

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 431

Short Title: Abortion-Parental Consent Notarized. (Public)

Sponsors: Representatives Hilton, McElraft (Primary Sponsors); Blackwood, Blust, Brown, Burr, Cleveland, Folwell, Frye, Gillespie, Guice, Hurley, Johnson, Justice, Killian, Langdon, McGee, Moore, Randleman, Samuelson, Setzer, Starnes, and Wiley.

Referred to: Health, if favorable, Judiciary I.

March 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE PROCEDURES PERTAINING TO PARENTAL CONSENT FOR
3 A MINOR TO OBTAIN AN ABORTION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 90-21.7 reads as rewritten:

6 "**§ 90-21.7. Parental consent required.**

7 (a) No physician licensed to practice medicine in North Carolina shall perform an
8 abortion upon an unemancipated minor unless the physician or agent thereof or another
9 physician or agent thereof first obtains the written consent of the minor and of:

- 10 (1) A parent with custody of the minor; or
11 (2) The legal guardian or legal custodian of the minor; or
12 (3) A parent with whom the minor is living; or
13 (4) A grandparent with whom the minor has been living for at least six months
14 immediately preceding the date of the minor's written consent.

15 (a1) The written consent required by subsection (a) of this section shall be either signed
16 at the facility where the abortion is to be performed or acknowledged before a notary public.
17 The person who signs the consent shall present satisfactory evidence of identity as defined
18 under G.S. 10B-3(22) and make a sworn statement that he or she qualifies under subsection (a)
19 of this section to give consent. The physician shall retain in the medical records of the minor a
20 copy of the documentary evidence from which the physician determined that the adult who
21 gave consent for the abortion was authorized to give consent under subsection (a) of this
22 section.

23 (b) The pregnant minor may petition, on her own behalf or by guardian ad litem, the
24 district court judge assigned to the juvenile proceedings in the district court where the minor
25 resides or where she is physically present for a waiver of the parental consent requirement if:

- 26 (1) None of the persons from whom consent must be obtained pursuant to this
27 section is available to the physician performing the abortion or the
28 physician's agent or the referring physician or the agent thereof within a
29 reasonable time or manner; or
30 (2) All of the persons from whom consent must be obtained pursuant to this
31 section refuse to consent to the performance of an abortion; or
32 (3) The minor elects not to seek consent of the person from whom consent is
33 required."

34 **SECTION 2.** This act becomes effective October 1, 2009.

