

**§ 90-21.81. Definitions.**

The following definitions apply in this Article:

- (1) **Abortion.** – A surgical abortion or a medical abortion, as those terms are defined in this section, respectively.
- (1a) **Abortion-inducing drug.** – A medicine, drug, or any other substance prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman, with knowledge that the termination will, with reasonable likelihood, cause the death of the unborn child. This includes the off-label use of drugs such as mifepristone (Mifeprex), misoprostol (Cytotec), and methotrexate, approved by the United States Food and Drug Administration to induce abortions or known to have abortion-inducing properties, prescribed specifically with the intent of causing an abortion, whether or not there exists a diagnosed pregnancy at the time of prescription or dispensing, for the purposes of the woman taking the drugs at a later date to cause an abortion rather than contemporaneously with a clinically diagnosed pregnancy. This definition shall not include drugs that may be known to cause an abortion but are prescribed for other medical indications, such as chemotherapeutic agents and diagnostic drugs.
- (1b) **Adverse event.** – Any untoward medical occurrence associated with the use of a drug in humans, whether or not considered drug related.
- (1c) **Renumbered pursuant to Session Laws 2023-14, s. 11.**
- (2) **Attempt to perform an abortion.** – An act, or an omission of a statutorily required act, that, under the circumstances as the physician believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in violation of this Article or Article 1K of this Chapter.
- (2a) **Complication.** – Any physical or psychological conditions which, in the reasonable medical judgment of a licensed health care professional, arise as a primary or secondary result of an induced abortion, including:
  - a. Uterine perforation.
  - b. Cervical laceration.
  - c. Infection.
  - d. Bleeding or vaginal bleeding that qualifies as a Grade 2 or higher adverse event according to the Common Terminology Criteria for Adverse Events.
  - e. Pulmonary embolism.
  - f. Deep vein thrombosis.
  - g. Failure to actually terminate the pregnancy.
  - h. Incomplete abortion due to retained tissue.
  - i. Pelvic inflammatory disease.
  - j. Endometritis.
  - k. Missed ectopic pregnancy.
  - l. Cardiac arrest.
  - m. Respiratory arrest.
  - n. Renal failure.
  - o. Shock.
  - p. Amniotic fluid embolism.
  - q. Coma.
  - r. Free fluid in abdomen.
  - s. Allergic reactions to anesthesia and abortion-inducing drugs.

- t. Psychological complications as described by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM).
- (3) Department. – The Department of Health and Human Services.
- (4) Display a real-time view of the unborn child. – An ultrasound or any more scientifically advanced means of viewing the unborn child in real time.
- (4a) Health care provider. – As defined in G.S. 90-410.
- (4b) Hospital. – As defined in G.S. 131E-76.
- (4c) Incest. – The criminally injurious conduct in the nature of the conduct described in G.S. 14-178.
- (4d) Life-limiting anomaly. – The diagnosis by a qualified physician of a physical or genetic condition that (i) is defined as a life-limiting disorder by current medical evidence and (ii) is uniformly diagnosable.
- (4e) Medical abortion. – The use of any medicine, drug, or other substance intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to do any of the following:
  - a. Increase the probability of a live birth.
  - b. Preserve the life or health of the child.
  - c. Remove a dead, unborn child who died as a result of (i) natural causes in utero, (ii) accidental trauma, or (iii) a criminal assault of the pregnant woman or her unborn child which causes the premature termination of the pregnancy.
  - d. Remove an ectopic pregnancy.
- (5) Medical emergency. – A condition which, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including any psychological or emotional conditions. For purposes of this definition, no condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function.
- (5a) Partial-birth abortion. – As defined in 18 U.S.C. § 1531(b)(1) as it exists on January 1, 2023.
- (6) Physician. – An individual licensed to practice medicine in accordance with this Chapter.
- (7) Probable gestational age. – What, in the judgment of the physician, will, with reasonable probability, be the gestational age of the unborn child at the time the abortion is planned to be performed.
- (7a) Qualified physician. – Any of the following: (i) a physician who possesses, or is eligible to possess, board certification in obstetrics or gynecology, (ii) a physician who possesses sufficient training based on established medical standards in safe abortion care, abortion complications, and miscarriage management, or (iii) a physician who performs an abortion in a medical emergency as defined by this Article.
- (8) Qualified professional. – An individual who is a registered nurse, nurse practitioner, or physician assistant licensed in accordance with Article 1 of this Chapter, or a qualified technician acting within the scope of the qualified technician's authority as provided by North Carolina law and under the supervision of a physician.

- (9) Qualified technician. – A registered diagnostic medical sonographer who is certified in obstetrics and gynecology by the American Registry for Diagnostic Medical Sonography (ARDMS) or a nurse midwife or advanced practice nurse practitioner in obstetrics with certification in obstetrical ultrasonography.
- (9a) Rape. – The criminally injurious conduct in the nature of the conduct described in G.S. 14-27.21, 14-27.22, 14-27.23, 14-27.24, and 14-27.25.
- (9b) Surgical abortion. – The use or prescription of any instrument or device intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to do any of the following:
  - a. Increase the probability of a live birth.
  - b. Preserve the life or health of the child.
  - c. Remove a dead, unborn child who died as the result of (i) natural causes in utero, (ii) accidental trauma, or (iii) a criminal assault on the pregnant woman or her unborn child which causes the premature termination of the pregnancy.
  - d. Remove an ectopic pregnancy.
- (9c) Unborn child. – As defined in G.S. 14-23.1.
- (10) Website. – A website that, to the extent reasonably practicable, is safeguarded from having its content altered other than by the Department.
- (10a) Renumbered pursuant to Session Laws 2023-14, s. 11.
- (11) Woman. – A female human, whether or not she is an adult. (2011-405, s. 1; 2013-366, s. 3(b); 2023-14, ss. 1.2, 11.)