

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 533
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30131-ML-84

Short Title: Human Life Protection Act of 2023.

(Public)

Sponsors: Representative Kidwell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT ABORTION AFTER CONCEPTION EXCEPT WHEN NECESSARY
3 TO PRESERVE THE LIFE OF THE MOTHER.
4 The General Assembly of North Carolina enacts:

6 PART I. TITLE

7 SECTION 1.1. This act shall be known as "The Human Life Protection Act of 2023."

9 PART II. PROHIBITION ON ABORTION

10 SECTION 2.1. Article 11 of Chapter 14 of the General Statutes is amended by
11 adding a new section to read:

12 "§ 14-45.2. Abortion prohibited.

13 (a) Definitions. – The following definitions apply in this section:

14 (1) Abortion. – The act of using or prescribing an instrument, a drug, a medicine,
15 or any other substance, device, or means with the intent to cause the death of
16 an unborn child of a woman known to be pregnant. This term does not include
17 birth control devices or oral contraceptives. An act is not an abortion if the act
18 is done with the intent to do any of the following:

19 a. Save the life or preserve the health of an unborn child.

20 b. Remove a dead, unborn child whose death was caused by spontaneous
21 abortion.

22 c. Remove an ectopic pregnancy.

23 (2) Fertilization. – The point in time when a male human sperm penetrates the
24 zona pellucida of a female human ovum.

25 (3) Pregnant. – The female human reproductive condition of having a living
26 unborn child within the female's body during the entire embryonic and fetal
27 stages of the unborn child's development from fertilization until birth.

28 (4) Reasonable medical judgment. – A medical judgment made by a reasonably
29 prudent physician, knowledgeable about a case and the treatment possibilities
30 for the medical conditions involved.

31 (5) Unborn child. – An individual living member of the homo sapiens species
32 from fertilization until birth, including the entire embryonic and fetal stages
33 of development.

34 (b) Prohibition. – Except as otherwise provided in subsection (c) of this section, a person
35 shall not knowingly perform, induce, or attempt an abortion.



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1 (c) Exception to Prohibition. – The prohibition in subsection (b) of this section does not
2 apply if all of the following requirements are met:

3 (1) The person performing, inducing, or attempting the abortion is a licensed
4 physician.

5 (2) In the exercise of reasonable medical judgment, the pregnant female on whom
6 the abortion is performed, induced, or attempted has a life-threatening
7 physical condition aggravated by, caused by, or arising from a pregnancy that
8 places the female at risk of death or poses a serious risk of substantial
9 impairment of a major bodily function unless the abortion is performed or
10 induced. The requirement set forth in this subdivision does not include any
11 situation where the risk of death or substantial impairment of a major bodily
12 function arose from a claim or diagnosis that the female would engage in
13 conduct that may result in the female's death or in substantial impairment of a
14 major bodily function.

15 (3) The person performs, induces, or attempts the abortion in a manner that, in the
16 exercise of reasonable medical judgment, provides the best opportunity for the
17 unborn child to survive unless, in the reasonable medical judgment, that
18 manner would create either of the following:

19 a. A greater risk of the pregnant female's death.

20 b. A serious risk of substantial impairment of a major bodily function of
21 the pregnant female.

22 (d) Accidental or Unintentional Death. – Medical treatment provided to a pregnant
23 female by a licensed physician that results in the accidental or unintentional injury or death of an
24 unborn child does not constitute a violation of subsection (b) of this section.

25 (e) Criminal Punishment. – A violation of subsection (b) of this section that results in the
26 death of an unborn child is a Class B1 felony. Any other violation of subsection (b) of this section
27 is a Class B2 felony.

28 (f) Civil Penalty. – A person who violates subsection (b) of this section is subject to a
29 civil penalty of not less than one hundred thousand dollars (\$100,000) for each violation. The
30 Attorney General shall file an action to recover a civil penalty assessed under this subsection and
31 may recover attorney's fees and costs incurred in bringing the action. The clear proceeds of civil
32 penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund
33 in accordance with G.S. 115C-457.2.

34 (g) Disciplinary Action. – In addition to any other penalty that may be imposed under
35 this section, the appropriate licensing authority shall revoke the license, permit, registration,
36 certificate, or other authority of a physician or other health care professional who performs,
37 induces, or attempts an abortion in violation of subsection (b) of this section.

38 (h) Civil Remedies Unaffected. – The fact that conduct is subject to a civil or criminal
39 penalty under this section does not abolish or impair any remedy for the conduct that is available
40 in a civil suit.

41 (i) Construction. – This section shall not be construed to authorize the imposition of
42 criminal, civil, or administrative liability or penalties on a pregnant female on whom an abortion
43 is performed, induced, or attempted."

44 **SECTION 2.2.** This Part only applies to abortions performed, induced, or attempted
45 on or after the effective date of this Part.

46 **PART III. CONFORMING CHANGES**

47 **SECTION 3.1.** G.S. 14-44, 14-45, and 14-45.1 are repealed.

48 **SECTION 3.2.** G.S. 14-23.7 reads as rewritten:

49 "§ 14-23.7. **Exceptions.**

1 Nothing in this Article shall be construed to permit the prosecution under this Article of any
2 of the following:

3 (1) Acts which cause the death of an unborn child if those acts were lawful,
4 pursuant to the provisions of ~~G.S. 14-45.1~~G.S. 14-45.2.

5 ...

6 (3) Acts committed by a pregnant woman with respect to her own unborn child,
7 including, but not limited to, acts which result in miscarriage or stillbirth by
8 the woman. The following definitions shall apply in this section:

9 a. Miscarriage. – The interruption of the normal development of an
10 unborn child, other than by a live birth, and which is not an induced
11 abortion permitted under ~~G.S. 14-45.1~~G.S. 14-45.2, resulting in the
12 complete expulsion or extraction from a pregnant woman of the
13 unborn child.

14 b. Stillbirth. – The death of an unborn child prior to the complete
15 expulsion or extraction from a woman, irrespective of the duration of
16 pregnancy and which is not an induced abortion permitted under
17 ~~G.S. 14-45.1~~G.S. 14-45.2."

18 **SECTION 3.3.** G.S. 131E-269 is repealed.

19 **SECTION 3.4.** Article 1I of Chapter 90 of the General Statutes is repealed.

20 **SECTION 3.5.** Article 1K of Chapter 90 of the General Statutes is repealed.

21 **SECTION 3.6.** This Part only applies to abortions performed, induced, or attempted
22 on or after the effective date of this Part.

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24 **PART IV. SEVERABILITY AND EFFECTIVE DATE**

25 **SECTION 4.1.** If any provision of this act or its application is held invalid, the
26 invalidity does not affect other provisions or applications of this act that can be given effect
27 without the invalid provisions or application, and to this end, the provisions of this act are
28 severable.

29 **SECTION 4.2.** This act becomes effective July 1, 2023.