

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**HOUSE BILL 289**

Short Title: State Health Plan: No Abortion Covg. Except. (Public)

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Sponsors: Representatives LaRoque; Almond Jr., Barnhart, Blackwood, Brown, Capps, Clary, Cleveland, Current, Dollar, Eddins, Folwell, Frye, Gillespie, Hilton, Johnson, McGee, Moore, Pate, Sauls, Setzer, Stam, Starnes, Steen, and Vinson.

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Referred to: Health, if favorable, Rules, Calendar and Operations of the House.

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February 17, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE STATE HEALTH PLAN SHALL NOT PROVIDE COVERAGE FOR ABORTION SERVICES EXCEPT UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 135-40.1(16) reads as rewritten:

**"§ 135-40.1. General definitions.**

As used in Parts 2 and 3 of this Article, the following terms have the meaning specified as follows:

...

(16) Pregnancy. – Shall include resulting ~~childbirth, miscarriage or abortion.~~ childbirth or miscarriage, and shall include abortion when the pregnancy results from cases of rape or incest or when pregnancy, in the written opinion of the attending physician, endangers the life of the mother.

..."

**SECTION 2.** G.S. 135-40.6(5)d. reads as rewritten:

"(5) Surgical Benefits. – The Plan pays the usual, customary and reasonable charges for covered surgical services as follows:

...

d. Maternity Care: Independent operative procedures in connection with pregnancy, such as: manipulative obstetrical delivery, delivery by Caesarean section, removal of ectopic pregnancy, dilation and curettage. Benefits for manipulative obstetrical delivery include use of forceps and/or episiotomy. No benefits are provided for antepartum or postpartum care,

1 except for direct surgical procedures of delivery and surgical  
2 treatment. No benefits are provided for medical or surgical  
3 abortion procedures except under the following circumstances:

- 4 1. When the pregnancy is the result of cases of rape or  
5 incest.
- 6 2. In cases of medical emergency where abortion  
7 procedures are necessary because, in the written opinion  
8 of the attending physician, failure to terminate the  
9 pregnancy endangers the life of the mother.

10 ..."

11 **SECTION 3.** G.S. 135-40.7 is amended by adding the following new  
12 subdivision to read:

13 **"§ 135-40.7. General limitations and exclusions.**

14 The following shall in no event be considered covered expenses nor will benefits  
15 described in G.S. 135-40.5 through G.S. 135-40.11 be payable for:

16 ...

17 (24) Charges for medical or surgical abortion procedures except:

- 18 a. When the pregnancy is the result of cases of rape or incest.
- 19 b. In cases of medical emergency where abortion procedures are  
20 necessary because, in the written opinion of the attending  
21 physician, failure to terminate the pregnancy endangers the life  
22 of the mother."

23 **SECTION 4.** This act is effective when it becomes law.