

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1135

Short Title: Notarized Consent for Minor's Abortion.

(Public)

Sponsors: Senator Brock.

Referred to: Judiciary I.

March 24, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE PROCEDURES PERTAINING TO PARENTAL
3 CONSENT FOR A MINOR TO OBTAIN AN ABORTION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 90-21.7 reads as rewritten:

6 "**§ 90-21.7. Parental consent required.**

7 (a) No physician licensed to practice medicine in North Carolina shall perform
8 an abortion upon an unemancipated minor unless the physician or agent thereof or
9 another physician or agent thereof first obtains the written consent of the minor and of:

10 (1) A parent with custody of the minor; or

11 (2) The legal guardian or legal custodian of the minor; or

12 (3) A parent with whom the minor is living; or

13 (4) A grandparent with whom the minor has been living for at least six
14 months immediately preceding the date of the minor's written consent.

15 (a1) The written consent required by subsection (a) of this section shall be either
16 signed at the facility where the abortion is to be performed or acknowledged before a
17 notary public. The physician shall retain in the medical records of the minor a copy of
18 the documentary evidence from which the physician determined that the adult who gave
19 consent for the abortion was authorized to give that consent under subsection (a) of this
20 section.

21 (b) The pregnant minor may petition, on her own behalf or by guardian ad litem,
22 the district court judge assigned to the juvenile proceedings in the district court where
23 the minor resides or where she is physically present for a waiver of the parental consent
24 requirement if:

25 (1) None of the persons from whom consent must be obtained pursuant to
26 this section is available to the physician performing the abortion or the
27 physician's agent or the referring physician or the agent thereof within
28 a reasonable time or manner; or

- 1 (2) All of the persons from whom consent must be obtained pursuant to
2 this section refuse to consent to the performance of an abortion; or
3 (3) The minor elects not to seek consent of the person from whom consent
4 is required."
5 **SECTION 2.** This act becomes effective October 1, 2005.