



2023-2024 General Assembly

SENATE BILL 20: Care for Women, Children, and Families Act - Part III, Born-Alive Abortion Survivors Protection

Committee:
Introduced by:
Analysis of: S.L. 2023-14

Date: November 17, 2023
Prepared by: Jason Moran-Bates
Staff Attorney

OVERVIEW: Part III of S.L. 2023-14 requires medical providers to employ the same duty of care for children born alive after attempted abortions that they would for any other child of the same gestational age. It also creates criminal penalties for the failure to exercise that duty of care.

This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. This Part of the act became effective July 1, 2023, and applies to offenses committed on or after that date.

CURRENT LAW: The deliberate killing of infants, including those who have survived an attempted abortion, is a criminal offense. While there are currently no laws requiring an affirmative duty of care to preserve the life of infants who survive attempted abortions, under G.S. 14-18, a culpably negligent act or omission that kills another human being is involuntary manslaughter and is punishable as a Class F felony

BILL ANALYSIS: Part III of S.L. 2023-14 requires healthcare providers to exercise the same degree of care for an infant born alive after an abortion attempt that they would for any other child born alive at the same gestational age. It also requires providers to ensure that infants born alive after an abortion attempt are immediately transported to a hospital. Providers who fail to exercise this degree of care or to report another healthcare provider who fails to exercise this degree of care can be charged with a Class D felony, including a fine of up to \$250,000, as well as being civilly liable to the mother of the infant.

EFFECTIVE DATE: This bill was vetoed by the Governor on May 14, 2023. The veto was overridden by the General Assembly on May 16, 2023. This Part of the act became effective July 1, 2023, and applies to offenses committed on or after that date.

Jeffrey Hudson
Director



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Legislative Analysis
Division
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