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**Ad Hoc Committee - Other Study No. 1
Thursday, January 21, 2016
Thirty Minutes after the House Adjourns (11:30 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 **fifth** meeting of the ad hoc committee (Committee) was called to order at 11:30 a.m. by Chairman Gary E. Clary on Thursday, January 21, 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 James Smith and Representative Mia McLeod were not in attendance, as both notified the ad hoc committee of prior commitments.
- VI. There was an invocation by Representative Nathan Ballentine.
- VII. Representative Walt McLeod made a motion to approve the minutes from the Committee meeting held Monday, January 11, 2016. A roll call vote was held, and the motion was approved.

Rep. Walt McLeod's Motion to approve the minutes from January 11, 2016	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor			
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.

Committee staff summarized information obtained as of the end of 2015, and the summarization was provided by email to agencies on December 31, 2015. No agency under study filed a response. This summary is available online.

The stated purpose for meeting was to discuss and vote on any recommendations the ad hoc committee would like to include for submittal to the full Legislative Oversight Committee. It was noted that Standard Practice 12.4 allows an individual member of this ad hoc committee the opportunity to provide a written statement for inclusion with the study.

- IX. After providing an overview of the Committee's process, there was a motion by Representative Walt McLeod that the ad hoc committee's study include a summary of information obtained, which among

other things, includes a summary of information pertained relating to payment for abortions and judicial bypass information. A roll call vote was held, and the motion was approved.

Rep. Walt McLeod's Motion that the ad hoc committee's study include a summary of information obtained, which among other things, includes a summary of information pertained relating to payment for abortions and judicial bypass information	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor			
Chair Gary E. Clary	X		

- X. It was noted that at the last meeting, the Department of Health and Environmental Control (DHEC) provided recommendations for the Committee's consideration. There were a series of motions relating to DHEC's recommendations.

A.

Representative Taylor moved that the Committee's study include DHEC's recommendation for adding a provision in statute that makes it explicitly illegal to sell or donate products of conception. A roll call vote was held, and the motion was approved.

Rep. Taylor's Motion for a the study to include a recommendation to add a provision in statute that makes it explicitly illegal to sell or donate products of conception:	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor			
Chair Gary E. Clary	X		

Representative Felder made additional comments about the motion. Subsequently, Representative Felder offer two motions pertaining to this recommendation. While Representative Felder withdrew her first motion the second motion replaced Representative Taylor's motion as the recommendation of the

Committee on this particular issue. Discussion on these motions included remarks from Representative Taylor, Representative Felder, Representative Stringer, Representative Ridgeway, and Representative Walt McLeod.

Representative Felder's second motion was for the study to include a recommendation to add a provision in statute which makes it illegal to sell products of conception but allow donation for medical research without compensation and with the mother's written consent. A roll call vote was held, and this motion was approved.

Rep. Felder's Motion for the study to include a recommendation to include a recommendation to add a provision in statute which makes it illegal to sell products of conception but allow donation for medical research without compensation and with the mother's written consent:	Yea	Nay	Not Voting
Rep. Nathan Ballentine		X	
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer		X	
Rep. Bill Taylor		X	
Chair Gary E. Clary	X		

B.

It was noted DHEC recommended the ad hoc committee consider a recommendation adding a provision to require abortion clinics and hospitals to report to the agency post-operative complications arising as a result of an abortion procedure. Representative Taylor made a motion for the study to include a recommendation which requires: (1) abortion clinics and hospitals, including emergency rooms, to report to the agency post-operative complications arising a result of an abortion procedure regardless of where the abortion was performed; (2) if the patient is willing to provide the information, the name of the abortion clinic or hospital which performed the initial abortion, and (3) the agency to use that reporting to collect and provide, by facility which performs the abortion, statistics on the number of post-operative complications reported.

Discussion on this motion included remarks by Representative Walt McLeod and Representative Ridgeway about current requirements relating to reporting of post-operative complications.

A roll call vote was held, and the motion was approved.

Rep. Taylor’s Motion for the study to include a recommendation which requires: (1) abortion clinics and hospitals, including emergency rooms, to report to the agency post-operative complications arising a result of an abortion procedure regardless of where the abortion was performed; (2) if the patient is willing to provide the information, the name of the abortion clinic or hospital which performed the initial abortion, and (3) the agency to use that reporting to collect and provide, by facility which performs the abortion, statistics on the number of post-operative complications reported:	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor	X		
Chair Gary E. Clary	X		

C.

It was noted that DHEC recommended adding a provision to require that an ultrasound be performed prior to an abortion procedure to determine the gestational age of the fetus. Representative Stringer made a motion to include this recommendation in the ad hoc committee’s study.

A roll call vote was held, and the motion was approved.

Rep. Stringer Motion for the study to include a recommendation to add a provision to require that an ultrasound be performed prior to an abortion procedure to determine the gestational age of the fetus	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor			

Chair Gary E. Clary	X		
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D.

