**South Carolina General Assembly**

124th Session, 2021-2022

**S. 381**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Cash and Rice

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Companion/Similar bill(s): 1335, 3568, 5401

Introduced in the Senate on January 12, 2021

Currently residing in the Senate Committee on **Judiciary**

Summary: Personhood Act of SC

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 292](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 292](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\381_20201209.docx)

**A** **BILL**

TO ENACT THE PERSONHOOD ACT OF SOUTH CAROLINA; TO AMEND CHAPTER 1, TITLE 1 OF THE 1976 CODE, RELATING TO THE ADMINISTRATION OF THE GOVERNMENT GENERALLY, BY ADDING ARTICLE 5, TO ESTABLISH THAT THE RIGHT TO LIFE FOR EACH BORN AND PREBORN HUMAN BEING VESTS AT FERTILIZATION AND THAT THE RIGHTS OF DUE PROCESS AND EQUAL PROTECTION, GUARANTEED BY ARTICLE I, SECTION 3 OF THE CONSTITUTION OF THIS STATE, VEST AT FERTILIZATION FOR EACH BORN AND PREBORN HUMAN BEING.

Whereas, the General Assembly, under Article III, Section 1A of the Constitution of the State of South Carolina, 1895, is empowered to assemble to make new laws, as the common good may require; and

Whereas, Article I, Section 3 of the Constitution of the State of South Carolina, 1895, guarantees that no person may be deprived of life, liberty, or property without due process of law or be denied the equal protection of the laws; and

Whereas, the General Assembly, in the exercise of its constitutional powers and in carrying out its duties and responsibilities under the law, finds it necessary and proper to ensure that the rights of its citizens extend to each newly born and preborn human being. Now, therefore,

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

SECTION 1. This act must be known and may be cited as the “Personhood Act of South Carolina”.

SECTION 2. Chapter 1, Title 1 of the 1976 Code is amended by adding:

“ARTICLE 5

Personhood

Section 1‑1‑310. The General Assembly finds as follows regarding the sanctity of life:

(1) The General Assembly acknowledges that the July 4, 1776 Declaration of Independence is one of the organic laws of the United States of America found in the United States Code.

(2) The General Assembly acknowledges that all persons are endowed by their Creator with certain unalienable rights.

(3) The General Assembly acknowledges that personhood is God‑given, as all men are created in the image of God.

(4) The General Assembly finds that the Preamble to the Constitution of the State of South Carolina contains the sovereign peoples’ acknowledgment of God as the source of constitutional liberty, saying, ‘We the people of the State of South Carolina, in Convention assembled, grateful to God for our liberties, do ordain and establish this Constitution for the preservation and perpetuation of the same’.

(5) The General Assembly finds that a human being is a person at fertilization.

Section 1‑1‑320. (A) The right to life for each born and preborn human being vests at fertilization.

(B) The rights guaranteed by Article I, Section 3 of the Constitution of this State, which provides that no person shall be deprived of life without due process of law nor denied the equal protection of the laws, vest at fertilization for each born and preborn human being.

Section 1‑1‑330. (A) Nothing in this article shall be construed to prohibit a licensed physician from performing a medical procedure or providing medical treatment designed or intended to prevent the death of a pregnant woman. However, a physician shall make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of the preborn human being in a manner consistent with accepted medical standards. Under such circumstances, the accidental or unintentional injury to or death of the preborn human being is not a violation of this article. A physician’s understanding of a risk of death for a pregnant woman must not be based on a diagnosis or claim of a mental or emotional condition of the pregnant woman or a diagnosis or claim that the pregnant woman will purposefully engage in conduct that she intends to result in her death. The provisions of this section must not be construed to authorize the intentional killing of a preborn human being.

(B) Nothing in this article shall be construed to prohibit contraception. As used in this subsection, ‘contraception’ is defined as the prevention of fertilization.

(C) Nothing in this article shall be construed to prohibit in vitro fertilization or assisted reproductive technology. The authority to regulate in vitro fertilization and assisted reproductive technology procedures is reserved by the Legislature.

Section 1‑1‑340. This article is enacted pursuant to the power reserved to this State under the Tenth Amendment to the United States Constitution.”

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

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