

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

S

1

SENATE BILL 308

Short Title: Amend Woman's Right to Know Act. (Public)

Sponsors: Senators Daniel, Randleman, Hunt (Primary Sponsors); Brock, Hise, and Tucker.

Referred to: Rules and Operations of the Senate.

March 14, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE WOMAN'S RIGHT TO KNOW ACT.  
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 90-21.82(1) reads as rewritten:

5 "**§ 90-21.82. Informed consent to abortion.**

6 No abortion shall be performed upon a woman in this State without her voluntary and  
7 informed consent. Except in the case of a medical emergency, consent to an abortion is  
8 voluntary and informed only if all of the following conditions are satisfied:

9 (1) At least 24 hours prior to the abortion, a physician or qualified professional  
10 has orally informed the woman, by telephone or in person, of all of the  
11 following:

12 a. ~~The~~ To ensure the safety of the procedure and prompt medical  
13 attention to any complications that may arise, the name of the  
14 physician who will perform the abortion. The physician performing  
15 the abortion shall be physically present (i) during the performance of  
16 the entire abortion procedure and (ii) on the premises immediately  
17 available to the patient while the patient is recovering from the  
18 procedure and until the patient leaves the premises.

19 b. The particular medical risks associated with the particular abortion  
20 procedure to be employed, including, when medically accurate, the  
21 risks of infection, hemorrhage, cervical tear or uterine perforation,  
22 danger to subsequent pregnancies, including the ability to carry a  
23 child to full term, and any adverse psychological effects associated  
24 with the abortion.

25 c. The probable gestational age of the unborn child at the time the  
26 abortion is to be performed.

27 d. The medical risks associated with carrying the child to term.

28 e. The display of a real-time view of the unborn child and heart tone  
29 monitoring that enable the pregnant woman to view her unborn child  
30 or listen to the heartbeat of the unborn child are available to the  
31 woman. The physician performing the abortion, qualified technician,  
32 or referring physician shall inform the woman that the printed  
33 materials and Web site described in G.S. 90-21.83 and G.S. 90-21.84  
34 contain phone numbers and addresses for facilities that offer the  
35 services free of charge. If requested by the woman, the physician or



1 qualified professional shall provide to the woman the list as compiled  
 2 by the Department.

3 f. If the physician who is to perform the abortion has no liability  
 4 insurance for malpractice in the performance or attempted  
 5 performance of an abortion, that information shall be communicated.

6 g. The location of the hospital that offers obstetrical or gynecological  
 7 care located within 30 miles of the location where the abortion is  
 8 performed or induced and at which the physician performing or  
 9 inducing the abortion has ~~clinical~~ hospital admitting privileges. ~~If the~~  
 10 ~~physician who will perform the abortion has no local hospital~~  
 11 ~~admitting privileges, that information shall be communicated.~~ To  
 12 comply with the requirements of this sub-subdivision, a physician  
 13 performing an abortion shall have admitting privileges to a hospital  
 14 located within 30 miles of the place where the abortion is performed.

15 If the physician or qualified professional does not know the information  
 16 required in sub-subdivisions a., f., or g. of this subdivision, the woman shall  
 17 be advised that this information will be directly available from the physician  
 18 who is to perform the abortion. However, the fact that the physician or  
 19 qualified professional does not know the information required in  
 20 sub-subdivisions a., f., or g. shall not restart the 24-hour period. The  
 21 information required by this subdivision shall be provided in English and in  
 22 each language that is the primary language of at least two percent (2%) of  
 23 the State's population. The information may be provided orally either by  
 24 telephone or in person, in which case the required information may be based  
 25 on facts supplied by the woman to the physician and whatever other relevant  
 26 information is reasonably available. The information required by this  
 27 subdivision may not be provided by a tape recording but shall be provided  
 28 during a consultation in which the physician is able to ask questions of the  
 29 patient and the patient is able to ask questions of the physician. If, in the  
 30 medical judgment of the physician, a physical examination, tests, or the  
 31 availability of other information to the physician subsequently indicates a  
 32 revision of the information previously supplied to the patient, then that  
 33 revised information may be communicated to the patient at any time before  
 34 the performance of the abortion. Nothing in this section may be construed to  
 35 preclude provision of required information in a language understood by the  
 36 patient through a translator.

37 ...."

38 **SECTION 2.** G.S. 90-21.83(a) reads as rewritten:

39 "(a) Within 90 days after this Article becomes effective, the Department shall publish in  
 40 English and in each language that is the primary language of at least two percent (2%) of the  
 41 State's population and shall cause to be available on the State Web site established under  
 42 G.S. 90-21.84, the following printed materials in a manner that ensures that the information is  
 43 comprehensible to a person of ordinary intelligence:

- 44 (1) Geographically indexed materials designed to inform a woman of public and  
 45 private agencies and services available to assist her through pregnancy, upon  
 46 childbirth, and while the child is dependent, including adoption agencies.  
 47 The information shall include a comprehensive list of the agencies available,  
 48 a description of the services they offer, including which agencies offer, at no  
 49 cost to the woman, imaging that enables the woman to view the unborn child  
 50 or heart tone monitoring that enables the woman to listen to the heartbeat of  
 51 the unborn child, and a description of the manner, including telephone

1 numbers, in which they might be contacted. In the alternative, in the  
2 discretion of the Department, the printed materials may contain a toll-free,  
3 24-hour-a-day telephone number that may be called to obtain, orally or by  
4 tape recorded message tailored to the zip code entered by the caller, a list of  
5 these agencies in the locality of the caller and of the services they offer.

- 6 (2) Materials designed to inform the woman of the probable anatomical and  
7 physiological characteristics of the unborn child at two-week gestational  
8 increments from the time a woman can be known to be pregnant until full  
9 term, including pictures or drawings representing the development of the  
10 unborn child at two-week gestational increments. The pictures shall contain  
11 the dimensions of the unborn child, information about brain and heart  
12 functions, the presence of external members and internal organs, and be  
13 realistic and appropriate for the stage of pregnancy depicted. The materials  
14 shall be objective, nonjudgmental, and designed to convey only accurate  
15 scientific information about the unborn child at the various gestational ages.  
16 The material shall contain objective information describing the methods of  
17 abortion procedures employed, the medical risks associated with each  
18 procedure, the possible adverse psychological effects of abortion, as well as  
19 the medical risks associated with carrying an unborn child to term.

20 Additionally, the Department shall cause to be available on the State Web site a list of  
21 resources the woman may contact for assistance upon receiving information from the physician  
22 performing the ultrasound that the unborn child may have a disability or serious abnormality."  
23

**SECTION 3.** This act becomes effective October 1, 2013.