

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 830

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

Sponsors: Representatives Hilton; Allred, Barbee, Barnhart, Blackwood, Blust, Bowie, Brubaker, Capps, Church, Clary, Culp, Daughtridge, Daughtry, Decker, Dockham, Eddins, Ellis, England, Frye, Gillespie, Goforth, Gorman, Grady, Gulley, Hill, Holmes, Howard, L. Johnson, Justice, Justus, Kiser, LaRoque, Lewis, McComas, McCombs, McGee, McHenry, McMahan, Miner, Mitchell, Moore, Parmon, Pate, Preston, Ray, Rayfield, Rhodes, Sauls, Setzer, Sexton, Stam, Starnes, Stiller, Walend, Walker, Warner, West, K. Williams, C. Wilson, G. Wilson, Wood, and Yongue.

Referred to: Judiciary I.

April 2, 2003

A BILL TO BE ENTITLED

AN ACT TO REVISE THE PROCEDURES PERTAINING TO PARENTAL
CONSENT FOR A MINOR TO OBTAIN AN ABORTION.

The General Assembly of North Carolina enacts:

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

"§ 90-21.7. Parental consent required.

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

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

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

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

5 (1) None of the persons from whom consent must be obtained pursuant to
6 this section is available to the physician performing the abortion or the
7 physician's agent or the referring physician or the agent thereof within
8 a reasonable time or manner; or

9 (2) All of the persons from whom consent must be obtained pursuant to
10 this section refuse to consent to the performance of an abortion; or

11 (3) The minor elects not to seek consent of the person from whom consent
12 is required."

13 **SECTION 2.** This act becomes effective October 1, 2003.