**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4047**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McKnight, McCravy, Erickson, Pope, Oremus, Jones, Long, Chumley, Haddon, Magnuson, G.R. Smith, Trantham, Burns, May, McCabe, Taylor, Dabney, Bannister, Forrest, Hiott, Hixon, Jordan, Lowe, McGarry, Hyde, Fry, Crawford, Huggins, Atkinson and Hill

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Introduced in the House on March 9, 2021

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

Summary: SC Minor Child Compassion and Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/9/2021 House Introduced and read first time ([House Journal‑page 34](file:///h:\hj\20210309.docx))

3/9/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 34](file:///h:\hj\20210309.docx))

3/10/2021 House Member(s) request name added as sponsor: McGarry

3/18/2021 House Member(s) request name added as sponsor: Hyde, Fry, Crawford

3/22/2021 House Member(s) request name added as sponsor: Huggins

4/6/2021 House Member(s) request name added as sponsor: Atkinson

1/25/2022 House Member(s) request name added as sponsor: Hill

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**VERSIONS OF THIS BILL**

[3/9/2021](file:///p:\pprever\2021-22\4047_20210309.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA VULNERABLE CHILD COMPASSION AND PROTECTION ACT” BY ADDING CHAPTER 139 TO TITLE 44 SO AS TO PROHIBIT THE PERFORMANCE OF A MEDICAL PROCEDURE OR THE PRESCRIPTION OR ISSUANCE OF MEDICATION, UPON OR TO A MINOR, THAT IS INTENDED TO ALTER THE APPEARANCE OF THE MINOR’S GENDER OR DELAY PUBERTY, WITH EXCEPTIONS; TO CREATE CRIMINAL PENALTIES; AND FOR OTHER PURPOSES.

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

SECTION 1. This act is known and may be cited as the “South Carolina Vulnerable Child Compassion and Protection Act”.

SECTION 2. Title 44 of the 1976 Code is amended by adding:

“CHAPTER 139

South Carolina Vulnerable Child Compassion and Protection Act

Section 44‑139‑10. For the purposes of this chapter:

(1) ‘Minor’ means a person who is under the age of eighteen.

(2) ‘Person’ means any of the following:

(a) any individual;

(b) any agent, employee, official, or contractor of any legal entity; or

(c) any agent, employee, official, or contractor of a school district or the State or any of its political subdivisions or agencies. (3) ‘Sex’ means the biological state of being male or female, based on the individual’s sex organs, chromosomes, and endogenous hormone profiles.

Section 44‑139‑20. (A) Except as provided in subsection (B), no person shall engage in, counsel, make a referral for, or cause any of the following practices to be performed upon a minor if the practice is performed for the purpose of attempting to alter the appearance of or affirm the minor’s perception of the minor’s gender or sex, if that perception is inconsistent with the minor’s sex as defined in this chapter:

(1) prescribing, dispensing, administering, or otherwise supplying puberty-blocking medication to stop or delay normal puberty;

(2) prescribing, dispensing, administering, or otherwise supplying supraphysiologic doses of testosterone or other androgens to females;

(3) prescribing, dispensing, administering, or otherwise supplying supraphysiologic doses of estrogen to males;

(4) performing surgeries that sterilize, including castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy;

(5) performing surgeries that artificially construct tissue with the appearance of genitalia that differs from the individual’s sex, including metoidioplasty, phalloplasty, and vaginoplasty; or

(6) removing any healthy or nondiseased body part or tissue. (B) Subsection (A) does not apply to a procedure undertaken to treat a minor born with a medically verifiable disorder of sex development, including either of the following:

(1) an individual born with external biological sex characteristics that are ambiguous and the ambiguity is unresolvable, including an individual born with forty‑six XX chromosomes with virilization, forty‑six XY chromosomes with undervirilization, or having both ovarian and testicular tissue; or

(2) an individual whom a physician has otherwise diagnosed with a disorder of sexual development, in which the physician has determined through genetic or biochemical testing that the person does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female.

(C) A person who violates this section is guilty of a felony and, upon conviction, must be imprisoned not more than twenty years.

Section 44‑139‑30. A nurse, counselor, teacher, principal, or other administrative official at a public or private school attended by a minor is prohibited from doing either of the following:

(1) encouraging or coercing a minor to withhold from the minor’s parent or legal guardian the fact that the minor’s perception of the minor’s gender or sex is inconsistent with the minor’s sex; and

(2) withholding from a minor’s parent or legal guardian information related to a minor’s perception that the minor’s gender or sex is inconsistent with the minor’s sex.

Section 44‑139‑40. Nothing in this section may be construed to establish a new or separate standard of care for hospitals or physicians and their patients or otherwise modify, amend, or supersede any provision of Chapter 79, Title 15.”

SECTION 3. 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 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. This act takes effect thirty days after approval by the Governor.

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