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**Ad Hoc Committee - Other Study No. 1
Monday, January 11, 2016
10:00 a.m.
Room 110 - Blatt Building**

ARCHIVED VIDEO

- I. You may access archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and click on "Committee Postings and Reports," then under House Standing Committees click on "Legislative Oversight". Lastly, click on "Video Archives" for a listing of archived videos for the Legislative Oversight Committee.

MINUTES

- I. House Rule 4.5 requires the standing committees of the House to prepare and make available for public inspection, in compliance with Section 30-4-90, the minutes of full committee meetings. House Rule 4.5 further provides that such minutes need not be verbatim accounts of such meetings.
- II. On August 26, 2015, a motion was adopted for the House Oversight Committee to commence an investigation into state agencies, including, but not limited to the Department of Social Services, the Department of Health and Environmental Control, and the Department of Health and Human Services, relationship with, funding of, and other activities relating to Planned Parenthood facilities and other abortion providers in South Carolina.
- III. Pursuant to Committee Rule 6.1, an ad hoc committee was appointed to undertake the study as stated in the motion.
- IV. Pursuant to Committee Rule 6.3, on September 3, 2015, the Legislative Oversight Committee Chair appointed the members and chair of the ad hoc committee. The members include the Honorable Nathan Ballentine, the Honorable Raye Felder, the Honorable Mia S. McLeod, the Honorable Walton J. McLeod, the Honorable Robert Ridgeway, III, the Honorable James E. Smith, Jr., the Honorable

Tommy M. Stringer, and the Honorable Bill Taylor. The chair of the ad hoc committee is the Honorable Gary E. Clary.

- V. The **fourth** meeting of the ad hoc committee (Committee) was called to order at 10:18 a.m. by Chairman Gary E. Clary on Monday, January 11, 2016, in Room 110 of the Blatt Building, Columbia, South Carolina. Unless otherwise noted, all members were in attendance for all or part of the meeting. Representative Tommy Stringer and Representative Bill Taylor were not in attendance, as both notified the ad hoc committee of prior commitments. Additionally, Representative Donna Hicks attended the meeting.
- VI. The Committee observed a moment of silence in memory of Senator William H. “Billy” O’Dell’s service to South Carolina and sympathy for his family and friends. The moment of silence was followed by a prayer from Chairman Clary.
- VII. Chairman Clary asked for a motion to approve the minutes from the Committee meeting on November 12, 2015. Representative Ballentine so moved. A roll call vote was held.

Rep. Ballentine’s Motion to Approve the Minutes from December 1, 2015	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod	X		
Rep. Walton J. McLeod			Not Present
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.	X		
Rep. Tommy M. Stringer			Not Present
Rep. Bill Taylor			Not Present
Chair Gary E. Clary	X		

- VIII. Chairman Clary provided a brief overview of the Committee’s process for this study, which is also provided in the Committee’s Standard Practices posted online. Highlights include the following. The Committee has obtained information from: the Department of Social Services, Department of Health and Human Services, Department of Health and Environmental Control, and Department of Correction. Additionally, the ad hoc committee obtained information from the Legislative Audit Council. Information obtained from agencies and the Legislative Audit Council as well as archived videos of meetings are available online.

On December 14, 2015, additional information was solicited from these four agencies; the letters requesting additional information are posted online. The stated purpose of this meeting to receive this information and allow committee members another opportunity to obtain information from the agencies.

It was noted that Committee staff summarized information obtained as of the end of 2015, and the summarization was provided by email to agencies on December 31, 2015. Pursuant to standard practice, agencies have ten business days in which to provide a written response, and due to the holidays this period closes Friday, January 15, 2016. However, no response is required from an agency. The ad hoc

committee will receive the staff's summarization and any agency responses at the same time, and as is the practice of the Legislative Oversight Committee will be posted online.

Upon receipt of the summarization, the Committee will meet again to discuss and vote on any recommendations this ad hoc committee would like to include for submittal to the full Legislative Oversight Committee. It was suggested that the next meeting be held Thursday, January 21, upon adjournment. The next step is for the ad hoc committee's study to be submitted to the full Legislative Oversight Committee.

