**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4857**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Duncan

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Introduced in the House on April 15, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Abortion

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/15/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\04-15-10.docx)‑53

4/15/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\04-15-10.docx)‑53

**VERSIONS OF THIS BILL**

[4/15/2010](file:///p:\pprever\2009-10\4857_20100415.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑270 SO AS TO PROVIDE THAT NO ABORTION COVERAGE MAY BE PROVIDED BY A QUALIFIED HEALTH PLAN OFFERED WITHIN THE STATE THROUGH AN EXCHANGE CREATED PURSUANT TO FEDERAL LAW.

Whereas, the South Carolina General Assembly finds that:

(1) Federal funding for insurance plans that cover abortions is prohibited by the Hyde Amendment and the Federal Employee Health Benefits Program.

(2) Congress disregarded existing federal law and policy when they allowed insurance plans that cover abortions to receive federal subsidies through health care reform.

(3) Federal law explicitly permits states to pass laws prohibiting qualified health plans offered through an exchange in their state from offering abortion coverage.

(4) It is the long‑standing policy of South Carolina that elective abortions are not covered under the State Health Plan.

(5) The decision not to fund abortion places no governmental obstacle in the path of a woman who chooses to terminate her pregnancy. Rust v. Sullivan, 500 U.S. 173,201 (1991). The Federal Abortion‑Mandate Opt‑Out Act Americans United for Life.

(6) Moreover, it is permissible for a state to engage in unequal subsidization of abortion and other medical services to encourage alternative activity deemed in the public interest. Rust v. Sullivan, 500 U.S. 173,198 (1991).

(7) Citizens of the State of South Carolina, like other Americans, oppose the use of public funds, both federal and state, to pay for abortions. For example, a January 2010 Quinnipiac poll showed that seven in ten Americans were opposed to provisions in federal health care reform that use federal funds to pay for abortions and abortion coverage.

(8) The Guttmacher Institute which advocates for unfettered and taxpayer‑funded access to abortion confirms that based on Medicaid studies, more women have abortions when it is covered by private or public insurance programs; and

Whereas, based on these findings it is incumbent upon the General Assembly to affirmatively opt out of allowing qualified health plans that cover abortions to participate in exchanges within the State of South Carolina. Now, therefore,

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

SECTION 1. Article 1, Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38‑71‑270. No abortion coverage may be provided by a qualified health plan offered within the State of South Carolina through an exchange created pursuant to federal law.”

SECTION 2. This act takes effect upon approval by the Governor.

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