**A** **BILL**

TO AMEND ARTICLE 5, CHAPTER 41, TITLE 44 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA PAIN‑CAPABLE UNBORN CHILD PROTECTION ACT, BY ADDING SECTION 44-41-445, TO REQUIRE ABDOMINAL ULTRASOUNDS BE CONDUCTED PRIOR TO PERFORMING OR INDUCING AN ABORTION TO DETERMINE IF THE ULTRASOUND DETECTS A FETAL HEARTBEAT; TO AMEND SECTION 44-41-450, TO PROVIDE THAT AN ABORTION CANNOT BE PERFORMED OR INDUCED ON A WOMAN DURING THE THIRTEENTH THROUGH NINETEENTH WEEK OF PREGNANCY IF THE ULTRASOUND DETECTS A FETAL HEARTBEAT; AND TO AMEND SECTION 44-41-330(A)(1), TO REQUIRE THAT A WOMAN BE NOTIFIED OF HER RIGHT TO KNOW IF A FETAL HEARTBEAT WAS DETECTED DURING THE ULTRASOUND.

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

SECTION 1. Article 5, Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Section 44-41-445. (A) A physician who is to perform or induce or attempt to perform or induce an abortion, or an allied health professional working in conjunction with the physician, must conduct an abdominal ultrasound test to determine if the embryo or fetus has a detectable heartbeat.

(B) An abdominal ultrasound test is not required in the case of an emergency.”

SECTION 2. Section 44-41-450 of the 1976 Code is amended to read:

“Section 44-41-450. (A)(1) No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable post‑fertilization age of the woman's unborn child is:

(a) between thirteen and nineteen ~~twenty or more~~ weeks when the abdominal ultrasound test performed pursuant to Section 44-41-445 detects a heartbeat, and no person shall perform or induce or attempt to perform or induce an abortion; or

(b) twenty weeks or more.

(2) ~~except~~ Notwithstanding the provisions contained in item (1), an abortion may be performed or induced or attempted to be performed or induced, in the case of fetal anomaly, or in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate 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 greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(B) When an abortion upon a woman ~~whose unborn child has been determined to have a probable post‑fertilization age of twenty or more weeks~~ is not prohibited by subsection (A), the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.”

SECTION 3. Section 44-41-330(A)(1) of the 1976 Code is amended to read:

“(1) The woman must be informed by the physician who is to perform the abortion or by an allied health professional working in conjunction with the physician of the procedure to be involved and by the physician who is to perform the abortion of the probable gestational age of the embryo or fetus at the time the abortion is to be performed. ~~If an ultrasound is performed, an~~ An abortion may not be performed sooner than sixty minutes following completion of the ultrasound required pursuant to Section 44-41-445. The physician who is to perform the abortion, or an allied health professional working in conjunction with the physician, must inform the woman, before the ultrasound procedure, of her right to know if a heartbeat is detected during the ultrasound and of her right to view the ultrasound image at her request during or after the ultrasound procedure.”

SECTION 4. This act takes effect upon approval by the Governor.

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