

NO. 63

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

TUESDAY, AUGUST 30, 2022
(STATEWIDE SESSION)

Tuesday, August 30, 2022
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 1:00 p.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Lamentations 3:24: “The Lord is my portion, says my soul, therefore I will hope in Him.”

Let us pray. We give thanks to You, Heavenly Father, for the wonderful blessings that You give to us. Continue to send Your blessings to this Assembly, that these men and women may continue to provide good things for the people of South Carolina. Bless our World, Nation, President, State, Governor, Speaker, and Staff as they carry out the duties assigned to them. Look in favor upon our defenders of freedom and first responders. Provide for them every needful thing that will make our State a better place. Heal the wounds, those seen and those hidden, of our brave women and men. Lord, in Your mercy, hear our prayers. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Tuesday, June 28, the SPEAKER *PRO TEMPORE* ordered it confirmed.

MOTION ADOPTED

Rep. K. O. JOHNSON moved that when the House adjourns, it adjourn in memory of Dr. Rose H. Wilder, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for Representative Yow in the loss of his brother.

SILENT PRAYER

The House stood in silent prayer for the family and friends of Dr. Rose H. Wilder.

TUESDAY, AUGUST 30, 2022

SPEAKER IN CHAIR

REPORT OF STANDING COMMITTEE

Rep. MURPHY, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 5399 -- Reps. Lucas, G. M. Smith, McCravy, T. Moore, White, Ligon, Long, Gilliam, Chumley, Burns, Hardee, Bailey, J. E. Johnson, B. Newton, Hewitt, Bustos, Jordan, M. M. Smith, Davis, Hyde, Hixon, West, Hiott, Jones, Caskey, Fry, Thayer, Pope, Forrest, Oremus, Trantham, Bennett, McGarry, Felder, Allison, D. C. Moss, Brittain, Nutt, Haddon, Huggins, G. R. Smith, Magnuson, May, Wooten, B. Cox, Yow, Murphy, Crawford, Bryant and Robbins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-41-05 SO AS TO PROHIBIT ABORTIONS IN THE STATE OF SOUTH CAROLINA.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 5457 -- Reps. Bernstein, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robbins, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO HONOR AND CONGRATULATE BRIGADIER GENERAL PATRICK R. MICHAELIS, THE FIFTY-SECOND COMMANDING GENERAL

TUESDAY, AUGUST 30, 2022

OF FORT JACKSON AND THE U.S. ARMY TRAINING CENTER IN COLUMBIA, SOUTH CAROLINA, UPON HIS RETIREMENT AND TO WISH HIM CONTINUED SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5458 -- Reps. Brawley, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robbins, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE REVEREND DR. STANLEY R. FLOWERS, SENIOR PASTOR AT SAINT PHILLIP AFRICAN METHODIST EPISCOPAL CHURCH IN EASTOVER, UPON COMPLETION OF A DOCTORAL DEGREE IN MINISTERIAL LEADERSHIP AND TO EXPRESS DEEP APPRECIATION FOR HIS SIGNIFICANT PASTORAL LEADERSHIP TO HIS CONGREGATION.

The Resolution was adopted.

TUESDAY, AUGUST 30, 2022

HOUSE RESOLUTION

The following was introduced:

H. 5459 -- Reps. Caskey, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robbins, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE JEANNE LORICK BRUTSCHY AND KAREN LORICK BROACH, ALONG WITH THEIR FIFTEEN EMPLOYEES AND PARTNERS OF LORICK OFFICE PRODUCTS UPON THEIR EIGHTY-FIFTH ANNIVERSARY AS AN OUTSTANDING FAMILY BUSINESS SERVING COLUMBIA.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5460 -- Reps. Caskey, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones,

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Jordan, King, Kirby, Ligon, Long, Lowe, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robbins, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF BOBBY LUNN OF LEXINGTON COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5461 -- Reps. Govan, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robbins, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF WILLIE B. OWENS, SR., OF ORANGEBURG

TUESDAY, AUGUST 30, 2022

COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5462 -- Rep. King: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF ESTELLE ELIZABETH LAWSON AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5463 -- Rep. King: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF MARION LORRAINE WALKINE-MARTIN OF BUENA VISTA, FLORIDA, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5464 -- Reps. Felder, Bryant, King, Ligon, D. C. Moss, V. S. Moss, B. Newton, Pope and Simrill: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE ST. JOHN'S UNITED METHODIST CHURCH OF FORT MILL ON THE OCCASION OF ITS HISTORIC ONE HUNDRED FIFTIETH ANNIVERSARY AND

TUESDAY, AUGUST 30, 2022

TO COMMEND THE CHURCH FOR ITS MANY YEARS OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5465 -- Reps. Hosey, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robbins, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE UNION MISSIONARY BAPTIST CHURCH OF BARNWELL ON THE OCCASION OF ITS HISTORIC ONE HUNDRED TWENTY-NINTH ANNIVERSARY AND TO COMMEND THE CHURCH FOR MORE THAN A CENTURY AND A QUARTER OF SERVICE TO GOD AND THE COMMUNITY.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5466 -- Rep. McCravy: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR SONYA ERGLE, A FIRST GRADE TEACHER AT GREENWOOD CHRISTIAN SCHOOL, AND TO

TUESDAY, AUGUST 30, 2022

CONGRATULATE HER ON BEING NAMED GREENWOOD
CHRISTIAN SCHOOL TEACHER OF THE YEAR 2022.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5467 -- Rep. McCravy: A HOUSE RESOLUTION TO EXPRESS
PROFOUND SORROW OF THE MEMBERS OF THE SOUTH
CAROLINA HOUSE OF REPRESENTATIVES UPON THE
PASSING OF CHRISTOPHER GRADY REYNOLDS, SR., AND TO
EXTEND DEEPEST SYMPATHY TO HIS LOVING FAMILY AND
MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5468 -- Reps. Ott, Alexander, Allison, Anderson, Atkinson, Bailey,
Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley,
Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey,
Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox,
Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder,
Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan,
Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan,
Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins,
Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones,
Jordan, King, Kirby, Ligon, Long, Lowe, Magnuson, Matthews, May,
McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight,
J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, D. C. Moss,
V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus,
Parks, Pendarvis, Pope, Rivers, Robbins, Robinson, Rose, Rutherford,
Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis,
Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore,
Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten
and Yow: A HOUSE RESOLUTION TO CONGRATULATE THE
PASTOR AND CONGREGATION OF ST. PETER AFRICAN