- IX. After providing an overview of the Committee's process, next Chairman Clary explained that testimony given to the ad hoc committee must be under oath and then swore in all agency individuals, not a part of the General Assembly, that might answer a question, or make comments directly to the ad hoc committee. The following individuals were sworn in: (1) Catherine Heigel, Director of the Department of Health and Environmental Control (DHEC); (2) Bryan Stirling, Director of the Department of Corrections; (3) Christian Soura, Director of the Department of Health and Human Services (DHHS); and (4) Karen Wingo, Director of Communications and Legislative Affairs with the Department of Social Services (DSS).
- X. Chairman Clary asked DHEC to provide the Committee with a brief overview of the agency's response to the requests for more information that members of the Committee made at the last meeting; the agency's response has been posted online. Notably the request for information included three items of interest: (1) whether the agency's relationship with abortion providers would allow the agency to ascertain provider acceptance of reimbursement for fetal tissue donation; (2) if the agency has provided state funding to Planned Parenthood or any other abortion provider for pregnancy prevention or comprehensive health instruction; and (3) if there are any controls in place that would help determine if agency funds received for a specific purpose are comingled with other funding. Director Heigel provided testimony to Committee in response to Chairman Clary's direction.

Representative Felder and Representative Smith asked questions pertaining to grants for family planning purposes; Director Heigel responded to those questions.

In response to additional questions, Director Heigel provided the Committee with an overview of the existing laws that relate to disposal of fetal remains, which is termed under the law as products of conception. Director Heigel indicated the agency reviews records relating to how fetal remains are disposed of or donated. Director Heigel explained the agency's enforcement findings with clinics and waste transports relating to the disposal of fetal remains. Director Heigel stated that the agency does not have evidence of any other disposal of fetal remains than was indicated on the manifest of waste transport companies. Director Heigel stated that all of the agencies findings have been referred to the Attorney General's Office for review.

Chairman Clary asked if the agency has any recommendation to the Committee for improvement of existing laws that relate to the disposal of fetal remains or if the agency had any recommendations for improvement of existing laws that relate to abortion providers receiving reimbursement for fetal tissue. Director Heigel stated the agency's intention to move forward with regulatory changes as a result of the Legislative Audit Council report. Director Heigel provided the Committee recommendations, and she

noted the recommendations are from a perspective of how to make it easier for the agency to regulate and promote the public health. The recommendations include the following:

Consider adding a provision to explicitly make it illegal to sell or donate products of conception.

Consider making the following changes to state abortion statutes:

- Adding a provision to require abortion clinics and hospitals to report to DHEC post-operative complications arising as a result of an abortion procedure.
- Adding a provision to require that an ultrasound be performed prior to an abortion procedure to determine the gestational age of the fetus.
- Limiting the abortions that can be performed in an abortion clinic to those within the first 18 weeks of pregnancy, beginning with conception rather than calculated on the basis of the menstrual cycle.
- Requiring physicians performing any abortion to comply with requirements of the “Woman’s Right to Know” article. Currently, the law applies only to facilities in which any second trimester or five or more first trimester abortions are performed in a month.
- Adding a requirement for some identifying information to be included in the abortion reports, which would allow DHEC to utilize these reports, as necessary, to assist in investigating potential violations. Also, there was a recommendation to add sanctions for failure to report this information to DHEC in a timely manner.

Representative Smith moved that the DHEC’s involvement in the study be concluded unless further involvement becomes necessary at a point in the future. A roll call vote was held, and the motion was passed unanimously.

Rep. Smith Motion that the DHEC’s Involvement Be Concluded Unless Further Involvement Becomes Necessary in the Future:	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod	X		
Rep. Walton J. McLeod			Not Present
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.	X		
Rep. Tommy M. Stringer			Not Present
Rep. Bill Taylor			Not Present
Chair Gary E. Clary	X		

Without objection, Director Heigel was excused from the meeting.

- XI. During the December 1, 2015, meeting, there was a request for further information from DHHS clarifying a diagnosis. The agency provided a written response on December 7, which has been posted online. Director Soura gave a brief explanation of the Committee’s written response.

Following the last Committee meeting, the same information was requested from DHHS, that was requested from DHEC, notably: (1) whether the agency’s relationship with abortion providers would allow the agency to ascertain provider acceptance of reimbursement for fetal tissue donation; (2) if the agency has provided state funding to Planned Parenthood or any other abortion provider for pregnancy prevention or comprehensive health instruction; and (3) if there are any controls in place that would help determine if agency funds received for a specific purpose are comingled with other funding. The agency provided a written response on December 23, 2015, which has been posted online. Director Soura provided the Committee with an overview of the agency’s written responses.

In response to additional questions, Director Soura testified the agency does not review records relating to how fetal remains are disposed of or donated. The agency was not aware of any evidence which indicates that fetal tissue was sold or donated.

