

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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HOUSE BILL 804

Short Title: Human Life Protection Act of 2025. (Public)

Sponsors: Representatives Kidwell and Moss (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 8, 2025

A BILL TO BE ENTITLED
AN ACT TO PROHIBIT ABORTION AFTER CONCEPTION EXCEPT WHEN NECESSARY
TO PRESERVE THE LIFE OF THE MOTHER.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1.1. This act shall be known as "The Human Life Protection Act of 2025."

PART II. PROHIBITION ON ABORTION

SECTION 2.1. Article 11 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-45.2. Abortion prohibited.

(a) Definitions. – The following definitions apply in this section:

(1) Abortion. – The act of using or prescribing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to cause the death of an unborn child of a woman known to be pregnant. This term does not include birth control devices or oral contraceptives. An act is not an abortion if the act is done with the intent to do any of the following:

a. Save the life or preserve the health of an unborn child.

b. Remove a dead, unborn child whose death was caused by spontaneous abortion.

c. Remove an ectopic pregnancy.

(2) Fertilization. – The point in time when a male human sperm penetrates the zona pellucida of a female human ovum.

(3) Pregnant. – The female human reproductive condition of having a living unborn child within the female's body during the entire embryonic and fetal stages of the unborn child's development from fertilization until birth.

(4) Reasonable medical judgment. – A medical judgment made by a reasonably prudent physician, knowledgeable about a case and the treatment possibilities for the medical conditions involved.

(5) Unborn child. – An individual living member of the homo sapiens species from fertilization until birth, including the entire embryonic and fetal stages of development.

(b) Prohibition. – Except as otherwise provided in subsection (c) of this section, a person shall not knowingly perform, induce, or attempt an abortion.



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(c) Exception to Prohibition. – The prohibition in subsection (b) of this section does not apply if all of the following requirements are met:

(1) The person performing, inducing, or attempting the abortion is a licensed physician.

(2) In the exercise of reasonable medical judgment, the pregnant female on whom the abortion is performed, induced, or attempted has a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that places the female at risk of death or poses a serious risk of substantial impairment of a major bodily function unless the abortion is performed or induced. The requirement set forth in this subdivision does not include any situation where the risk of death or substantial impairment of a major bodily function arose from a claim or diagnosis that the female would engage in conduct that may result in the female's death or in substantial impairment of a major bodily function.

(3) The person performs, induces, or attempts the abortion in a manner that, in the exercise of reasonable medical judgment, provides the best opportunity for the unborn child to survive unless, in the reasonable medical judgment, that manner would create either of the following:

a. A greater risk of the pregnant female's death.

b. A serious risk of substantial impairment of a major bodily function of the pregnant female.

(d) Accidental or Unintentional Death. – Medical treatment provided to a pregnant female by a licensed physician that results in the accidental or unintentional injury or death of an unborn child does not constitute a violation of subsection (b) of this section.

(e) Criminal Punishment. – A violation of subsection (b) of this section that results in the death of an unborn child is a Class B1 felony. Any other violation of subsection (b) of this section is a Class B2 felony.

(f) Civil Penalty. – A person who violates subsection (b) of this section is subject to a civil penalty of not less than one hundred thousand dollars (\$100,000) for each violation. The Attorney General shall file an action to recover a civil penalty assessed under this subsection and may recover attorneys' fees and costs incurred in bringing the action. The clear proceeds of civil penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(g) Disciplinary Action. – In addition to any other penalty that may be imposed under this section, the appropriate licensing authority shall revoke the license, permit, registration, certificate, or other authority of a physician or other health care professional who performs, induces, or attempts an abortion in violation of subsection (b) of this section.

(h) Civil Remedies Unaffected. – The fact that conduct is subject to a civil or criminal penalty under this section does not abolish or impair any remedy for the conduct that is available in a civil suit.

(i) Construction. – This section shall not be construed to authorize the imposition of criminal, civil, or administrative liability or penalties on a pregnant female on whom an abortion is performed, induced, or attempted."

SECTION 2.2. This Part only applies to abortions performed, induced, or attempted on or after the effective date of this Part.

PART III. CONFORMING CHANGES

SECTION 3.1. G.S. 14-44 and G.S. 14-45 are repealed.

SECTION 3.2. G.S. 14-23.7 reads as rewritten:

"§ 14-23.7. Exceptions.

Nothing in this Article shall be construed to permit the prosecution under this Article of any of the following:

(1) Acts which cause the death of an unborn child if those acts were lawful, pursuant to the provisions of ~~Article II of Chapter 90 of the General Statutes~~, G.S. 14-45.2.

...

(3) Acts committed by a pregnant woman with respect to her own unborn child, including, but not limited to, acts which result in miscarriage or stillbirth by the woman. The following definitions shall apply in this section:

a. Miscarriage. – The interruption of the normal development of an unborn child, other than by a live birth, and which is not an induced abortion permitted under ~~Article II of Chapter 90 of the General Statutes~~, G.S. 14-45.2, resulting in the complete expulsion or extraction from a pregnant woman of the unborn child.

b. Stillbirth. – The death of an unborn child prior to the complete expulsion or extraction from a woman, irrespective of the duration of pregnancy and which is not an induced abortion permitted under ~~Article II of Chapter 90 of the General Statutes~~, G.S. 14-45.2."

SECTION 3.3. G.S. 131E-269 is repealed.

SECTION 3.4. G.S. 131E-272 reads as rewritten:

"§ 131E-272. Initial licensure fees for new facilities.

The following fees are initial licensure fees for new facilities and are applicable as follows:

Facility Type	Number of Beds	Initial License Fee	Initial Bed Fee
...			
Abortion Clinics	-	\$850.00	\$-
...."			

SECTION 3.5. Article 1I of Chapter 90 of the General Statutes is repealed.

SECTION 3.6. Article 1K of Chapter 90 of the General Statutes is repealed.

SECTION 3.7. Part 4A of Article 6 of Chapter 131E of the General Statutes is repealed.

SECTION 3.8. This Part only applies to abortions performed, induced, or attempted on or after the effective date of this Part.

PART IV. SEVERABILITY AND EFFECTIVE DATE

SECTION 4.1. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application and, to this end, the provisions of this act are severable.

SECTION 4.2. This act becomes effective July 1, 2025.