TUESDAY, AUGUST 30, 2022

METHODIST EPISCOPAL CHURCH IN CALHOUN COUNTY,
UPON THE DEDICATION OF THEIR NEW SANCTUARY.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5469 -- Reps. Dillard, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, W. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robbins, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE DR. VARDREY E. FLEMING, SR., FOUNDER AND PASTOR OF BETHEL BIBLE MISSIONARY CHURCH, UPON THE OCCASION OF HIS RETIREMENT AFTER FIFTY-TWO YEARS OF EXEMPLARY MINISTRY, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5470 -- Rep. McDaniel: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF ELDER EVA MAE ASHFORD AND TO EXTEND

TUESDAY, AUGUST 30, 2022

THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 5471 -- Reps. W. Newton, Herbkersman, Alexander, Allison, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brittain, Bryant, Burns, Bustos, Calhoon, Carter, Caskey, Chumley, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Dabney, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Fry, Gagnon, Garvin, Gatch, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, K. O. Johnson, Jones, Jordan, King, Kirby, Ligon, Long, Lowe, Magnuson, Matthews, May, McCabe, McCravy, McDaniel, McGarry, McGinnis, McKnight, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, D. C. Moss, V. S. Moss, Murphy, Murray, B. Newton, Nutt, Oremus, Ott, Parks, Pendarvis, Pope, Rivers, Robbins, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE JEFF CONGDON, TONJA HUGHES, AND CORY HUGHES UPON THEIR ACQUISITION AND NEW OWNERSHIP OF THE BLUFFTON ROOM IN THE HEART OF OLD TOWN BLUFFTON.

The Resolution was adopted.

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

| | | |
|-----------|------------|-----------|
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bamberg |
| Bannister | Bernstein | Blackwell |
| Bradley | Brawley | Brittain |
| Bryant | Burns | Bustos |
| Calhoon | Carter | Caskey |

[HJ]

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| | | |
|---------------|---------------|-----------------|
| Chumley | Clyburn | Cobb-Hunter |
| Cogswell | Collins | B. Cox |
| Crawford | Dabney | Daning |
| Davis | Dillard | Elliott |
| Felder | Finlay | Forrest |
| Fry | Gagnon | Garvin |
| Gatch | Gilliam | Gilliard |
| Govan | Haddon | Hardee |
| Hart | Hayes | Henderson-Myers |
| Herbkersman | Hewitt | Hill |
| Hiott | Hixon | Hosey |
| Howard | Huggins | Hyde |
| Jefferson | J. E. Johnson | J. L. Johnson |
| K. O. Johnson | Jones | Jordan |
| King | Kirby | Ligon |
| Long | Lowe | Magnuson |
| Matthews | May | McCabe |
| McCravy | McDaniel | McGarry |
| McGinnis | J. Moore | T. Moore |
| A. M. Morgan | T. A. Morgan | D. C. Moss |
| V. S. Moss | B. Newton | W. Newton |
| Nutt | Oremus | Ott |
| Parks | Pendarvis | Pope |
| Rivers | Robbins | Robinson |
| Rose | Sandifer | Simrill |
| G. M. Smith | G. R. Smith | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thayer | Thigpen | Trantham |
| West | Wetmore | Wheeler |
| White | Whitmire | R. Williams |
| S. Williams | Willis | Wooten |

Total Present--111

LEAVE OF ABSENCE

The SPEAKER granted Rep. ERICKSON a leave of absence for the day due to family medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. MURPHY a leave of absence for the day due to medical reasons.

TUESDAY, AUGUST 30, 2022

LEAVE OF ABSENCE

The SPEAKER granted Rep. MURRAY a leave of absence for the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. BENNETT a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. RUTHERFORD a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. WEEKS a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. HENEGAN a leave of absence for the day.

LEAVE OF ABSENCE

The SPEAKER granted Rep. ALLISON a leave of absence for the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. W. COX a leave of absence for the day due to family medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. YOW a leave of absence for the day due to a death in the family.

LEAVE OF ABSENCE

The SPEAKER granted Rep. WEST a temporary leave of absence.

LEAVE OF ABSENCE

The SPEAKER granted Rep. V. S. MOSS a temporary leave of absence.

LEAVE OF ABSENCE

The SPEAKER granted Rep. SANDIFER a temporary leave of absence.

TUESDAY, AUGUST 30, 2022

CO-SPONSORS REMOVED

In accordance with House Rule 5.2 below:

“5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee.”

CO-SPONSOR REMOVED

Bill Number: H. 5399
Date: REMOVE:
08/30/22 SANDIFER

COMMUNICATION

The following was received:

South Carolina Senate
Office of the President

Columbia, S.C., August 23, 2022
The Honorable G. Murrell Smith
Speaker of the House of Representatives
Columbia, South Carolina 29201

Dear Mr. Speaker:

I am transmitting the below appointments for the State Ethics Commission on behalf of the Senate in accordance with §8-13-310. This appointment is made with advice and consent of the General Assembly and is therefore submitted for your consideration.

TUESDAY, AUGUST 30, 2022

STATE ETHICS COMMISSION

Term Commencing: 03/31/2022

Term Expiring: 04/1/2027

Seat: Senate - Minority

Vice: Donald Gist

Mr. Bryant Caldwell

Womble Bond Dickinson

1221 Main Street, Suite 1600

Columbia, South Carolina 29201

Respectfully submitted on behalf of the Senate,

Thomas C. Alexander

President

Referred to House Ethics Committee

HOUSE RESOLUTION

The following was introduced:

H. 5472 -- Rules Committee: A HOUSE RESOLUTION TO SET BY SPECIAL ORDER H. 5399, THE BILL RELATING TO THE PROHIBITION OF ABORTION, FOR SECOND READING ON TUESDAY, AUGUST 30, 2022, IMMEDIATELY UPON ADOPTION OF THE SPECIAL ORDER RESOLUTION, AND TO PROVIDE FOLLOWING THE ROLL CALL ON EACH LEGISLATIVE DAY THEREAFTER, FOR THE CONTINUING SPECIAL ORDER CONSIDERATION UNTIL H. 5399 IS GIVEN THIRD READING OR OTHER DISPOSITION.

Rep. THAYER explained the Resolution.

The Resolution was adopted.

H. 5399--AMENDED AND INTERRUPTED DEBATE

The following Bill was taken up:

H. 5399 -- Reps. Lucas, G. M. Smith, McCravy, T. Moore, White, Ligon, Long, Gilliam, Chumley, Burns, Hardee, Bailey, J. E. Johnson, B. Newton, Hewitt, Bustos, Jordan, M. M. Smith, Davis, Hyde, Hixon, West, Hiott, Jones, Caskey, Fry, Thayer, Pope, Forrest, Oremus,

[HJ]

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Trantham, Bennett, McGarry, Felder, Allison, D. C. Moss, Brittain, Nutt, Haddon, Huggins, G. R. Smith, Magnuson, May, Wooten, B. Cox, Yow, Murphy, Crawford, Bryant and Robbins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-41-05 SO AS TO PROHIBIT ABORTIONS IN THE STATE OF SOUTH CAROLINA.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 5399 (COUNCIL\VR\5399C003.CC.VR22), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act may be cited and shall be known as the “South Carolina Human Life Protection Act”.