Chairman Clary asked if the agency has any recommendation to the Committee for improvement of existing laws that relate to the disposal of fetal remains or improvement of existing laws that relate to abortion providers providing receiving reimbursement for fetal tissue donation. Director Soura stated the agency did not have recommendations.

Representative Smith asked additional questions about information received by the Committee relating to funds expended by the agency for women’s healthcare. Director Soura responded to those questions.

Representative Smith moved that DHHS’ involvement in the study be concluded unless further involvement becomes necessary at a point in the future. A roll call vote was held, and the motion was passed unanimously.

Rep. Smith’s Motion that the DHHS’ Involvement Be Concluded Unless Further Involvement Becomes Necessary in the Future:	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod	X		
Rep. Walton J. McLeod			Not Present
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.	X		
Rep. Tommy M. Stringer			Not Present
Rep. Bill Taylor			Not Present
Chair Gary E. Clary	X		

Without objection, Director Soura was excused from the meeting.

XII. Following the last Committee meeting, the same information was requested from the Department of Corrections, that was requested from other agencies, notably: (1) whether the agency’s relationship with abortion providers would allow the agency to ascertain provider acceptance of reimbursement for fetal tissue donation; (2) if the agency has provided state funding to Planned Parenthood or any other abortion provider for pregnancy prevention or comprehensive health instruction; and (3) if there are any controls in place that would help determine if agency funds received for a specific purpose are comingled with

other funding. The agency provided a written response which has been posted online. Director Stirling provided the Committee with a brief overview of the agency’s written response.

In response to additional questions, Director Stirling testified the agency does not review records relating to how fetal remains are disposed of or donated. He further testified the agency was not aware of any evidence which indicates that fetal tissue was sold or donated.

Chairman Clary asked if the agency has any recommendation to the Committee for improvement of existing laws that relate to the disposal of fetal remains or improvement of existing laws that relate to abortion providers providing receiving reimbursement for fetal tissue donation. Director Stirling stated the agency did not have recommendations.

Chairman Clary asked in what situation or circumstances, if at all, would any agency employee recommend that an inmate have an abortion. Director Stirling testified the agency would not make such a recommendation.

Representative Felder moved that the Department of Corrections’ involvement in the study be concluded unless further involvement becomes necessary at a point in the future. A roll call vote was held, and the motion was passed unanimously.

Rep. Felder’s Motion that the DOC’s Involvement Be Concluded Unless Further Involvement Becomes Necessary in the Future:	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod	X		
Rep. Walton J. McLeod			Not Present
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.	X		
Rep. Tommy M. Stringer			Not Present
Rep. Bill Taylor			Not Present
Chair Gary E. Clary	X		

Without objection, Director Stirling was excused from the meeting.

XIII. Following the last Committee meeting, the same information was requested from DSS, that was requested from other agencies, notably: (1) whether the agency’s relationship with abortion providers would allow the agency to ascertain provider acceptance of reimbursement for fetal tissue donation; (2) if the agency has provided state funding to Planned Parenthood or any other abortion provider for pregnancy prevention or comprehensive health instruction; and (3) if there are any controls in place that would help determine if agency funds received for a specific purpose are comingled with other funding. The agency provided a written response on January 5, 2016, which has been posted online. Ms. Wingo provided the Committee with a brief overview of the agency’s written response.

In response to additional questions, Ms. Wingo testified that funds which flow through the agency to the SC Campaign to Prevent Teen Pregnancy for pregnancy prevention services have not gone to Planned Parenthood or any other abortion providers.

In response to additional questions, Ms. Wingo testified the agency does not review records relating to how fetal remains are disposed of or donated. Ms. Wingo further testified the agency was not aware of any evidence which indicates that fetal tissue was sold or donated.

Chairman Clary asked if the agency has any recommendation to the Committee for improvement of existing laws that relate to the disposal of fetal remains or improvement of existing laws that relate to abortion providers providing receiving reimbursement for fetal tissue donation. Ms. Wingo stated the agency did not have recommendations.

Representative Felder moved that DSS' involvement in the study be concluded unless further involvement becomes necessary at a point in the future. A roll call vote was held, and the motion was passed unanimously.

Rep. Felder's Motion that the DSS' Involvement Be Concluded Unless Further Involvement Becomes Necessary in the Future:	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod	X		
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.	X		
Rep. Tommy M. Stringer			Not Present
Rep. Bill Taylor			Not Present
Chair Gary E. Clary	X		

Without objection, Ms. Wingo was excused from the meeting.

XIV. There being no further business, the meeting was adjourned after Chairman Clary made brief remarks about the work of this Committee.