

NORTH CAROLINA GENERAL ASSEMBLY  
1967 SESSION

CHAPTER 367  
SENATE BILL 104

1 AN ACT TO AMEND ARTICLE II, CHAPTER 14 OF THE GENERAL STATUTES  
2 RELATING TO ABORTION AND KINDRED OFFENSES.

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4 The General Assembly of North Carolina do enact:

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6 **Section 1.** That G.S. 14-44 be amended by striking out the words "unless the same  
7 be performed to preserve the life of the mother" appearing in lines 5 and 6.

8 **Sec. 2.** That a new section be added designated as G.S. 14-46 reading as follows:  
9 Notwithstanding any of the provisions of G.S. 14-44 and 14-45, it shall not be unlawful to  
10 advise, procure, or cause the miscarriage of a pregnant woman or an abortion when the same is  
11 performed by a doctor of medicine licensed to practice medicine in North Carolina, if he can  
12 reasonably establish that:

13 there is substantial risk that continuance of the pregnancy would threaten the life or  
14 gravely impair the health of the said woman, or

15 there is substantial risk that the child would be born with grave physical or mental  
16 defect, or

17 the pregnancy resulted from rape or incest and the said alleged rape was reported to  
18 a law enforcement agency or court official within seven days after the alleged rape, and

19 only after the said woman has given her written consent for said abortion to be  
20 performed, and if the said woman shall be a minor or incompetent as adjudicated by any court  
21 of competent jurisdiction then only after permission is given in writing by the parents, or if  
22 married, her husband, guardian or person or persons standing in loco parentis to said minor or  
23 incompetent, and

24 only when the said woman shall have resided in the State of North Carolina for a  
25 period of at least four months immediately preceding the operation being performed except in  
26 the case of emergency where the life of the said woman is in danger, and

27 only if the abortion is performed in a hospital licensed by the North Carolina  
28 Medical Care Commission, and

29 only after three doctors of medicine not engaged jointly in private practice, one of  
30 whom shall be the person performing the abortion, shall have examined said woman and  
31 certified in writing the circumstances which they believe to justify the abortion, and

32 only when such certificate shall have been submitted before the abortion to the  
33 hospital where it is to be performed; provided, however, that where an emergency exists, and  
34 the certificate so states, such certificate may be submitted within twenty-four hours after the  
35 abortion.

36 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

37 **Sec. 4.** This Act shall become effective upon its ratification.

38 In the General Assembly read three times and ratified, this the 9th day of May,  
39 1967.