SECTION 2. The General Assembly hereby finds all of the following:

(1) All human beings are created equal, and endowed by their Creator with certain unalienable rights, the foremost of which is the right to life.

(2) Section 3, Article I 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 a preborn child is deserving of that protection.

(3) In the exercise of its constitutional duties and powers, the South Carolina General Assembly has a fundamental duty to provide equal protection for the life, health, and welfare of all persons, including preborn children from conception.

(4) It is undisputed that the life of every human being begins at conception.

(5) South Carolina maintains a fundamental interest in protecting the life of every human being from conception.

SECTION 3. Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Article 7

South Carolina Human Life Protection Act

Section 44-41-810. For purposes of this article:

(1) ‘Abortion’ means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn human being. Such

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use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of the preborn human being, or to remove a dead unborn human being.

(2) 'Contraceptive' means a drug, device, or chemical that prevents conception.

(3) 'Female' means a biological female as assigned at the time of birth or an intersexed person capable of producing an ovum at birth.

(4) 'Physician' means any person licensed to practice medicine and surgery, or osteopathic medicine and surgery, in this State.

(5) 'Pregnant woman' means the human biological female reproductive condition of having a living unborn child within her body, whether or not she has reached the age of majority.

(6) 'Reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(7) 'Unborn human being' or 'unborn child' or 'preborn child' or 'preborn human being' or 'fetus' each mean an individual organism of the species homo sapiens from conception until live birth.

Section 44-41-820. (A) No person may knowingly administer to, prescribe for, procure for, pay for, or sell to any pregnant woman any medicine, drug, or other substance with the specific intent of causing or abetting an abortion.

(B) No person may knowingly use or employ any instrument, device, means, or procedure upon a pregnant woman with the specific intent of causing or abetting an abortion.

Section 44-41-830. (A) It is not a violation of Section 44-41-820 for a licensed physician to perform a medical procedure necessary in reasonable medical judgment to prevent:

(1) the death of the pregnant woman;

(2) a substantial risk of death for the pregnant woman because of a physical condition; or

(3) the substantial and irreversible physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions.

However, the physician shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman's unborn child, to the extent it does not substantially risk the death or physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions and in a manner consistent with reasonable medical practice. A medical procedure shall

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not be considered necessary if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial and irreversible physical impairment of a major bodily function.

(B) A physician who performs a medical procedure as described in subsection (A) shall declare, in a written document, that the medical procedure was necessary, by reasonable medical judgment, to prevent the death of the pregnant woman, to prevent a substantial risk of death for the pregnant woman because of a physical condition, or to prevent the substantial risk of a substantial and irreversible physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions. In the document, the physician shall specify the pregnant woman's medical condition that the medical procedure was asserted to address and the medical rationale for the physician's conclusion that the medical procedure was necessary to prevent the death of the pregnant woman, to prevent a substantial risk of death for the pregnant woman because of a physical condition, or to prevent the serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman and that all reasonable efforts were made to save the fetus in the event it was living and in utero. Such documentation must be included in the woman's medical records within thirty days from the date of the procedure. The physician's determination is prima facie evidence for a permitted abortion within the applicable standard of care.

(C) It is presumed that the following medical conditions constitute a substantial risk of death or substantial risk of a substantial and irreversible physical impairment of a major bodily function of a pregnant woman: molar pregnancy, partial molar pregnancy, blighted ovum, ectopic pregnancy, severe preeclampsia, HELLP syndrome, abruptio placentae, severe physical maternal trauma, uterine rupture, intrauterine fetal demise, and miscarriage. However, when an unborn child is alive in utero, the physician must make all reasonable efforts to deliver and save the life of an unborn child during the process of separating the unborn child from the pregnant woman, to the extent it does not adversely affect the life or physical health of the pregnant woman, and in a manner consistent with reasonable medical practice. The enumeration of the medical conditions in this subsection is not intended to exclude or abrogate other conditions that satisfy the exclusions of subsection (A) or prevent other procedures that are not included in the definition of abortion in Section 44-41-810.

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(D) Medical treatment provided to the pregnant woman by a licensed physician which results in the accidental or unintentional injury to or the death of her unborn child is not a violation of Section 44-41-820.

(E) It is not a violation of Section 44-41-820, and nothing in this article may be construed to prohibit the use, sale, prescription, or administration of a contraceptive measure, drug, chemical, or device if the contraceptive measure, drug, chemical, or device is used, sold, prescribed, or administered in accordance with manufacturer instructions and is not used, sold, prescribed, or administered to cause or induce an abortion of a clinically diagnosable pregnancy.

(F) Nothing in this article shall be construed to prohibit in vitro fertilization or assisted reproductive technology procedures accepted as standard of care by the reproductive medical community. No part of the in vitro fertilization procedures or assisted reproductive procedures considered normal standard of care will be considered an abortion procedure. Notwithstanding the above, the practice of 'selective reduction,' (defined as a procedure to stop the development of one or more fetuses in utero) shall constitute an abortion in violation of Section 44-41-820, above, except, when necessary, in reasonable medical judgment, to prevent a substantial risk of death for another fetus, or the substantial and irreversible physical impairment of a major bodily function of another fetus.

Section 44-41-840. (A) A person who violates Section 44-41-820 is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

(B) Any person who uses force or the threat of force to intentionally injure or intimidate any person, for the purpose of coercing an abortion in violation of Section 44-41-820 is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

(C) Notwithstanding the provisions of Section 44-41-830, any person who is not a physician licensed in this State, who prescribes any means of abortion as defined in this article, for the purpose of facilitating an abortion inside the borders of this State, violates Section 44-41-820, is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

Section 44-41-850. (A) In addition to whatever remedies are available under the common or statutory law of this State, failure to comply with the requirements of this article shall provide the basis for a civil action as described in this section.

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(B) Any pregnant woman upon whom an abortion has been performed, induced, or coerced in violation of this article, the father of the unborn child who was the subject of such an abortion, or the maternal and paternal aunt, uncle, or grandparent of the unborn child may maintain an action against the person or persons who violated this article for actual and punitive damages. In addition to all other damages, and separate and distinct from all other damages, each plaintiff is entitled to statutory damages of ten thousand dollars for each violation of this article to be imposed on each defendant of each such violation.

