Hi Gene and Amanda –

I hope you both are well!

I spoke with Chairman Verdin earlier today about concerns members of our state’s manufacturing and business community have expressed with the language for [H.5399](https://scstatehouse.gov/CommitteeInfo/HouseAdHocDobbsVsJackson/5399%20Ad%20Hoc%20Recommendations%20-%20Finalized.pdf) as recommended by the House Judiciary Committee and the possible unintended consequences of some of these provisions. He asked me to send you guys our proposed amendment to address these concerns; however, because we do not yet know exactly how the language will shape out on the House floor, I’m unsure of exactly what the amendment should look like. Instead, I’ve provided below our concerns and examples of the impact these included provisions may have on our state’s manufacturers.

Our members have expressed concern with language included in §44-41-820. §44-41-820(A) “prohibits any person from knowingly…procuring for or paying for…any medicine, drug, or other substance with the specific intent of causing or abetting an abortion.” There is concern about the subjectivity of “pay for, procure for and abetting.” For example, as it relates to health insurance coverage. If an employee who is covered by an employer-sponsored insurance plan seeks a legal abortion in another state, or if they use HR-provided resources to locate legal providers in other states, would that be considered abetting? And could “pay for” be construed to mean the employer-paid premiums or insurance-covered expenses?

Also, provisions in §44-41-820(B) “prohibit a person from knowingly using or employing any…means…upon a pregnant woman with the specific intent of causing or abetting an abortion.” “Means” is subjective so we are unsure what could be construed to be included as an offense to that provision. And, again, abetting is subjective in this section for similar reasons mentioned above.

Any offense of the two provisions above could result in criminal and civil penalties which is extremely concerning if any of these provisions could be construed to incriminate our employers or their staff.

I appreciate any consideration to address these concerns in future amendments once (if) the Senate receives the bill from the House. In the interim, I will continue working with House leadership to address these concerns while they are considering this legislation and will be in touch as we move forward in this process.

Please let me know if you have any questions or if you would like to discuss further.

Thanks so much!
Rebecca

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