) a~~ The following
19 definitions apply in this section:

20 (1) Detectable human heartbeat. – Embryonic or fetal cardiac activity or the
21 steady and repetitive rhythmic contraction of the heart within the gestational
22 sac.

23 (2) Health care provider. – As defined under G.S. 90-410(1).

24 (3) Qualified physician. – A physician who possesses, or is eligible to possess,
25 board certification in obstetrics or gynecology, (ii) a physician who possesses
26 sufficient training based on established medical standards in safe abortion
27 care, abortion complications, and miscarriage management, or (iii) a physician
28 who performs an abortion in a medical emergency as defined by
29 G.S. 90-21.81(5)."

30 **SECTION 2.** This act becomes effective December 1, 2021, and applies to
31 miscarriages or abortions caused or procured on or after that date.