(C) A separate and distinct cause of action for injunctive relief against any person or persons who have violated this article may be maintained by:

(1) the woman upon whom an abortion was performed or induced in violation of this article;

(2) the parent or guardian of the pregnant woman if the woman had not attained the age of eighteen years at the time of the abortion or has died as a result of the abortion;

(3) a solicitor or prosecuting attorney with proper jurisdiction;
or

(4) the Attorney General.

The injunction prevents the person or persons who violated the article from further violation of this article in this State.

(D) If judgment is rendered in favor of the plaintiff(s) in an action described in this section, the court also shall render judgment for reasonable costs and attorney's fees in favor of the plaintiff(s) against the defendant(s).

(E) No damages, costs, or attorney's fee may be assessed against the woman upon whom an abortion was performed or induced.

(F) In no case may civil damages be awarded to any plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

(G) A civil cause of action under this section must be brought within three years from the date of the abortion and is not subject to the limitations and requirements of Chapter 79, Title 15.

Section 44-41-860. A pregnant woman on whom an abortion is performed or induced in violation of this article may not be criminally prosecuted for violating any of the provisions of this article or for attempting to commit, conspiring to commit, or acting complicitly in committing a violation of any of the provisions of the article and is not subject to a civil or criminal penalty based on the abortion being performed or induced in violation of any of the provisions of this article.

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Section 44-41-870. In addition to any other penalties imposed by law, a physician or any other professionally licensed person who intentionally, knowingly, or recklessly violates the prohibition in Section 44-41-820 commits an act of unprofessional conduct and the person's license to practice in the State of South Carolina immediately shall be revoked by the State Board of Medical Examiners for South Carolina, after due process according to the rules and procedures of the State Board of Medical Examiners. A complaint may be originated by any person or sua sponte. In addition, the State Board of Medical Examiners may assess costs of the investigation, fines, and other disciplinary actions it may deem appropriate.

Section 44-41-880. In every civil or criminal proceeding or action brought under this article, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or induced shall be preserved from public disclosure if the woman does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that the woman's anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or induced, anyone, other than a public official, who brings an action pursuant to Section 44-41-820 shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant.

Section 44-41-890. This article must not be construed to repeal, by implication or otherwise, Sections 44-41-630 through 650, 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article. If some

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or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.”

SECTION 4. The South Carolina House of Representatives, the South Carolina Senate, the South Carolina Governor and/or the South Carolina Attorney General may intervene as a matter of right in any case in which the constitutionality or enforceability of any SECTION of this act is challenged. The General Assembly may appoint one or more of its members to intervene as a matter of right in any case in which the constitutionality or enforceability of any SECTION of this act is challenged.

SECTION 5. 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 6. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Rep. MCCRAVY explained the amendment.
Rep. MCCRAVY spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 64; Nays 35

Those who voted in the affirmative are:

| | | |
|-----------|------------|-----------|
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Brittain |

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| | | |
|---------------|--------------|--------------|
| Bryant | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chumley | B. Cox | Crawford |
| Dabney | Danig | Davis |
| Elliott | Felder | Forrest |
| Fry | Gagnon | Gilliam |
| Haddon | Hardee | Hayes |
| Herbkersman | Hewitt | Hiott |
| Hixon | Huggins | Hyde |
| J. E. Johnson | Jones | Jordan |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McGarry | McGinnis |
| T. Moore | A. M. Morgan | T. A. Morgan |
| D. C. Moss | B. Newton | W. Newton |
| Nutt | Oremus | Pope |
| Robbins | G. M. Smith | G. R. Smith |
| M. M. Smith | Taylor | Thayer |
| Trantham | Whitmire | Willis |
| Wooten | | |

Total--64

Those who voted in the negative are:

| | | |
|-----------------|---------------|---------------|
| Alexander | Bamberg | Bernstein |
| Brawley | Clyburn | Cobb-Hunter |
| Cogswell | Dillard | Garvin |
| Gatch | Gilliard | Govan |
| Henderson-Myers | Hosey | Howard |
| Jefferson | J. L. Johnson | K. O. Johnson |
| King | Kirby | Matthews |
| McDaniel | Ott | Pendarvis |
| Rivers | Robinson | Rose |
| Stavrinakis | Tedder | Thigpen |
| Wetmore | Wheeler | White |
| R. Williams | S. Williams | |

Total--35

So, the amendment was adopted.

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Rep. MCCRAVY proposed the following Amendment No. 2 to H. 5399 (COUNCIL\VR\5399C025.CC.VR22), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Sections 44-41-820 and 44-41-830(A)-(C) and inserting:

/ Section 44-41-820. (A) No person may knowingly administer to, prescribe for, procure for, or sell to any pregnant woman any medicine, drug, or other substance with the specific intent of causing an abortion.

(B) No person may knowingly use or employ any instrument, device, means, or procedure upon a pregnant woman with the specific intent of causing an abortion.

Section 44-41-830. (A) It is not a violation of Section 44-41-820 for a licensed physician to perform a medical procedure necessary in reasonable medical judgment to prevent:

- (1) the death of the pregnant woman;
- (2) a substantial risk of death for the pregnant woman because of a physical condition; or
- (3) the substantial physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions.

However, the physician shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman's unborn child, to the extent it does not substantially risk the death or physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions and in a manner consistent with reasonable medical practice. A medical procedure shall not be considered necessary if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial physical impairment of a major bodily function.

(B) A physician who performs a medical procedure as described in subsection (A) shall declare, in a written document, that the medical procedure was necessary, by reasonable medical judgment, to prevent the death of the pregnant woman, to prevent a substantial risk of death for the pregnant woman because of a physical condition, or to prevent the substantial risk of a substantial physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions. In the document, the physician shall specify the pregnant woman's medical condition that the medical procedure was asserted to address and the medical rationale for the physician's conclusion that the medical procedure was necessary to prevent the death of the pregnant woman, to prevent a substantial risk of death for the

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pregnant woman because of a physical condition, or to prevent the serious risk of a substantial impairment of a major bodily function of the pregnant woman and that all reasonable efforts were made to save the fetus in the event it was living and in utero. Such documentation must be included in the woman's medical records within thirty days from the date of the procedure. The physician's exercise of reasonable medical judgement for a permitted medical procedure is presumed within the applicable standard of care.

(C) It is presumed that the following medical conditions constitute a substantial risk of death or substantial risk of a substantial physical impairment of a major bodily function of a pregnant woman: molar pregnancy, partial molar pregnancy, blighted ovum, ectopic pregnancy, severe preeclampsia, HELLP syndrome, abruptio placentae, severe physical maternal trauma, uterine rupture, intrauterine fetal demise, and miscarriage. However, when an unborn child is alive in utero, the physician must make all reasonable efforts to deliver and save the life of an unborn child during the process of separating the unborn child from the pregnant woman, to the extent it does not adversely affect the life or physical health of the pregnant woman, and in a manner consistent with reasonable medical practice. The enumeration of the medical conditions in this subsection is not intended to exclude or abrogate other conditions that satisfy the exclusions of subsection (A) or prevent other procedures that are not included in the definition of abortion in Section 44-41-810.

