

Abortion Method Ban Bill Summary

➤ **NOTE:** HB 54: “Unborn Child Protection From Dismemberment,” filed [2/12/19](#).

HB54, “Unborn Child Protection From Dismemberment,” is an abortion method ban that would make dilation & evacuation procedures, referred to in the bill as “dismemberment abortion” illegal except in the case of “serious health risk to the unborn child’s mother.” The bill intentionally uses the term of “dismemberment abortion” instead of dilation and evacuation, reflecting anti-abortion rhetoric. The bill makes exceptions for “serious health risk to the unborn child’s mother” but does not include “psychological or emotional conditions.” Throughout, the bill refers to the patient as “the unborn child’s mother.”

HB54 intentionally targets physicians who provide abortion. The bill text specifically offers civil immunity to patients, nurses, technicians, secretaries, receptionists, pharmacists, or “other employee or agent who is not a physician.” Moreover, the bill would make any physician who provides the procedure guilty of a civil offense and liable for sanction from the NC Medical Board.

Rep. Debra Conrad of Forsyth is a primary sponsor of the bill, which emerged amidst a flurry of anti-abortion legislation in early February 2019.

HB54 is an abortion method ban that would make dilation & evacuation procedures, referred to in the bill as “dismemberment abortion” illegal except in the case of “serious health risk to the unborn child’s mother.”

The bill would make dilation & evacuation (D & E) procedures, commonly used in the second trimester, illegal except when necessary to prevent a health risk to the “mother.” House Bill 54, sponsored by state Rep. Debra Conrad, and companion Senate Bill 51, sponsored by state Sen. Joyce Krawiec, would make dilation and evacuation abortions, or D&E’s, unlawful except if necessary to prevent a serious health risk to the mother. (Winston Salem Journal, [2/12/19](#))

The bill uses term of “dismemberment abortion” instead of “dilation and evacuation,” reflecting the rhetoric of abortion opponents.

The bill defines “dismemberment abortion” with the language of “intent to cause the death of an unborn child.” “Dismemberment abortion. – With the intent to cause the death of an unborn 13 child, to dismember a living unborn child and extract that child in pieces from 14 the uterus through use of clamps, grasping forceps, tongs, scissors, or similar 15 instruments that, through the convergence of two rigid levers, slice, crush, or 16 grasp, or a combination of these, a portion of the unborn child's body to cut or 17 rip it off. The term does not include an abortion that uses suction to dismember 18 the body of the unborn child by sucking fetal parts into a collection container. 19 The term includes an abortion in which a dismemberment abortion is used to 20 cause the death of an unborn child but suction is subsequently used to extract 21 fetal parts after the death of the unborn child.” (HB54, filed [2/12/19](#))

D & E procedures are commonly performed between 13 and 24 weeks; abortion opponents call the method “dismemberment abortions.” “In most of the procedures, which abortion opponents call “dismemberment abortion,” the fetus is removed using forceps or other medical equipment. The bills describe in detail how the procedure typically is performed, but don’t use the medical term for the procedure.” (Winston Salem Journal, [2/12/19](#))

The bill makes exceptions for “serious health risk to the unborn child’s mother” but does not include “psychological or emotional conditions.”

HB54 is a method ban that prohibits “dismemberment abortions” unless it is a serious health risk to the child’s mother. “It shall be unlawful for any person to willfully perform a dismemberment abortion and thereby kill an unborn child, or attempt to perform a dismemberment abortion, unless it is necessary to prevent serious health risk to the unborn child’s mother.” (HB54, filed [2/12/19](#))

The bill provides an except for “serious health risk to the unborn child’s mother” but does not include “psychological or emotional conditions.” “Serious health risk to the unborn child’s mother. – In reasonable medical judgment, the mother has a condition that so complicates her medical condition that it necessitates the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such condition may be determined to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.” (HB54, filed [2/12/19](#))

The bill only refers to the patient as the “unborn child’s mother.”

The bill refers to the patient only as the “the unborn child’s mother,” three separate time throughout the bill. (HB54, filed [2/12/19](#))

The bill targets doctors, rather than patients or other medical professionals, and would make a physician who provides the procedure guilty of a civil offense and liable for sanction from the NC Medical Board.

The bill would make a physician who performs the procedure guilty of a civil offense could lead to sanctions from the NC Medical Board. “Conrad and Krawiec’s bills would make a physician who performs the procedure guilty of a civil offense and lead to the possibility of being sanctioned by the N.C. Medical Board for unlawful conduct.” (Winston-Salem Journal, [2/12/19](#))

Any physician accused of breaking the law by performing a “dismemberment abortion” may result in a hearing with the North Carolina Medical Board on whether the abortion was “necessary” to save the mother’s life. “A physician accused in any proceeding of unlawful conduct under this Article may seek a hearing before the North Carolina Medical Board on whether the dismemberment abortion was necessary to prevent serious health risk to the unborn child’s mother. The Board’s findings are admissible on that issue at any trial in which such unlawful conduct is alleged.” (HB54, filed [2/12/19](#))

The bill offers civil immunity to patients, nurses, technicians, secretaries, receptionists, pharmacists, or “other employee or agent who is not a physician.”

The bill provides immunity from civil liability to patients, nurses, technicians, secretaries, receptionists or any agent who is “not a physician,” but does not provide immunity to physicians. “The following individuals are immune from civil liability under this Article for actions related to performing or attempting to perform a dismemberment abortion: (1) The woman upon whom a dismemberment abortion is performed or attempted to be performed. (2) Any nurse, technician, secretary, receptionist, or other employee or agent who is not a physician but who acts at the direction of a physician. (3) Any pharmacist or other individual who is not a physician but who

fills a 17 prescription or provides instruments or materials used in a dismemberment 18 abortion at the direction of a physician.” (HB54, filed [2/12/19](#))

Rep. Debra Conrad, a vocal anti-abortion legislator, is a primary sponsor of the bill, which comes amidst a flurry of anti-abortion filed in February of 2019.

Rep. Conrad of Forsyth County is a primary sponsors of the bill. “Two Forsyth County Republican legislators are the primary sponsors of [bills in the General Assembly that would ban in North Carolina](#) a commonly used second-trimester abortion procedure.” (Winston-Salem Journal, [2/12/19](#))

Conrad has said, “surely, we as a human race should agree that this particular abortion method should be banned.” (Winston-Salem Journal, [2/12/19](#))

Additional abortion bills including a “reversal” bill were filed in days leading up to HB54.

“Krawiec is also a primary sponsor, along with Ballard and Sawyer, of Senate Bill 52 that was introduced Tuesday. Companion legislation, House Bill 53, was also submitted Tuesday. Both bills are titled “A Second Chance for LIFE.” If the bill is passed and signed into law, it would take effect Oct. 1. The bills would require abortion providers to give [women undergoing drug-induced abortions](#) information from the N.C. Department of Health and Human Services that they could still have a live birth if they change their mind after the first of two doses is administered.” (Winston-Salem Journal, [2/12/19](#))

The ACLU has issued a statement opposing the bill.

The ACLU issued a statement that opposed the bill, noting that D&E is a “safe and effective abortion method” and that if the bill, if implemented, would ban second trimester abortions altogether. “The ACLU said in a statement Thursday that it opposes state bills that would ban the procedure, calling “dilation and evacuation ... a safe and effective abortion method.” “If enforced, the ban would prevent women from being able to obtain an abortion at all,” the ACLU said.” (Winston-Salem Journal, [2/12/19](#))

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