**South Carolina General Assembly**

118th Session, 2009-2010

**A268, R345, H3245**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Delleney, Nanney, Simrill, G.R. Smith, G.M. Smith, Lucas, Cooper, Stringer, Parker, Allison, Pinson, Hamilton, Erickson, J.R. Smith, Clemmons, Bedingfield, E.H. Pitts, Owens, Rice, Hiott, Littlejohn, Stewart, Viers, Willis, Loftis, Toole, Wylie, Vick, Millwood, Haley, Duncan, Ballentine, Frye and Barfield

Document Path: l:\council\bills\swb\5664ac09.docx

Companion/Similar bill(s): 437

Introduced in the House on January 13, 2009

Introduced in the Senate on March 3, 2009

Last Amended on June 16, 2010

Passed by the General Assembly on June 16, 2010

Governor's Action: June 24, 2010, Signed

Summary: Abortion

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑100

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑101

1/27/2009 House Member(s) request name added as sponsor: Parker, Allison, Pinson, Hamilton, Erickson, J.R.Smith, Clemmons, Bedingfield

1/28/2009 House Member(s) request name added as sponsor: E.H.Pitts, Owens, Rice, Hiott, Littlejohn

1/29/2009 House Member(s) request name added as sponsor: Stewart

2/3/2009 House Member(s) request name added as sponsor: Viers

2/4/2009 House Member(s) request name added as sponsor: Willis

2/4/2009 House Committee report: Favorable **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\02-04-09.docx)‑6

2/5/2009 House Member(s) request name added as sponsor: Loftis, Toole, Wylie

2/10/2009 House Member(s) request name added as sponsor: Vick, Millwood, Haley, Duncan

2/10/2009 House Requests for debate‑Rep(s). Harrison, GR Smith, Gunn, Hart [HJ](file:///h:\HJ%20Archive\2009\02-10-09.docx)‑32

2/10/2009 House Objection by Rep. Cobb‑Hunter [HJ](file:///h:\HJ%20Archive\2009\02-10-09.docx)‑32

2/10/2009 House Requests for debate‑Rep(s). JE Smith, Cato, Sellers, Weeks, Hosey, Loftis, Allison, Kelly, Owens, Wylie, Erickson, Herbkersman, Moss, Nanney, Hamilton, JR Smith, and DC Smith [HJ](file:///h:\HJ%20Archive\2009\02-10-09.docx)‑32

2/11/2009 House Member(s) request name added as sponsor: Ballentine, Frye, Barfield

2/24/2009 House Read second time [HJ](file:///h:\HJ%20Archive\2009\02-24-09.docx)‑34

2/24/2009 House Roll call Yeas‑83 Nays‑28 [HJ](file:///h:\HJ%20Archive\2009\02-24-09.docx)‑48

2/26/2009 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2009\02-26-09.docx)‑16

2/26/2009 House Roll call Yeas‑87 Nays‑24 [HJ](file:///h:\HJ%20Archive\2009\02-26-09.docx)‑16

3/3/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\03-03-09.docx)‑13

3/3/2009 Senate Referred to Committee on **Medical Affairs** [SJ](file:///h:\SJ%20Archive\2009\03-03-09.docx)‑13

4/14/2009 Senate Committee report: Majority favorable, minority unfavorable **Medical Affairs** [SJ](file:///h:\SJ%20Archive\2009\04-14-09.docx)‑33

5/19/2009 Senate Motion For Special Order Failed

3/24/2010 Senate Minority Report Removed [SJ](file:///h:\SJ%20Archive\2010\03-24-10.docx)‑36

3/24/2010 Senate Amended [SJ](file:///h:\SJ%20Archive\2010\03-24-10.docx)‑36

3/24/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\03-24-10.docx)‑36

3/24/2010 Senate Unanimous consent for third reading on next legislative day [SJ](file:///h:\SJ%20Archive\2010\03-24-10.docx)‑36

3/25/2010 Scrivener's error corrected

3/25/2010 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2010\03-25-10.docx)‑34

3/26/2010 Scrivener's error corrected

4/20/2010 House Non‑concurrence in Senate amendment [HJ](file:///h:\HJ%20Archive\2010\04-20-10.docx)‑86

4/20/2010 House Roll call Yeas‑16 Nays‑71 [HJ](file:///h:\HJ%20Archive\2010\04-20-10.docx)‑86

4/21/2010 Senate Senate insists upon amendment and conference committee appointed Hutto, Knotts, and Bryant [SJ](file:///h:\SJ%20Archive\2010\04-21-10.docx)‑19

4/22/2010 House Conference committee appointed Reps. Delleney, Nanney, and Vick [HJ](file:///h:\HJ%20Archive\2010\04-22-10.docx)‑1

6/16/2010 House Conference report received and adopted [HJ](file:///h:\HJ%20Archive\2010\06-16-10.docx)‑350

6/16/2010 House Roll call Yeas‑79 Nays‑25 [HJ](file:///h:\HJ%20Archive\2010\06-16-10.docx)‑350

6/16/2010 Senate Conference report received and adopted [SJ](file:///h:\SJ%20Archive\2010\06-16-10.docx)‑179

6/16/2010 House Ordered enrolled for ratification [HJ](file:///h:\HJ%20Archive\2010\06-16-10.docx)‑370

6/21/2010 Ratified R 345

6/24/2010 Signed By Governor

7/2/2010 Effective date 06/24/10

7/8/2010 Act No. 268

**VERSIONS OF THIS BILL**

[1/13/2009](file:///p:\pprever\2009-10\3245_20090113.docx)