/

Amend the bill further, SECTION 3, by striking Section 44-41-850(B) and inserting:

/ (B) Any pregnant woman upon whom an abortion has been performed, induced, or coerced in violation of this article may maintain an action against the person or persons who violated this article for actual and punitive damages. In addition to all other damages, and separate and distinct from all other damages, each plaintiff is entitled to statutory damages of ten thousand dollars for each violation of this article to be imposed on each defendant of each such violation. /

Amend the bill further, SECTION 3, by striking Section 44-41-890 and inserting:

/ Section 44-41-890. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or

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dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.” /

Renumber sections to conform.

Amend title to conform.

Rep. MCCRAVY explained the amendment.

The question then recurred to the adoption of the amendment.

Rep. KING demanded the yeas and nays which were taken, resulting as follows:

Yeas 65; Nays 36

Those who voted in the affirmative are:

| | | |
|--------------|---------------|--------------|
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Bryant |
| Burns | Calhoon | Carter |
| Caskey | Chumley | Collins |
| B. Cox | Crawford | Dabney |
| Daning | Davis | Elliott |
| Felder | Forrest | Fry |
| Gagnon | Gatch | Gilliam |
| Haddon | Hardee | Hayes |
| Herbkersman | Hewitt | Hill |
| Hiott | Hixon | Huggins |
| Hyde | J. E. Johnson | Jones |
| Jordan | Ligon | Long |
| Lowe | Magnuson | May |
| McCabe | McCravy | McGarry |
| McGinnis | T. Moore | A. M. Morgan |
| T. A. Morgan | D. C. Moss | B. Newton |
| W. Newton | Nutt | Oremus |
| Pope | Robbins | G. M. Smith |
| G. R. Smith | M. M. Smith | Taylor |
| Thayer | Trantham | Whitmire |
| Willis | Wooten | |

Total--65

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Those who voted in the negative are:

| | | |
|---------------|-----------------|---------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Bustos |
| Clyburn | Cobb-Hunter | Cogswell |
| Dillard | Garvin | Gilliard |
| Govan | Henderson-Myers | Hosey |
| Howard | Jefferson | J. L. Johnson |
| K. O. Johnson | King | Kirby |
| Matthews | McDaniel | Ott |
| Pendarvis | Rivers | Robinson |
| Rose | Stavrinakis | Tedder |
| Thigpen | Wetmore | Wheeler |
| White | R. Williams | S. Williams |

Total--36

So, the amendment was adopted.

SPEAKER PRO TEMPORE IN CHAIR

Reps. WOOTEN, W. NEWTON, HIXON, COLLINS, FORREST, COGSWELL, TAYLOR, BLACKWELL, BRADLEY, D.C. MOSS, CASKEY, BAILEY, BRYANT, HYDE and BALLENTINE proposed the following Amendment No. 3 to H. 5399 (COUNCIL\VR\5399C031. CC.VR22), which was rejected:

Amend the bill, as and if amended, SECTION 3, by adding:

/ Section 44-41-825. Notwithstanding another provision of law, a physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman if the pregnancy is the result of rape or incest, and the probable post-fertilization age of the fetus is fewer than twenty weeks. /

Renumber sections to conform.

Amend title to conform.

Rep. WOOTEN explained the amendment.

Rep. MAGNUSON spoke against the amendment.

Rep. HILL spoke against the amendment.

The question then recurred to the adoption of the amendment.

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Rep. KING demanded the yeas and nays which were taken, resulting as follows:

Yeas 25; Nays 75

Those who voted in the affirmative are:

| | | |
|-----------|------------|------------|
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Brittain |
| Bryant | Bustos | Carter |
| Caskey | Cogswell | Collins |
| Felder | Finlay | Forrest |
| Gatch | Hixon | Hyde |
| Lowe | McGinnis | D. C. Moss |
| W. Newton | Taylor | White |
| Wooten | | |

Total--25

Those who voted in the negative are:

| | | |
|-----------------|---------------|---------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Burns | Chumley |
| Clyburn | Cobb-Hunter | B. Cox |
| Crawford | Dabney | Daning |
| Davis | Dillard | Elliott |
| Gagnon | Garvin | Gilliam |
| Gilliard | Govan | Haddon |
| Hardee | Hart | Hayes |
| Henderson-Myers | Herbkersman | Hill |
| Hiott | Hosey | Howard |
| Jefferson | J. E. Johnson | J. L. Johnson |
| K. O. Johnson | Jones | Jordan |
| King | Kirby | Ligon |
| Long | Magnuson | Matthews |
| May | McCabe | McCravy |
| McGarry | J. Moore | T. Moore |
| A. M. Morgan | T. A. Morgan | B. Newton |
| Nutt | Oremus | Ott |
| Pendarvis | Pope | Rivers |
| Robbins | Robinson | Rose |
| G. M. Smith | G. R. Smith | M. M. Smith |
| Stavrinakis | Tedder | Thayer |
| Thigpen | Trantham | West |

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Wetmore
R. Williams

Wheeler
S. Williams

Whitmire
Willis

Total--75

So, the amendment was rejected.

Reps. WETMORE, ALEXANDER, ANDERSON, BAMBERG, BERNSTEIN, BRAWLEY, CLYBURN, COBB-HUNTER, DILLARD, GARVIN, GILLIARD, GOVAN, HART, HENDERSON-MYERS, HENEGAN, HOWARD, J.L. JOHNSON, K.O. JOHNSON, KING, KIRBY, MATTHEWS, J. MOORE, PARKS, PENDARVIS, RIVERS, ROBINSON, ROSE, RUTHERFORD, STAVRINAKIS, TEDDER, THIGPEN, R. WILLIAMS and S. WILLIAMS proposed the following Amendment No. 4 to H. 5399 (COUNCIL\VR\5399C024.CC.VR22), which was rejected:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act may be known and cited as the “Reproductive Health Rights Act”.

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

“CHAPTER 140
Reproductive Health Rights
Article 1

Definitions

Section 44-140-10. For the purposes of this chapter:

(1) ‘Abortion’ means the use of an instrument, medicine, drug, or other substance or device with 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) ‘Abortion-inducing drugs’ means a medicine, drug, or any other substance prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman, with knowledge that the termination will with reasonable likelihood cause the death of the unborn child. This includes off-label use of drugs known to have abortion-inducing properties, which are prescribed specifically with the intent of causing an abortion, such as misoprostol (Cytotec) and methotrexate. This definition does not apply to drugs that may be known to cause an abortion but which are prescribed for other medical indications including, but not limited to, chemotherapeutic agents or

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diagnostic drugs. Use of such drugs to induce abortion is also known as ‘medical’, ‘drug-induced.’