It was noted that DHEC recommended the ad hoc committee consider a recommendation 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, which requires a change to Section 44-41-20(b). Representative Stringer made a motion for the study to include this recommendation, which after discussion was subsequently amended by a motion made by Representative Walt McLeod to defer a vote on this issue for seven days.

Discussion of this recommendation included remarks by Representative Walt McLeod which, among other things, expressed concerns about whether the recommendation was congruent or incongruent with United States Supreme Court decisions and requested that the committee have an opportunity to seek legal review of this recommendation to see if the recommendation.

Further discussion of this recommendation by Chairman Clary and Representative Ballentine referenced that the recommendation came from the agency. Chairman Clary noted in order to implement a study recommendation a legislator would have to file legislation, which would go through the normal legislative process. Additionally, Chairman Clary and Representative Ballentine discussed an option to consider was this recommendation be included in the study for information purposes only. Representative Walt McLeod expressed concerns about the impact of such an action.

Further discussion of this recommendation by Representative Ridgeway expressed a clarification from a medical standpoint about how physicians calculate the gestational age of the fetus utilizing the last menstrual period. Representative Felder noted deliberations on the issue by the full House on the Pain Capable of the “South Carolina Pain-Capable Unborn Protection Act” legislation.

A roll call vote was held on Representative Walt McLeod’s amended motion to defer a vote on this issue for seven days. This motion was approved.

Rep. Walt McLeod’s Motion to defer a vote on this recommendation for seven days	Yea	Nay	Not Voting
Rep. Nathan Ballentine		X	
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer		X	
Rep. Bill Taylor		X	
Chair Gary E. Clary	X		

Chairman Clary made a motion that the question about this particular recommendation be submitted to the South Carolina Attorney General for an opinion.

Rep. Clary Motion to seek an Attorney General Opinion	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor	X		
Chair Gary E. Clary	X		

E.

It was noted that DHEC recommended requiring physicians performing any abortion to comply with requirements of the “Woman’s Right to Know Act.” Currently, the law applies only to facilities in which any second trimester or five or more first trimester abortions are performed in a month. This change would fall under Section 44-41-370, “Applicability of Article.”

During discussion of this recommendation, Representative Stringer expressed that in light of approval of the last motion a subsequent meeting with DHEC representatives was necessary. He moved that before the Committee took action that agency representatives appear to provide additional information about the bases of the recommendations, and subsequently, he withdrew the motion after further discussion. The further discussion included remarks from Representative Stringer, Representative Ballentine, Chairman Clary, and Representative Felder.

F.

Representative Felder made a motion for the ad hoc committee study to include a recommendation requiring physicians performing any abortion to comply with requirements of the “Woman’s Right to Know Act.” During discussion of this motion, Representative Walt McLeod requested and received from Chairman Clary a brief explanation of the “Woman’s Right to Know Act.” Additionally, Chairman Clary noted that members were provided during the meeting a copy of this law.

A roll call vote was held, and the motion was approved.

Rep. Felder’s Motion for the study to include a recommendation requiring physicians performing any abortion to comply with requirements of the “Woman’s Right to Know Act”	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present

Rep. Tommy M. Stringer	X		
Rep. Bill Taylor	X		
Chair Gary E. Clary	X		

G.

It was noted that DHEC recommended the ad hoc committee consider adding a requirement for some identifying information to be included in the abortion reports, which would allow the agency to utilize these reports, as necessary, to assist in investigating potential violations. Representative Taylor made a motion for the Committee's study to include this recommendation. Discussion of this recommendation included remarks by Representative Walt McLeod and Chairman Clary.

During the discussion, Chairman Clary noted that DHEC representatives were present. Katie Phillips, Director of Legislative Affairs, was sworn in, and testified that the agency will make itself available to individual members and the Committee as a whole to answer any questions.

A roll call vote was held, and the motion was approved.

Rep. Taylor's Motion for the study to include a recommendation to add a requirement for some identifying information to be included in the abortion reports, which would allow the agency to utilize these reports, as necessary, to assist in investigating potential violations	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod		X	
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor			Not Present
Chair Gary E. Clary	X		

H.

It was noted DHEC recommended adding sanctions for failure to report this identifying information in a timely manner. Representative Felder made a motion for the Committee's study to include this recommendation. Remarks on this recommendation were made by Representative Walt McLeod and Chairman Clary. A roll call vote was held, and the motion was approved.

Rep. Felder's Motion for the study to include a recommendation to add sanctions for failure to report this identifying information in a timely manner	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor	X		
Chair Gary E. Clary	X		

- X1. Representative Felder made a motion for staff to draft the ad hoc committee's study incorporating the ad hoc committee's actions taken to date. A roll call vote was held, and the motion was approved.

Rep. Felder's Motion for staff to draft the ad hoc committee's study incorporating actions to date	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor	X		
Chair Gary E. Clary	X		

- XII. Chairman Clary stated efforts would be made to schedule a meeting for next Thursday or as soon thereafter as possible. Additionally, Chairman Clary requested DHEC staff have representatives available at the next meeting, including the agency head and agency general counsel.

There being no further business, the meeting was adjourned.