**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3548**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bennett, Delleney, Yow, Stringer, Hardee, Erickson, Long, Fry, Daning, S. Rivers, Davis, Allison, Hill, Crosby, B. Newton, McCoy, West, McCravy, Tallon, Elliott, Henderson, V.S. Moss, G.R. Smith, Pope, Toole, Huggins, Hamilton, Bedingfield, Atwater, Ballentine, Willis, Simrill and Lowe

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Introduced in the House on January 24, 2017

Introduced in the Senate on April 4, 2017

Last Amended on May 3, 2018

Currently residing in the Senate Committee on **Medical Affairs**

Summary: SC Unborn Child Protection from Dismemberment Abortion Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/24/2017 House Introduced and read first time ([House Journal‑page 25](file:///h:\hj\20170124.docx))

1/24/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 25](file:///h:\hj\20170124.docx))

1/25/2017 House Member(s) request name added as sponsor: Elliott, Henderson

1/26/2017 House Member(s) request name added as sponsor: V.S.Moss

3/22/2017 House Member(s) request name added as sponsor: G.R.Smith

3/22/2017 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 45](file:///h:\hj\20170322.docx))

3/23/2017 House Member(s) request name added as sponsor: Pope, Toole

3/27/2017 House Requests for debate‑Rep(s). Bennett, Delleney, Yow, Stringer, Hardee, Erickson, Long, Fry, Daning, S Rivers, Davis, Allison, Hill, Crosby, B Newton, McCoy, West, McCravy, Tallon, Elliott, Henderson, VS Moss, GR Smith, Pope, Toole ([House Journal‑page 40](file:///h:\hj\20170327.docx))

3/28/2017 House Member(s) request name added as sponsor: Huggins, Hamilton, Bedingfield

3/29/2017 House Member(s) request name added as sponsor: Atwater, Ballentine, Willis, Simrill, Lowe

3/29/2017 House Amended ([House Journal‑page 83](file:///h:\hj\20170329.docx))

3/29/2017 House Read second time ([House Journal‑page 83](file:///h:\hj\20170329.docx))

3/29/2017 House Roll call Yeas‑89 Nays‑17 ([House Journal‑page 100](file:///h:\hj\20170329.docx))

3/30/2017 House Read third time and sent to Senate ([House Journal‑page 57](file:///h:\hj\20170330.docx))

3/30/2017 House Roll call Yeas‑83 Nays‑17 ([House Journal‑page 57](file:///h:\hj\20170330.docx))

3/30/2017 Scrivener's error corrected

4/4/2017 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj\20170404.docx))

4/4/2017 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 8](file:///h:\sj\20170404.docx))

3/1/2018 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 12](file:///h:\sj\20180301.docx))

4/25/2018 Senate Motion For Special Order Failed ([Senate Journal‑page 44](file:///h:\sj\20180425.docx))

4/25/2018 Senate Roll call Ayes‑26 Nays‑18 ([Senate Journal‑page 44](file:///h:\sj\20180425.docx))

4/26/2018 Senate Special order, set for April 26, 2018 ([Senate Journal‑page 51](file:///h:\sj\20180426.docx))

5/1/2018 Senate Debate interrupted ([Senate Journal‑page 88](file:///h:\sj\20180501.docx))

5/2/2018 Senate Amended ([Senate Journal‑page 56](file:///h:\sj\20180502.docx))

5/2/2018 Senate Read second time ([Senate Journal‑page 56](file:///h:\sj\20180502.docx))

5/2/2018 Senate Roll call Ayes‑28 Nays‑10 ([Senate Journal‑page 56](file:///h:\sj\20180502.docx))

5/3/2018 Scrivener's error corrected

5/3/2018 Senate Amended ([Senate Journal‑page 12](file:///h:\sj\20180503.docx))

5/3/2018 Senate Roll call Ayes‑31 Nays‑11 ([Senate Journal‑page 12](file:///h:\sj\20180503.docx))

5/3/2018 Senate Recommitted to Committee on **Medical Affairs** ([Senate Journal‑page 12](file:///h:\sj\20180503.docx))

5/3/2018 Senate Roll call Ayes‑24 Nays‑21 ([Senate Journal‑page 12](file:///h:\sj\20180503.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3548&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/24/2017](file:///p:\pprever\2017-18\3548_20170124.docx)

[3/22/2017](file:///p:\pprever\2017-18\3548_20170322.docx)

[3/29/2017](file:///p:\pprever\2017-18\3548_20170329.docx)

[3/30/2017](file:///p:\pprever\2017-18\3548_20170330.docx)

[3/1/2018](file:///p:\pprever\2017-18\3548_20180301.docx)

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[5/3/2018](file:///p:\pprever\2017-18\3548_20180503.docx)

[5/3/2018-A](file:///p:\pprever\2017-18\3548_20180503A.docx)

AMENDED

May 3, 2018

**H. 3548**

Introduced by Reps. Bennett, Delleney, Yow, Stringer, Hardee, Erickson, Long, Fry, Daning, S. Rivers, Davis, Allison, Hill, Crosby, B. Newton, McCoy, West, McCravy, Tallon, Elliott, Henderson, V.S. Moss, G.R. Smith, Pope, Toole, Huggins, Hamilton, Bedingfield, Atwater, Ballentine, Willis, Simrill and Lowe

S. Printed 5/3/18--S.

Read the first time April 4, 2017.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA UNBORN CHILD PROTECTION FROM DISMEMBERMENT ABORTION ACT” BY ADDING ARTICLE 6 TO CHAPTER 41, TITLE 44 SO AS TO PROHIBIT DISMEMBERMENT ABORTIONS, WITH EXCEPTIONS, AND TO DEFINE RELEVANT TERMS; TO PROVIDE FOR INJUNCTIVE RELIEF AND CIVIL REMEDIES TO ENFORCE THE PROVISIONS OF THE ARTICLE; TO CREATE CRIMINAL PENALTIES; AND FOR OTHER PURPOSES.

Amend Title To Conform

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

SECTION 1. Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Article 6

South Carolina Unborn Child Protection from Abortion Act

Section 44‑41‑610. (A) This article may be cited as the ‘South Carolina Unborn Child Protection from Abortion Act.’

(B) It is unlawful for a physician to knowingly perform or attempt to perform an abortion and thereby kill an unborn child unless the pregnancy is the result of rape or incest or the abortion is necessary to prevent serious health risk to the unborn child’s mother.

(C) As used in this section:

(1) ‘Abortion’ means the use of an instrument, medicine, drug, or other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(2) ‘Physician’ means a physician, surgeon, or osteopath authorized to practice medicine in this State and licensed pursuant to Chapter 47, Title 40. However, an individual who is not a physician but who directly and knowingly performs an abortion is also subject to the provisions of this section.

(3) ‘Pregnancy’ means the condition of a woman carrying a fetus or embryo within her body as the result of conception.

(4) ‘Serious health risk to the unborn child’s mother’ means that, in reasonable medical judgment, a mother has a condition that so complicates her medical condition that it necessitates the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such condition may be determined to exist if it is based on a claim or diagnosis that the woman will engage in conduct that she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Section 44‑41‑620. Nothing in this article shall be construed as creating or recognizing a right to abortion, nor a right to a particular method of abortion.”

SECTION 2. If any section, subsection, paragraph, 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 this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, 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.

SECTION 3. This act takes effect upon approval by the Governor.

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