

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SESSION LAW 2015-265
HOUSE BILL 297

AN ACT TO REQUIRE INFORMED CONSENT FOR THE DONATION OF THE REMAINS OF AN UNBORN CHILD; TO PROHIBIT THE SALE OF ANY ABORTED OR MISCARRIED MATERIAL OR REMAINS OF AN UNBORN CHILD RESULTING FROM AN ABORTION OR MISCARRIAGE; AND TO LIMIT THE USE OF STATE FUNDS FOR CONTRACTS PERTAINING TO TEEN PREGNANCY PREVENTION INITIATIVES AND PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-131.10 reads as rewritten:

"§ 130A-131.10. Manner of disposition of remains of pregnancies.

(a) The Commission for Public Health shall adopt rules to ensure that all facilities authorized to terminate pregnancies, and all medical or research laboratories or facilities to which the remains of terminated pregnancies are sent ~~by facilities authorized to terminate pregnancies,~~ shall dispose of the remains in a manner limited to burial, cremation, or, except as prohibited by subsection (b) of this section, approved hospital type of incineration.

(b) A hospital or other medical facility or a medical or research laboratory or facility shall dispose of the remains of a recognizable fetus only by burial or cremation. The Commission shall adopt rules to implement this subsection.

~~(c) A hospital or other medical facility is relieved from the obligation to dispose of the remains in accordance with subsections (a) and (b) of this section if it sends the remains to a medical or research laboratory or facility.~~

(d) This section does not impose liability on a permitted medical waste treatment facility for a hospital's or other medical facility's violation of this section nor does it impose any additional duty on the treatment facility to inspect waste received from the hospital or medical facility to determine compliance with this section.

(e) Nothing in this section shall prevent the mother from donating the remains of her unborn child after a spontaneous abortion or miscarriage to a research facility for research or from acquiring the remains of the unborn child after a spontaneous abortion or miscarriage. The mother's informed written consent to allow research to be conducted upon the remains of the unborn child after a spontaneous abortion or miscarriage must be obtained prior to the donation and must be separate from any other prior consent.

(f) Nothing in this section shall prevent the performance of autopsies performed according to law, or any pathological examinations, chromosomal analyses, cultures, or any other examinations deemed necessary by attending pathologists or treating physicians for diagnostic purposes."

SECTION 2. Article 11 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-46.1. Prohibit sale of the remains of an unborn child resulting from an abortion or miscarriage.

(a) No person shall sell the remains of an unborn child resulting from an abortion or a miscarriage or any aborted or miscarried material.

(b) For purposes of this section, the term "sell" shall mean the transfer from one person to another in exchange for any consideration whatsoever. The term shall not include payment for incineration, burial, cremation, or any services performed pursuant to G.S. 130A-131.10(f).

(c) A person convicted of a violation of this section is guilty of a Class I felony."

SECTION 3. G.S. 130A-131.15A is amended by adding a new subsection to read:



"(h) The Department's use of State funds for initiatives and projects authorized under this section shall not include the allocation of funds to renew or extend existing contracts or enter into new contracts for the provision of family planning services, pregnancy prevention activities, or adolescent parenting programs with any provider that performs abortions."

SECTION 4. This act becomes effective October 1, 2015. Sections 1 and 2 of this act apply to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 29th day of September, 2015.

s/ Brent Jackson
Presiding Officer of the Senate

s/ David R. Lewis
Presiding Officer of the House of Representatives

s/ Pat McCrory
Governor

Approved 11:00 a.m. this 1st day of October, 2015