

Executive Order No. 2017-15

WHEREAS, the State of South Carolina has a strong culture and longstanding tradition of protecting and defending the life and liberty of the unborn; and

WHEREAS, the General Assembly has expressed, in section 43-5-1185 of the South Carolina Code of Laws, as amended, that “State funds appropriated for family planning must not be used to pay for an abortion”; and

WHEREAS, on June 5, 2017, the undersigned requested that the South Carolina Board of Health and Environmental Control (“DHEC Board”) “publicly reaffirm” the South Carolina Department of Health and Environmental Control’s (“DHEC”) “policy prohibiting the distribution of Title X grant funding to any local health care provider that performs abortion services”; and

WHEREAS, on July 12, 2017, in response to the undersigned’s June 5, 2017 letter, the chairman of the DHEC Board confirmed that “no abortion services or activities are provided or paid for by the Department” and that “the Department will continue its practice of not providing Title X grant funding to abortion clinics”; and

WHEREAS, abortion providers often focus primarily on abortion-related services and procedures; however, abortion providers may be subsidized by State or local funds intended for other women’s health or family planning services, whether such non-abortion services are rendered directly by abortion providers or by affiliated physicians or professional medical practices; and

WHEREAS, a variety of governmental agencies and non-governmental entities offer important women’s health and family planning services without resulting in the State directly or indirectly subsidizing abortion providers; and

WHEREAS, for the foregoing reasons, the State of South Carolina need not contract with abortion clinics, as defined by section 44-41-75 of the South Carolina Code of Laws, as amended, or any of coincident or affiliated physicians or professional medical practices, via the Medicaid program or provider network, in order to ensure the health and well-being of the people of South Carolina or to secure appropriate access to women’s health and non-abortion family planning services.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby direct all State agencies to take any and all necessary actions, as detailed herein and to the extent permitted by law, to cease providing State or local funds, whether via grant, contract, state-administered federal funds, or any other form, to any physician or professional medical practice affiliated with an abortion clinic and operating concurrently with and in the same physical, geographic location or footprint as an abortion clinic.

FURTHER, I hereby Order that the Executive Budget Office (“EBO”) shall: (1) prepare, maintain, and make available on its website a comprehensive list of physicians or professional medical practices affiliated with an abortion clinic and operating concurrently with and in the same physical, geographic location or footprint as an abortion clinic; (2) conduct and make available on its website an annual audit or survey, the form of which shall be determined by EBO, of State agencies identifying or listing by agency and provider, any and all State or local funds, whether via grant, contract, state-administered federal funds, or any other form, provided to any physician or professional medical practice affiliated with an abortion clinic and operating concurrently with and in the same physical, geographic location or footprint as an abortion clinic.

FURTHER, I hereby direct the South Carolina Department of Health and Human Services (“DHHS”) to take all necessary actions, to the extent permitted by law, to seek from the Centers for Medicare and Medicaid Services any and all appropriate waivers that may be required to comply with the provisions of this Order, including but not limited to all necessary actions, to the extent permitted by law, to exclude abortion clinics from the State of South Carolina’s Medicaid provider network.

FURTHER, to ensure that the people of South Carolina are informed of and have appropriate access to women’s health and family planning services, I hereby direct DHHS to coordinate with DHEC to prepare, produce, and make publicly available a user-friendly list of all qualified women’s health and family planning providers operating within a twenty-five (25) mile radius of any abortion clinic identified as set forth herein and excluded from the State of South Carolina’s Medicaid provider network.

This Order applies to all Cabinet agencies and all boards and commissions that are part of, comprised within, or under the jurisdiction of a Cabinet agency, including but not limited to DHHS and EBO. It is further advised that executive agencies not in the undersigned’s Cabinet or otherwise subject to the undersigned’s direct authority shall likewise act in accordance with this Order and the foregoing directives. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 24th DAY OF AUGUST,
2017.**

**HENRY MCMASTER
Governor**