(3) ‘Assistive reproductive technologies’ means treatments or procedures that involve the handling of human egg, sperm, and embryo outside the body with the intent of facilitating a pregnancy. Assistive reproductive technologies include, but are not limited to, in vitro fertilization, egg, embryo, or sperm cryopreservation, egg or embryo donation, and gestational surrogacy.

(4) ‘Contraceptive’ means any drug, device, medication, or method used to prevent pregnancy. A contraceptive may prevent ovulation, fertilization, or implantation in the uterus.

(5) ‘Department’ means the Department of Health and Environmental Control.

(6) ‘Emergency contraception’ means a form of contraception that is effective if administered within a specified period of time after sexual intercourse.

(7) ‘Hospital’ means those institutions licensed for hospital operation by the department in accordance with Article 3, Chapter 7 of this title and which have also been certified by the department to be suitable facilities for the performance of abortions.

(8) ‘Infertility’ means the inability to establish pregnancy after twelve months of regular, unprotected sexual intercourse; or a person’s incapacity for reproduction either as an individual or with his partner, which may be determined after a period of less than twelve months of regular, unprotected sexual intercourse, or based on medical, sexual, and reproductive history, age, physical findings, or diagnostic testing.

(9) ‘Pregnant’ means the condition of a woman carrying a developing embryo or fetus within her body. Pregnancy does not begin until a zygote is implanted in the uterine wall.

(10) ‘Spontaneous abortion’ means a noninduced embryonic or fetal death or passage of products of conception before twenty weeks gestation.

(11) ‘Viability’ means the state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life-supportive systems. A legal presumption is hereby created that viability occurs no sooner than the twenty-fourth week of pregnancy, recognizing that some pregnancies may never become viable.

Article 3 Abortions Generally

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Section 44-140-310. An abortion may be performed or induced by a physician on a woman with her consent prior to the viability of her fetus. The decision to have an abortion prior to the viability of her fetus shall be solely that of the pregnant woman in consultation with her physician.

Section 44-140-320. An abortion may be performed or induced by a physician after a fetus reaches viability only with a pregnant woman's consent and only when the:

- (1) abortion is necessary based upon her physician's best medical judgment to preserve the life or health of the woman;
- (2) pregnancy was the result of rape;
- (3) pregnancy was the result of incest; or
- (4) abortion is necessary based upon a fetal diagnosis that is incompatible with life.

Section 44-140-330. A physician practicing telemedicine in accordance with the requirements contained in Section 40-47-37 may prescribe abortion-inducing drugs.

Section 44-140-340. A pregnant woman may not be kept alive by artificial methods in order to carry a pregnancy to term without her consent. In the event of incapacity, a pregnant woman may not be kept alive by artificial methods in order to carry a pregnancy to term without the consent of her medical power of attorney, next of kin, or immediate family members, in that order of priority.

Section 44-140-350. No person may seize any blood, DNA, medical waste, or anything related to an abortion in order to be used in prosecuting an allegation of rape or incest without the written consent of the woman upon whom the abortion was performed or induced. In the event that the woman upon whom the abortion was performed was a minor, consent must be obtained from one of her parents or legal guardian who is not alleged to have committed the rape or incest that resulted in the pregnancy.

Section 44-140-360. (A) No private or nongovernmental hospital or clinic shall be required to admit any patient for the purpose of performing or inducing an abortion, nor shall such institutions be required to permit their facilities to be utilized to perform or induce abortions. No cause of action shall arise against any such hospital or clinic for refusal to perform or induce or to allow the performance or induction of an abortion if the institution has adopted a policy to not admit patients for the purpose of performing or inducing abortions; provided that no hospital or clinic shall refuse an emergency admittance.

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(B)(1) No physician, nurse, technician, or other employee of a hospital, clinic, or physician shall be required to recommend, perform, induce, or assist in the performance or induction of an abortion if he advises the hospital, clinic, or employing physician in writing that he objects to performing, inducing, assisting, or otherwise participating in such procedures. Such notice will suffice without specification of the reason therefor.

(2) No physician, nurse, technician, or other person who refuses to perform, induce, or assist in the performance or induction of an abortion shall be liable to any person for damages allegedly arising from such refusal.

(3) No physician, nurse, technician or other person who refuses to perform, induce, assist in the performance or induction of an abortion shall because of that refusal be dismissed, suspended, demoted, or otherwise disciplined or discriminated against by the hospital or clinic with which he is affiliated or by which he is employed. A civil action for damages or reinstatement of employment, or both, may be prosecuted by any person whose employment or affiliation with a hospital or clinic has been altered or terminated in violation of this chapter; provided that no physician, nurse, technician, or other person may refuse to provide care in a medical emergency.

(4) Any physician who performs an abortion shall also provide, for proper compensation, necessary aftercare for his patient unless released by the patient in writing. The extent of aftercare required shall be that care customarily provided by physicians in such cases in accordance with accepted medical practice.

(C) A private or nongovernmental hospital or clinic, or a physician, nurse, technician, or other person who refuses to provide emergency contraception to a rape victim must inform the rape victim as soon as practicable of her right to emergency contraception and where she can obtain emergency contraception, including a referral to another medical facility or physician.

Section 44-140-370. Any abortion performed or induced in this State must be reported by the performing physician on the standard form for reporting abortions to the State Registrar, Department of Health and Environmental Control, within seven days after the abortion is performed or induced. The names of the patient and physician may not be reported on the form or otherwise disclosed to the State Registrar. The form must indicate from whom consent was obtained, circumstances waiving consent, and, if an exception was exercised pursuant to Section

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44-140-320, which exception the physician relied upon in performing or inducing the abortion.

Section 44-140-380. (A)(1) The department shall promulgate and enforce regulations for the certification of hospitals as defined in Section 44-140-10 as suitable facilities for the performance of abortions.

(2) The department shall promulgate and enforce regulations for the licensing and certification of facilities other than hospitals as defined in Section 44-140-10(7) wherein abortions are to be performed or induced.

(B)(1) A facility in which five or more abortions are performed or induced in a month must be licensed by the department to operate as an abortion clinic.

(2) The department shall promulgate regulations concerning sanitation, housekeeping, maintenance, staff qualifications, emergency equipment and procedures to provide emergency care, medical records and reports, laboratory, procedure and recovery rooms, physical plant, quality assurance, infection control, and information on and access to patient follow-up care necessary to carry out the purposes of this section.

