

STATE LEGAL SNAPSHOT

North Carolina

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



● Abortion is **banned after 12 weeks (last menstrual period)** — **currently available**.

GESTATIONAL LIMIT	12 weeks	✓ AVAILABLE	Yes	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
TELEHEALTH	Not allowed	WAITING PERIOD	72 hours	✓ RAPE / INCEST EXCEPTION	Yes	PARENTAL INVOLVEMENT	Consent one parent		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

North Carolina bans most abortions after 12 weeks of pregnancy, measured from the last menstrual period, with exceptions through 20 weeks for rape/incest, through 24 weeks for life-limiting fetal anomalies, and at any time for medical emergencies.

N.C. Gen. Stat. § 90-21.81A(a) · N.C. Gen. Stat. § 90-21.81B

☒ Fetal personhood & the internal contradiction

North Carolina law contains a fundamental internal contradiction. G.S. 14-23.1 defines an 'unborn child' as 'a member of the species homo sapiens, at any stage of development, who is carried in the womb.' This definition, enacted in 2011 as part of the Unborn Victims article, was imported into the abortion code by G.S.

N.C. Gen. Stat. § 14-23.1 · N.C. Gen. Stat. § 90-21.81(9c)

MINORS

An unemancipated minor must obtain the written consent of a parent, legal guardian, legal custodian, or a grandparent with whom she has lived for at least six months; a judicial bypass procedure allows a minor to petition a court to waive this requirement.

SPOUSAL / PATERNAL RIGHTS

North Carolina has no statute requiring spousal consent or spousal notice for abortion; the father has no legal right to consent to or veto an abortion.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician (unlawful abortion post-quickening)	G.S. 14-44 — Using drugs or instruments to destroy unborn child	Class H felony; sentencing range varies by prior record level (typically 4-39 months for first-time offenders); North Carolina Medical Board discipline including license revocation
Physician (unlawful abortion generally)	G.S. 14-45 — Using drugs or instruments to procure miscarriage	Class I felony; sentencing range varies by prior record level (typically 3-12 months for first-time offenders); North Carolina Medical Board discipline
Physician (unlawful abortion causing fetal death)	G.S. 14-23.2 — Murder of an unborn child (if abortion is unlawful and done willfully and maliciously)	Class A felony, life imprisonment without parole
Physician (partial-birth abortion)	G.S. 90-21.81A(b) — Partial-birth abortion prohibited	Subject to discipline by the North Carolina Medical Board; potential criminal exposure under G.S. 14-44 or 14-45 if outside Article 1I
Physician (Article 1I violation — civil)	G.S. 90-21.88 — Civil action for knowing or reckless violation of Article 1I	Civil damages, attorneys' fees; potential injunctive relief

Recent changes

Apr 2025	House Bill 804, the 'Human Life Protection Act of 2025,' is filed, proposing a near-total abortion ban from the moment of fertilization with an exception only to save the mother's life.
Jan 2025	Governor Josh Stein signs Executive Order No.
Jul 2024	In <i>Planned Parenthood South Atlantic v.</i>
Apr 2024	In <i>Bryant v.</i>
Sep 2023	Federal district court issues preliminary injunction blocking enforcement of the IUP documentation requirement and the hospitalization requirement for post-12-week surgical abortions in <i>Planned Parenthood South Atlantic v.</i>
Jul 2023	Senate Bill 20 takes effect, reducing the general gestational limit from 20 weeks to 12 weeks and imposing the 72-hour waiting period, in-person counseling, hospitalization requirement for post-12-week exceptions, and other new restrictions.
Jun 2023	General Assembly passes and Governor Cooper allows to become law without his signature a set of clarifying amendments to SB 20 (Session Law 2023-65), resolving some ambiguities in the original law.

Pending changes to watch

Bryant v. Stein (4th Circuit Appeal No. 24-1576) Litigation · Pending before the U.S. If reversed, North Carolina's physician-only prescribing rule, in-person dispensing requirement, mandatory follow-up appointment, and non-fatal adverse event reporting to FDA would be reinstated for mifepristone, significantly restricting medication abortion access.
Planned Parenthood South Atlantic v. Stein (potential appeal) Litigation · District court entered final judgment in July 2024; the decision striking down the IUP provision and upholding the hospitalization requirement may be appealed. An appeal could reinstate the IUP documentation requirement or strike down the hospitalization requirement for post-12-week abortions under exceptions. As of this writing, the scope and timing of any appeal are uncertain.
House Bill 804 — Human Life Protection Act of 2025 Legislation · Filed April 2025; referred to committee; unlikely to pass with veto-proof majority needed to overcome Governor Stein's certain veto, but signals legislative intent. Would ban nearly all abortions from the moment of fertilization, with only an exception to save the mother's life. Would repeal the Article 1I framework and make performing an abortion a Class B2 felony.

Key authorities

Article 1I of Chapter 90 (Abortion Laws) N.C. Gen. Stat. §§ 90-21.80 through 90-21.99 The comprehensive post-Dobbs abortion regulatory framework: defines abortion, sets the 12-week limit, enumerates lawful circumstances, and imposes procedural requirements including waiting periods, informed consent, and facility standards.
Article 11 of Chapter 14 (Abortion and Kindred Offenses) N.C. Gen. Stat. §§ 14-44 through 14-46.1 The criminal abortion statutes dating from 1881: Class H felony for destroying an unborn child (G.S. 14-44), Class I felony for procuring miscarriage (G.S.
Article 6A of Chapter 14 (Unborn Victims) N.C. Gen. Stat. §§ 14-23.1 through 14-23.8 Defines 'unborn child' at any stage of development and creates fetal homicide offenses, with express exceptions for lawful abortions and acts of the pregnant woman.
Bryant v. Stein (M.D.N.C. 2024) Bryant v. Stein, No. 1:23-CV-77, 2024 WL 1908536 (M.D.N.C. Apr. 30, 2024) Held that FDA preemption blocks North Carolina's physician-only mifepristone prescribing rule, in-person dispensing, mandatory follow-up, and non-fatal adverse event reporting to the FDA.
Planned Parenthood South Atlantic v. Stein (M.D.N.C. 2024) Planned Parenthood S. Atl. v. Stein, No. 1:23-CV-480, 2024 WL 3585847 (M.D.N.C. July 26, 2024) Struck down the IUP documentation requirement as void for vagueness and upheld the hospitalization requirement for post-12-week surgical abortions.

Generated from the structured legal focused deep-research record for NC (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full North Carolina survey. This document has not been reviewed by a lawyer and should not be used as legal advice.