

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H

1

HOUSE BILL 533

Short Title: Human Life Protection Act of 2023. (Public)

Sponsors: Representatives Kidwell, Moss, and Goodwin (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

March 30, 2023

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:

5  
6 **PART I. TITLE**

7 **SECTION 1.1.** This act shall be known as "The Human Life Protection Act of 2023."  
8

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.



\* H 5 3 3 - V - 1 \*

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.

#### 23 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.