Section 44-140-390. (A) A pregnant woman who is experiencing or has experienced a miscarriage or spontaneous abortion is immune from all legal action, including police investigation and prosecution.

(B) Physicians are authorized to treat a woman experiencing a spontaneous abortion or miscarriage or who has already experienced a spontaneous abortion or miscarriage with any medical procedure or pharmaceutical deemed by medical professionals to be the appropriate standard of care.

(C) Pharmacists are authorized to dispense medication known to induce abortions for the treatment of miscarriage or spontaneous abortion.

Section 44-140-400. All medical schools in this State must include training on miscarriage and spontaneous abortion management in their required instruction of students who will provide reproductive care to women.

Section 44-140-410. It is unlawful to deceive, or attempt to deceive, a woman, regardless of whether the woman is pregnant, by providing her with false or misleading information concerning the gestational age of her fetus, her due date, how much time she has to make a decision concerning an abortion, or any other false or misleading information that may impact a woman's decision concerning her pregnancy and whether to have an abortion. A person who violates this

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section is guilty of a felony, and, upon conviction, must be fined up to ten thousand dollars or imprisoned for up to five years, or both.

Section 44-140-420. The General Assembly may not appropriate funds or otherwise commit resources to crisis pregnancy centers or any other facility that inaccurately presents itself as a health care facility.

Section 44-140-430. All data related to a woman's fertility, including data related to tracking menstrual cycles must:

- (1) remain confidential and may not be released to anyone without the woman's prior written consent; and
- (2) not be used as evidence in any prosecution of the woman.

Article 5

Abortions on Minors

Section 44-140-510. (A) No person may perform an abortion upon a minor unless consent is obtained in accordance with one of the following provisions:

(1) the attending physician or his agent or the referring physician or his agent has secured the informed written consent, signed and witnessed, of the pregnant minor and:

- (a) one parent of the minor; or
- (b) a legal guardian of the minor; or
- (c) a grandparent of the minor; or
- (d) any person who has been standing in loco parentis to the minor for a period not less than sixty days;

(2) the minor is emancipated and the attending physician or his agent has received the informed signed written consent of the minor; or

(3) the attending physician or his agent has obtained the informed signed written consent of the minor and has received the order of the court obtained by the minor pursuant to this chapter.

(B) If a parent or legal guardian refuses to give the informed written consent for the minor's abortion and there has been a judicial finding of refusal of consent, and the minor has a child or children as a result of that pregnancy, the duty imposed by law of supporting the child or children extends to the minor and jointly and severally to the refusing parent or legal guardian and the natural father until the minor reaches the age of eighteen years or is emancipated.

(C) Any person standing in loco parentis and who consents to the abortion of the minor as permitted in subsection (A)(1) shall sign an affidavit indicating the nature and length of his or her relationship with the minor. The affidavit must state the penalties for wilfully or knowingly making a false representation. Anyone who knowingly or wilfully makes a false representation in the affidavit shall be guilty of a

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misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than one year.

Section 44-140-520. Every minor has the right to petition the court for an order granting her the right to obtain an abortion without the consent. In seeking this relief the following procedures apply:

(1) The minor may prepare and file a petition in either the circuit or family court. The petition may be filed in the name of Jane Doe to protect the anonymity of the minor.

(2) The Adoption and Birth Parent Services Division of the Department of Social Services, upon request of the minor, must provide assistance to the minor in preparing and filing the petition. Preparation and filing of the petition must be completed within forty-eight hours after the request. The Department of Social Services shall promulgate regulations establishing the procedures to be followed in providing this assistance.

(3) Upon the filing of the petition, the court shall appoint a guardian ad litem for the minor, taking into consideration the preference of the minor. The minor may participate in court proceedings on her own behalf, but the court shall advise her that she has a right to court-appointed counsel and shall provide her with counsel upon her request.

(4) All proceedings pursuant to this section must be given precedence over other matters pending before the court.

(5) The court shall hold a hearing and rule on the merits of the petition within seventy-two hours of the filing of the petition. This time may be extended upon the request of the minor. The court shall consider the emotional and physical development, maturity, intellect, and understanding of the minor; the nature and possible consequences of the abortion and of the alternatives to the abortion; and other evidence that the court may find useful in determining whether the minor should be granted the right on her own behalf to consent to the abortion or whether the abortion is in the best interest of the minor. The court shall weigh this against the ability of the minor to provide and care for a child. The court also shall consider the risks of an abortion versus the risks of pregnancy, including the maternal and infant mortality rates in this State.

Section 44-140-530. (A) The court shall enter a written order stating findings of fact and conclusions of law in support of its decision to:

(1) grant the minor the right on her own behalf to consent to the abortion if the court finds that the minor is mature and well-informed enough to make the abortion decision on her own;

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(2) grant consent for the abortion if the court finds that the performance of the abortion would be in the minor's best interest; or

(3) deny the petition if the court finds that the minor is immature and that performance of the abortion would not be in the minor's best interest. If the father of the child born after the denial of the petition is identified by adjudication, he shall share in the expenses of the delivery and rearing of the child as determined by the court. Orders issued under this item shall specify that the minor shall have the right to counseling services, appropriate prenatal care, delivery, neonatal, and postnatal care, the cost of which may be paid by the State. Additionally, the State shall have subrogation rights against the father for payments made by the State on behalf of the child.

(B) The court shall immediately issue a written order to the minor, her guardian ad litem, attorney, or other person designated by the minor to receive notice on her behalf.

Section 44-140-540. (A) A minor has the right to appeal to the Supreme Court a decision rendered pursuant to Section 44-140-530. She is entitled to an anonymous and expeditious appellate review which takes precedence over other matters pending before the court.

(B) A minor who declares she has insufficient funds to pursue the procedures provided in this section or in Section 44-140-520 must not be required to pay the costs associated with these procedures.

(C) The notice of intent to appeal must be filed with the court issuing the order within seventy-two hours from the date the order is received. The record on appeal must be completed and the appeal must be perfected within ten days from the filing of the notice of intent to appeal. These filing requirements are not considered jurisdictional and may be extended by the Supreme Court upon request of the minor for good cause shown.

(D) All hearings conducted under this section and Section 44-140-520 must be closed to the public. All records related to these sections and Section 44-140-520 are not open to public examination and must be sealed by the court.

(E) The Supreme Court shall adopt rules governing the administration of the courts or practice and procedure before such courts necessary to carry out the provisions of this section and Sections 44-140-520 and 44-140-530.

Section 44-140-550. Failure to obtain required consent constitutes prima facie evidence of interference with family relations in appropriate civil actions. The law of this State does not preclude the award of exemplary damages in an appropriate civil action relevant to violations

concerning a minor. Nothing in this chapter may be construed to limit the common law rights of parents.

