



CHAPTER 90
ARTICLE 1M - BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT

N.C.G.S. § 90-21.146.

Civil remedies; attorneys' fees.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 03:43 UTC	SOURCE FINGERPRINT f7379018a5cf39bc225022e2 - 3c3a77a5e69c37ffc53b2f7e - 7e2c0cebcc086f82
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§ 90-21.146(a) Civil Remedies. - If a child is born alive and there is a violation of this Article, a claim for damages against any person who has violated a provision of this Article may be sought by the woman upon whom an abortion was performed or attempted in violation of this Article. A claim for damages may include any one or more of the following:

- (1) Objectively verifiable money damage for all injuries, psychological and physical, occasioned by the violation of this Article.
- (2) Statutory damages equal to three times the cost of the abortion or attempted abortion.
- (3) Punitive damages pursuant to Chapter 1D of the General Statutes.

§ 90-21.146(b) Attorneys' Fees. - If judgment is rendered in favor of the plaintiff in any action authorized under this section, the court shall also tax as part of the costs reasonable attorneys' fees in favor of the plaintiff against the defendant. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous or brought in bad faith, then the court shall tax as part of the costs reasonable attorneys' fees in favor of the defendant against the plaintiff. (2023-14, s. 3(a).)

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 90-21.146 (2026).

PINPOINT

N.C. Gen. Stat. § 90-21.146(a) (2026).

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