

Latest Republican abortion bill is another attempt to control the relationship between patients and their doctors

- S359 is another Republican attack on health care using sensationalist claims not based in science.
 - S359 seeks to “protect survivors” of abortions by criminalizing doctors
 - This practice does not exist in North Carolina because abortions are banned after 20 weeks.

- Republicans are using an extreme agenda to intimidate patients and their doctors
 - North Carolina Republicans are trying to threaten doctors with criminal action and shame patients over practice not based in the reality of abortion care.
 - Doctors who fail to follow the law as prescribed in S356 could be subject to felony charges and health care practitioners would be required to report noncompliance.
 - There are already rigorous standards and requirements placed on abortion care.

- This bill is part of an extreme agenda that seeks to ban abortion outright.
 - This bill models a similar national bill that seeks to criminalize doctors
 - North Carolina House Republicans filed several abortion restrictions in 2019, including a 13-week abortion ban that would make North Carolina the state with the earliest abortion ban in the US outside bans that have been blocked by courts.
 - Since the Republican supermajority was elected in 2010, North Carolina has passed some of the most restrictive abortion laws in the nation.

S359 is another Republican attack on safe abortion care using sensationalist claims not based in science or reality.

North Carolina Senate Republicans led by Sen. Joyce Krawiec and Sen. Ralph Hise, filed a bill to “protect survivors” of abortions. “Article 1L.”Born-Alive Abortion Survivors Protection Act. “§ 90-21.130. Definitions. As used in this section, the following definitions apply: (1) Abortion. – As defined in G.S. 90-21.81. (2) Attempt to perform an abortion. – As defined in G.S. 90-21.81. (3) Born alive. – With respect to a member of the species homo sapiens, this term means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.” (S359, Ref to Sen Judiciary, [4/8/19](#))

This practice does not exist in North Carolina because abortions are banned after 20 weeks. “Abortion is illegal after 20 weeks.” (Guttmacher Institute Fact Sheet, [May 2018](#))

North Carolina Senate Republicans are again pushing their extreme agenda, this time targeting doctors who already abide by rigorous standards.

North Carolina Republicans are trying to criminalize doctors and shame patients for a practice that does not exist. “Dr. Kristyn Brandi is a New Jersey OB-GYN with fellowship training in family planning, and a board member of Physicians for Reproductive Health. As a doctor, she delivers babies and cares for pregnant women, and also performs abortions. She told me that because of today’s legal requirements for abortion procedures, it’s essentially impossible for a baby to be born alive after a failed abortion, and that equating late abortion with infanticide is insulting to patients, many of whom are grieving the end of a much-wanted pregnancy.” (Vox, [3/12/19](#))

Doctors who fail to follow the law as prescribed in S356 could be subject to felony charges and health care practitioners would be required to report noncompliance. “§ 90-21.133. Mandatory reporting of noncompliance. A health care practitioner or any employee of a hospital, a physician's office, or an abortion clinic who has knowledge of a failure to comply with the requirements of G.S. 90-21.132 shall immediately report the failure to comply to an appropriate State or federal law enforcement agency, or both. [...]” § 90-21.135. Penalties. (a) In General. – Except as provided in subsection (b) of this section, unless the conduct is covered under some other provision of law providing greater punishment, a person who violates G.S. 90-21.132 or G.S. 90-21.133 is guilty of a Class D felony which shall include a fine of not more than two hundred fifty thousand dollars (\$250,000). (b) Unlawful Killing of Child Born Alive. – Any person who intentionally performs or attempts to perform an overt act that kills a child born alive shall be punished as under G.S. 14-17(c) for murder.” (S359, Ref to Sen Judiciary, [4/8/19](#))

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This bill follows current trends in other states and nationally to restrict access to abortion and ban it outright.

This bill models a similar national bill that seeks to criminalize doctors. “The bill would require doctors to use all means available to save the life of a child born alive after an attempted abortion. They must, it says, “exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child” as they would for “any other child born alive at the same gestational age.” [...] Doctors who violated the law would be subject to criminal penalties, as would anyone who saw the violation and failed to report it, she said.” (Washington Post, [2/26/19](#))

North Carolina House Republicans filed several abortion restrictions in 2019, including a 13-week abortion ban. (H28, filed [2/5/19](#))

House bill 28 would make North Carolina the state with the earliest abortion ban in the US outside bans that have been blocked by courts. “House Bill 28 would ban abortions after 13 weeks, down from the current 20 weeks. Planned Parenthood spokeswoman Alison Kiser said Wednesday that 13 weeks would be the earliest ban in the U.S. outside of some that have been blocked by courts. “This is a medically unnecessary and arbitrary cutoff to a women’s ability to access safe and legal abortion care,” Kiser said.” (WRAL, [2/6/19](#); H28, filed [2/5/19](#))

Since the Republican supermajority was elected in 2010, North Carolina has passed some of the most restrictive abortion laws in the nation.

HB465: “Women and Children’s Protection Act of 2015,” signed [6/5/15](#).

SB353: “Health and Safety Law Changes,” signed [7/29/13](#).

HB 854: “Abortion- Women’s Right to Know Act,” veto overridden [7/28/11](#).

As of 2018, the following laws govern abortion access in North Carolina:

- Abortion is illegal after 20 weeks.
- A person must receive state-directed counseling that includes information designed to discourage them from having an abortion and then wait 72 hours before the procedure is provided.
- Health plans offered in the state’s health exchange under the Affordable Care Act can only cover abortion if a person’s life is endangered, or in cases of rape or incest.
- Abortion is covered in insurance policies for public employees only in cases of life endangerment, rape, or incest.

- Physicians performing abortions after the 16th week of pregnancy must send state health officials ultrasound images of the fetus.
- The use of telemedicine to administer medication abortion is prohibited.
- The parent of a minor must consent before an abortion is provided.
- Public funding is available for abortion only in cases of life endangerment, rape, or incest.
- A patient must undergo an ultrasound before obtaining an abortion.
- The state prohibits abortions performed for the purpose of sex selection.
(Guttmacher Institute Fact Sheet, [May 2018](#))

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