

New abortion bill goes to House floor

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A bill that would make doctors liable for performing abortions in which gender plays a role is headed for the House floor after approval by the House Judiciary A Committee Wednesday.

[House Bill 716](#) would allow the parents, guardians or current or former doctors of a woman who seeks an abortion to sue the doctor who provided it if they believe the doctor had “knowledge, or an objective reason to know, that a significant factor in the pregnant woman seeking the abortion is related to the sex of the unborn child.”

“There's been lots of evidence that it happens around the world,” said sponsor Rep. Ruth Samuelson, R-Mecklenburg. “We've done bills that show we believe there is sex discrimination in education, there is sex discrimination in employment. Why wouldn't we believe there would be sex discrimination in abortion?”

Barbara Holt with North Carolina Right to Life said her organization strongly supports the bill.

“This is a major concern. It's becoming a concern in our nation as well with the number of immigrants that are coming to this country,” she said. “There have been numerous articles that have been written about the growing problem.”

Holt added that five other states have already prohibited sex-selective abortion, and similar legislation has been introduced in five more.

Tami Fitzgerald with the North Carolina Values Coalition said the bill would send the message that “discrimination based on sex is not acceptable in this state.”

“This is the real war on women,” Fitzgerald said. “Killing girls because they are girls is not acceptable in any civilized society.”

But other women said the bill would perpetuate another form of bias.

Milan Pham, president of the Asian-American and Pacific Women's Association, said the proposal “discriminates specifically against Asian-American women,” who already face cultural and language barriers to health care.

Pham, a Vietnamese immigrant, said the sex-selection ban would add to the problem by encouraging interrogations of Asian-American women who seek abortions.

Referring to Holt's remarks about immigrants, Pham said, “They're not talking about immigrants from Ireland.”

Jina Dhillon with NC Women United, also of Asian descent, accused lawmakers of seeking to “institutionalize racial profiling.”



”They’re throwing around stereotypes of Asian women, stereotypes I’ve experienced in this building,” she told the committee.

Dhillon said the bill addresses a problem that doesn’t exist and will do nothing to address actual issues of gender inequality in the state.

“Finding real solutions to real problems takes more work, more creativity and, frankly, more intelligence than House Bill 716,” she said.

Samuelson said the issue of race or bias never occurred to her in writing the bill.

“My daughter is brown, and she comes from a country where girls are not favored,” she responded. “This in no way is intended to discriminate against immigrants.”

Physicians also spoke against the bill.

“I have never seen a patient choose abortion because of the gender of her fetus,” said Dr. Erica Levi, a Chapel Hill obstetrician. “Ninety-three percent occur before the gender of the fetus can be determined by ultrasound.”

Both Levi and Dr. Josh Nitsche of Winston-Salem, a high-risk pregnancy doctor who performs abortions that are medically necessary, expressed concerns about the vague language of the bill – “significant factor,” for example – and to what extent doctors may have to “interrogate” patients to protect themselves from liability.

“A passing comment like, 'I always wanted a girl,' could force me to refuse to perform the procedure,” Nitsche warned the committee.

Rep. Deborah Ross, D-Wake, tried unsuccessfully to amend the bill to remove the term “recklessly,” which she said was vague, and to remove the portion that allows the woman’s family or other doctors to sue.

“The only people who know what the doctor knows are the woman and the doctor,” Ross said. “This is creating plaintiffs that don't have their own injury in our law. It opens the door for all sorts of legal actions we probably wouldn't want.”

Rep. Alma Adams, D-Guilford, said she’s “baffled” by the proposal.

“The bill sponsors have brought no evidence that this is a problem in North Carolina,” Adams said. “I think it's horrible. It's just another attempt to ban legal abortions. It's just another step to threaten doctors who will be suspect of the women who come for care.

“We're still showing we don't trust women,” Adams added. “We want to put doctors in a position where they can be sued.”

The proposal passed the committee on a party-line voice vote, 6-2. Its next stop is the House floor.

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