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 **Extended Session**

The House met in extended session August 30- 31 and voted to amend and send **H. 5399**, the **South Carolina Human Life Protection Act**, to the Senate.

Among other things, it declares that life begins at conception. In addition, it prohibits anyone from knowingly providing drugs or other items to a pregnant female to cause an abortion. However, it does not prevent a licensed physician, who fills out appropriate paperwork, from performing an abortion to prevent the death of a pregnant woman, or to abate the substantial risk that a pregnant woman, who has one or more of the physical conditions listed in this bill, which put her in harm’s way to give birth, or who would have a substantial and irreversible physical impairment of a major bodily function if she gave birth. This physical impairment cannot be a psychological or emotional one. Nevertheless, when these procedures are undertaken, efforts must be taken to save the fetus’s life, when possible.

Contraceptives and *in vitro* fertilization [IVF] are not subject to the prohibitions in this bill.

Violators of any prohibitions, including intimidating anyone into having an abortion, can be prosecuted for committing a felony, and would face up to two years in prison, and fines of up to $10,000. Violators also face civil liability for statutory, actual, and punitive damages as well as restraining orders initiated by law enforcement, the pregnant woman, or the pregnant woman’s parents if she has not yet reached eighteen years of age. If an order issues, then these parties can recover their attorney fees and costs. Medical professionals also face disciplinary action, including potential revocation of their licenses, as well as having to pay the costs of any investigations, fines, or other professional disciplinary actions when they violate any listed restrictions.

The pregnant woman is shielded from being held criminally or civilly liable, however.

This bill, as amended in this session, also allows women, who become pregnant after an incident of rape or incest to terminate their pregnancy if they have the procedure performed within twelve (12) weeks of the probable post-fertilization age of the fetus. Doctors performing these procedures must report these crimes to the county sheriff where the procedure was performed within twenty-four (24) hours of completing them, and note making these reports on the medical chart of the pregnant woman. In addition, the biological father has a duty to

pay the mother of the child certain financial obligations, including fifty (50) percent of the birth mother’s pregnancy expenses from the time of conception, in addition to having to pay child support. Also, a $3,000 state income exemption is available to a taxpayer with an eligible unborn dependent.

9/9/2022

Note: These summaries are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) nor the House of Representatives. They are for the use of staff and members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.

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