

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL 404

Short Title: A Second Chance for LIFE. (Public)

Sponsors: Senators Krawiec, Barnes, and Galey (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 31, 2021

A BILL TO BE ENTITLED

AN ACT DIRECTING THAT PHYSICIANS WHO PERFORM DRUG-INDUCED ABORTIONS FURNISH PATIENTS WITH CERTAIN WRITTEN INFORMATION FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES ABOUT THE POSSIBILITY OF REVERSING THE EFFECTS OF A DRUG-INDUCED ABORTION AFTER THE FIRST DOSE OF MEDICATION IS ADMINISTERED, REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DISTRIBUTE CERTAIN WRITTEN MATERIALS TO EVERY PHYSICIAN WHO PERFORMS DRUG-INDUCED ABORTIONS, AND PROVIDING CIVIL REMEDIES FOR VIOLATIONS OF G.S. 14-45.

The General Assembly of North Carolina enacts:

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

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

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

...

(2a) Any physician who prescribes, dispenses, or otherwise provides any drug or chemical for the purpose of inducing an abortion shall, immediately after administering the first drug or chemical for the purpose of inducing an abortion, furnish the patient as part of her discharge instructions the written information made available by the Department of Health and Human Services pursuant to subdivision (a)(3) of G.S. 90-21.83.

(3) The woman certifies shall certify, in writing, before the abortion, that the information described in subdivisions (1) and (2) of this section has been furnished to her and that she has been informed of her opportunity to review the information referred to in sub-subdivision (2)e. of this section and, in the case of a drug-induced abortion, shall certify, in writing, immediately after the administration of the first drug or chemical, that the information described in subdivision (a)(3) of G.S. 90-21.83 has been furnished to her and that she has been informed of her opportunity to review the information described in subdivision (a)(3) of G.S. 90-21.83. The original of this certification shall be maintained in the woman's medical records, and a copy shall be given to her.

...."

**SECTION 1.(b)** G.S. 90-21.83 reads as rewritten:

"§ 90-21.83. **Printed information required.**



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

6 ...

7 (3) Materials designed to inform the woman about the possibility of reversing a  
8 drug-induced abortion. The materials shall be printed in at least 12-point, bold,  
9 legible type with the following statement concerning drug-induced abortions:  
10 "This information about your drug-induced abortion is provided by the State  
11 of North Carolina Department of Health and Human Services. It may be  
12 possible to discontinue a drug-induced abortion by not taking the second drug  
13 (Misopristol) and to reverse the process by administration of progesterone. It  
14 is recommended that you contact a knowledgeable health care provider  
15 regarding the abortion pill reversal process or call the Abortion Pill Reversal  
16 Hotline at 877-558-0333 as soon as possible."

17 (b) ~~The~~ Except as otherwise provided, the materials referred to in subsection (a) of this  
18 section shall be printed in a typeface large enough to be clearly legible. The ~~Web site~~ website  
19 provided for in G.S. 90-21.84 shall be maintained at a minimum resolution of 70 DPI (dots per  
20 inch). All pictures appearing on the ~~Web site~~ website shall be a minimum of 200x300 pixels. All  
21 letters on the ~~Web site~~ website shall be a minimum of 12-point font. All information and pictures  
22 shall be accessible with an industry-standard browser requiring no additional plug-ins.

23 (c) The Department shall make the materials required under this section ~~shall be~~ available  
24 at no cost from the Department upon request and in appropriate numbers to any physician, person,  
25 health facility, hospital, or qualified professional.

26 ...

27 (e) The Department shall cause to be available on the homepage of the State website for  
28 the Woman's Right to Know Act the information described in subdivision (a)(3) of this section."

29 **SECTION 1.(c)** Within 90 days after this section becomes effective, the Department  
30 of Health and Human Services shall do both of the following:

- 31 (1) Publish on the homepage of the State website for the Woman's Right to Know  
32 Act the information described in G.S. 90-21.83(a)(3), as amended by this act.
- 33 (2) Make available at no cost from the Department, upon request, and in  
34 appropriate numbers to any physician the printed materials described in  
35 subdivision (a)(3) of G.S. 90-21.83, as amended by this act.

36 **SECTION 1.(d)** This section becomes effective September 1, 2021, and applies to  
37 acts occurring on or after that date.

38 **SECTION 2.(a)** G.S. 14-45 reads as rewritten:

39 "**§ 14-45. Using drugs or instruments to produce miscarriage or injure pregnant**  
40 **woman.** woman; civil remedies; privacy protections; definitions; severability.

41 (a) Criminal Violation. – If any person shall administer to any pregnant woman, or  
42 prescribe for any such woman, or advise and procure such woman to take any medicine, drug or  
43 anything whatsoever, with intent thereby to procure the miscarriage of such woman, or an  
44 abortion, or to injure or destroy such woman, or shall use any instrument or application for any  
45 of the above purposes, he shall be punished as a Class I felon.

46 (b) The civil remedies contained in G.S. 90-21.88, the protection of privacy contained in  
47 G.S. 90-21.89, the definitions contained in G.S. 90-21.81(1) and (2), and the severability  
48 provision in G.S. 90-21.92 apply to violations of subsection (a) of this section and to conspiring,  
49 aiding, abetting, soliciting, or attempting to violate subsection (a) of this section.

50 (c) Civil remedies are not available to a person who caused the pregnancy by criminal  
51 conduct.

1        (d) The pregnant woman may not be a defendant in either a criminal or civil proceeding."  
2            **SECTION 2.(b)** This section becomes effective September 1, 2021, and applies to  
3 acts occurring on or after that date.  
4            **SECTION 3.** If any provision of this act or its application is held invalid, the  
5 invalidity does not affect other provisions or applications of this act that can be given effect  
6 without the invalid provisions or application, and to this end, the provisions of this act are  
7 severable.  
8            **SECTION 4.** Except as otherwise provided, this act becomes effective September 1,  
9 2021, and applies to abortions performed on or after that date.