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North Carolina  
House of Representatives

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## Pro Life Legislation & Litigation in North Carolina

October 3, 2016

- **SL 2011-60: Unborn Victims of Violence Act/Ethen's Law:** Creates criminal offenses for acts committed against pregnant women without consent that cause the death or injury of an unborn child.  
**NOT CHALLENGED IN COURT.**
- **SL 2011-145: Appropriations Act of 2011, Sec. 29.23(a)-(c):** Limits state abortion funding in the state health plan. No state funded abortions except in cases of rape, incest, or to save the life of the mother. Previously funding was only limited for welfare abortions on a year-to-year basis.  
**NOT CHALLENGED IN COURT.**
- **SL 2011-392: Authorize Various Special Plates (Choose Life):** Division of Motor Vehicles to issue "Choose Life" plates. The money raised will go to Carolina Pregnancy Care Fellowship. The injunction has been dissolved and license plates are now available [online](#) through NC DMV.  
**CHALLENGED IN COURT BUT UPHELD (the ACLU has until April 1, 2016, to appeal).**
- **SL 2011-405: Woman's Right to Know:** Requires a 24 hour (now 72 hour) waiting period and the informed consent of a pregnant woman before an abortion may be performed.  
**CHALLENGED IN COURT. LOST ONE SECTION CONCERNING ULTRASOUND. THE REMAINDER OF THE LAW WAS CHALLENGED BUT UPHELD.**
- **SL 2013-307: Health Curriculum/Preterm Birth:** Requires instruction in school health education on preventable causes, including induced abortion, of preterm birth in subsequent pregnancies.  
**NOT CHALLENGED IN COURT.**
- **SL 2013-360: Appropriations Act of 2013, Sec. 12J.1.(a):** Maternal and child health block grants provides \$250,000 to the Carolina Pregnancy Care Fellowship (Sec. 12J.1.(a)). Increased to \$300,000 in 2014 and continued through 2016-17.  
**NOT CHALLENGED IN COURT**
- **SL 2013-366: Health and Safety Law Changes:** Limits abortion coverage to rape, incest, or to protect the life of the mother under the federal health benefit exchange or insurance offered by a county or city. Prohibits sex selection abortions. The Department of Health and Human Services is directed to amend rules pertaining to abortion clinics. Prohibits abortions if a doctor is not present. Conscience Protection extended to all health care providers, not just doctors and nurses.  
**NOT CHALLENGED IN COURT**
- **SL 2015-62: Women and Children's Protection Act of 2015:** Changes the 24 hour waiting period to 72 hours for informed consent before an abortion. Protects health care providers who object on moral, ethical or religious grounds in situations not covered in 2013. Increases statistical reporting requirements to the Department of Health and Human Services and enhances

clinic standards and inspections. Abortionists must be an OB-GYN or equivalent. Tightens standards for post 20 week abortions.

**NOT CHALLENGED IN COURT**

- **SL 2015-265: Disposition of Unborn Childrens' Remains:** Prohibits the sale of the remains of an unborn child resulting from an induced abortion. In the case of a miscarriage, the mother may donate the remains for research.

**NOT CHALLENGED IN COURT**

**In addition to these laws passed since Republicans took a majority of both the House and Senate, the courts upheld two other pro-life laws enacted when Republicans had a majority only in the House in 1995:**

- In *Rosie J. v. N.C. Department of Human Resources*, 347 N.C. 247, 491 S.E.2d 535 (1997), the North Carolina Supreme Court held that there was no state constitutional right to state funded abortions. In 1995, the General Assembly restricted eligibility for the state abortion fund to cases where the pregnancy resulted from “cases of rape or incest, or to terminate pregnancies that, in the written opinion of one doctor licensed to practice medicine in North Carolina, endanger the life of the mother.”
- In *Manning v. Hunt*, 119 F.3d 254 (4<sup>th</sup> Cir. 1997), the Fourth Circuit Court of Appeals sustained the position of that State and the amicus brief submitted by Stam & Danchi PLLC, for North Carolina Right to Life in support of North Carolina’s Parental Consent law.

**CONCLUSION:**

- Eleven significant Laws.
- Four court challenges.
- One partial loss in the ultrasound section of one law. The ultrasound provision not allowed in North Carolina is almost identical to the Texas Law upheld by the federal courts and in effect since 2011.