[2/4/2009](file:///p:\pprever\2009-10\3245_20090204.docx)

[4/14/2009](file:///p:\pprever\2009-10\3245_20090414.docx)

[3/24/2010](file:///p:\pprever\2009-10\3245_20100324.docx)

[3/25/2010](file:///p:\pprever\2009-10\3245_20100325.docx)

[3/26/2010](file:///p:\pprever\2009-10\3245_20100326.docx)

[6/16/2010](file:///p:\pprever\2009-10\3245_20100616.docx)

(A268, R345, H3245)

**AN ACT TO AMEND SECTION 44‑41‑330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO, AMONG OTHER THINGS, PREREQUISITES TO PERFORMING AN ABORTION, SO AS TO PROVIDE THAT NO ABORTION MAY BE PERFORMED SOONER THAN TWENTY-FOUR HOURS AFTER A WOMAN RECEIVES AND VERIFIES SHE HAS RECEIVED CERTAIN INFORMATION THAT MUST BE PROVIDED TO HER BY LAW; TO AMEND SECTION 44‑41‑340, RELATING TO THE PUBLICATION OF INFORMATION THAT MUST BE PROVIDED TO A WOMAN BEFORE UNDERGOING AN ABORTION, SO AS TO PROVIDE THAT THE INFORMATION MUST INCLUDE A LIST OF HEALTH CARE PROVIDERS, FACILITIES, AND CLINICS THAT PERFORM ULTRASOUNDS FREE OF CHARGE, A PLAINLY WORDED EXPLANATION OF HOW A WOMAN MAY CALCULATE THE GESTATIONAL AGE OF HER EMBRYO OR FETUS, A SCIENTIFICALLY ACCURATE STATEMENT CONCERNING THE CONTRIBUTION THAT EACH PARENT MAKES TO THE GENETIC CONSTITUTION OF THEIR BIOLOGICAL CHILD, AND FORMS FOR NOTIFICATIONS, CERTIFICATIONS, AND VERIFICATIONS REQUIRED BY LAW; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO POST THIS INFORMATION ON ITS INTERNET WEBSITE AND TO REQUIRE THE DEPARTMENT’S WEBSITE TO PROVIDE A LINK TO THE INTERNET WEBSITES MAINTAINED BY HEALTH CARE PROVIDERS, FACILITIES, AND CLINICS THAT PERFORM ULTRASOUNDS FREE OF CHARGE AND THAT HAVE REQUESTED TO BE LISTED BY THE DEPARTMENT; AND TO AMEND SECTION 44‑41‑380, RELATING TO SEVERABILITY PROVISIONS CONCERNING THE “WOMEN’S RIGHT TO KNOW ACT”, SO AS TO MAKE A TECHNICAL CORRECTION.**

Be it enacted by the General Assembly of the State of South Carolina:

**Abortion waiting period**

SECTION 1. Section 44‑41‑330(C) and (D) of the 1976 Code is amended to read:

“(C) No abortion may be performed sooner than twenty‑four hours after the woman receives the written materials and certifies this fact to the physician or the physician’s agent.

(D) If the clinic or other facility where the abortion is to be performed or induced mails the printed materials described in Section 44‑41‑340 to the woman upon whom the abortion is to be performed or induced or if the woman obtains the information at the county health department and if the woman verifies in writing, before the abortion, that the printed materials were received by her more than twenty‑four hours before the abortion is scheduled to be performed or induced, that the information described in item (A)(1) has been provided to her, and that she has been informed of her opportunity to review the information referred to in item (A)(2), then the waiting period required pursuant to subsection (C) does not apply.”

**Information to be provided**

SECTION 2. Section 44‑41‑340(A) of the 1976 Code is amended by adding appropriately numbered new subitems to read:

“( ) a list of health care providers, facilities, and clinics that offer to perform ultrasounds free of charge. The list must be arranged geographically and shall include the name, address, hours of operation, and telephone number of each entity listed. A health care provider, facility, or clinic that would like to be included on this list may contact the department and provide the required information. The department must update this list annually before September first;

( ) a plainly worded explanation of how a woman may calculate the gestational age of her embryo or fetus;

( )a scientifically accurate statement concerning the contribution that each parent makes to the genetic constitution of their biological child;

( ) forms for notifications, certifications, and verifications required by Section 44‑41‑330.”

**Information to be on department**’**s website**

SECTION 3. Section 44‑41‑340 of the 1976 Code is amended by adding:

“(D)(1) The materials required under this section must be available on the department’s Internet website in a format suitable for downloading. The website must be capable of permitting the user to print a time and date stamped certification identifying when the materials are downloaded.

(2) The department’s Internet website also must provide a link to the Internet website maintained by health care providers, facilities, and clinics that offer to perform ultrasounds free of charge that have requested to be placed on the list maintained by the department.”

**Severability provisions**

SECTION 4. Section 44‑41‑380 of the 1976 Code is amended to read:

“Section 44‑41‑380. If any provision, word, phrase, or clause of Article 3, Chapter 41, Title 44 of the 1976 Code, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions, words, phrases, clauses, or applications of Article 3, Chapter 41, Title 44 which can be given effect without the invalid provision, word, phrase, clause, or application, and, to this end, the provisions, words, phrases, and clauses of Article 3, Chapter 41, Title 44 are declared to be severable.”

**Severability clause**

SECTION 5. The provisions of this act are severable. If any section, subsection, paragraph, item, subitem, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

SECTION 6. This act takes effect upon approval of the Governor.

Ratified the 21st day of June, 2010.

Approved the 24th day of June, 2010.

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