Section 44-140-560. (A) A person who intentionally performs an abortion with knowledge that, or with reckless disregard as to whether, the person upon whom the abortion is to be performed is an unemancipated minor, and who intentionally or knowingly fails to conform to any requirement in this article is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars or imprisoned for not more than three years, or both. No part of the minimum fine may be suspended. For conviction of a second or subsequent offense, the sentence must be imprisonment for not less than sixty days nor more than three years, none of which may be suspended.

(B) A physician or any person employed or connected with a physician, hospital, or health care facility performing abortions who acts in good faith is justified in relying on the representations of the unemancipated minor or of any other person providing the information required under this chapter. A physician or other person who furnishes professional services related to an act authorized or required by this chapter and who relies upon the information furnished pursuant to this chapter may not be held to have violated any criminal law or to be civilly liable for the reliance, provided that the physician or other person acted in good faith.

Section 44-140-570. (A) A physician or other professional person or agency counseling or discussing with a minor the question of her obtaining an abortion shall fully inform her of the procedures she must follow under law to obtain an abortion without the required consent.

(B) The Adoption and Birth Parent Services Division of the Department of Social Services shall develop and distribute brochures to health and education professionals for use in counseling pregnant minors. This brochure shall include the following:

- (1) how to access her local health department for prenatal care;
- (2) how to access her local Adoption and Birth Parent Services Division of the Department of Social Services or any private not-for-profit adoption service;
- (3) the parental consent requirement as outlined in this bill;
- (4) the judicial by-pass procedure as provided in this article; and
- (5) how to access her local mental health center for counseling services.

Article 7

Assistive Reproductive Technologies and Contraceptives

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Section 44-140-710. It is the public policy of this State to protect and promote equitable access to the full range of assistive reproductive technologies. Any undue burden placed on a person seeking to utilize assistive reproductive technologies is a violation of this section.

Section 44-140-720. Practitioners of assistive reproductive technologies are not required to preserve eggs or sperm. However, a patient, after consultation with her practitioner, may choose to preserve eggs or sperm. If the patient chooses to preserve eggs or sperm, then the practitioner must provide for appropriate preservation in accordance with generally accepted medical standards.

Section 44-140-730. It is the public policy of this State that individuals in this State are entitled to make autonomous decisions concerning contraceptives. Each individual in this State is entitled to access, possess, and use the contraceptive method that the individual decides is best for her circumstances.

Article 9

Pregnancy and Childbirth

Section 44-140-910. (A) It is the public policy of this State that all pregnant women in South Carolina are entitled to high-quality health care during pregnancy, childbirth, and for at least one year after childbirth, regardless of their insurance plan coverage, lack of insurance, or ability to pay.

(B) To facilitate the delivery of high-quality delivery of prenatal and postnatal health care services to financially challenged women, beginning January 1, 2023, an adult sixty-five years of age and younger whose income is at or below one hundred thirty-three percent of the federal poverty level, with a five percent income disregard, is eligible for Medicaid as provided for in the ‘Patient Protection and Affordable Care Act’ (P.L. No. 111-148) and amendments to that act.

Section 44-140-920. A pregnant woman may choose to receive prenatal and postnatal care from a midwife, doula, physician, nurse, nurse practitioner, or any other health care provider of her choice.

Section 44-140-930. A pregnant woman may give birth at the location of her choice. A woman may not be compelled to give birth in a hospital, birthing center, or any other location not of her choosing.”

SECTION 3. Section 40-47-37(C)(6) of the 1976 Code is amended to read:

“(6) prescribe within a practice setting fully in compliance with this section and during an encounter in which threshold information necessary to make an accurate diagnosis has been obtained in a medical history interview conducted by the prescribing licensee; provided,

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however, that Schedule II and Schedule III prescriptions are not permitted except for those Schedule II and Schedule III medications specifically authorized by the board, which may include, but not be limited to, Schedule II-nonnarcotic and Schedule III-nonnarcotic medications; further, provided, that licensees prescribing controlled substances by means of telemedicine must comply with all relevant federal and state laws including, but not limited to, participation in the South Carolina Prescription Monitoring Program set forth in Article 15, Chapter 53, Title 44; further, provided, that prescribing of lifestyle medications including, but not limited to, erectile dysfunction drugs is not permitted unless approved by the board; ~~further, provided, that prescribing abortion inducing drugs is not permitted; as used in this article "abortion inducing drug" means a medicine, drug, or any other substance prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman, with knowledge that the termination will with reasonable likelihood cause the death of the unborn child. This includes off label use of drugs known to have abortion inducing properties, which are prescribed specifically with the intent of causing an abortion, such as misoprostol (Cytotec), and methotrexate. This definition does not apply to drugs that may be known to cause an abortion, but which are prescribed for other medical indications including, but not limited to, chemotherapeutic agents or diagnostic drugs. Use of such drugs to induce abortion is also known as 'medical', 'drug induced', and/or 'chemical abortion';~~

SECTION 4. Chapter 71, Title 38 of the 1976 Code is amended by adding:

"Section 38-71-48. Every health maintenance organization, individual and group health insurance policy, or contract issued or renewed in this State that provides coverage for pregnancy and childbirth must also provide coverage for:

- (1) abortions and related services; and
- (2) medical procedures intended to permanently prevent pregnancy including, but not limited to, tubal ligation, hysterectomy, and vasectomy.

Section 38-71-49. Every health maintenance organization, individual and group health insurance policy, or contract issued or renewed in this State must offer coverage for assistive reproductive technologies. Coverage offered pursuant to this section shall include, but shall not be not limited to, ovulation induction, egg retrieval, sperm retrieval, artificial insemination, in vitro fertilization, genetic screening, intracytoplasmic sperm injection, and any other nonexperimental

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treatment, as determined by the Director of the Department of Health and Environmental Control in consultation with appropriate professional and patient organizations such as the American Society for Reproductive Medicine, RESOLVE, the National Infertility Association, and the American College of Obstetricians and Gynecologists.”

SECTION 5. A. Section 59-32-10(2) of the 1976 Code is amended to read:

“(2) ‘Reproductive health education’ means age appropriate, unbiased, comprehensive, and medically accurate instruction in human physiology, conception, prenatal care and development, childbirth, and postnatal care, but does not include instruction concerning sexual practices outside marriage or practices unrelated to reproduction except within the context of the risk of disease. Abstinence and the risks associated with sexual activity outside of marriage ~~must be strongly emphasized~~ may be encouraged and discussed, however, it may not be the only or primary method of prevention of pregnancy and sexually transmitted diseases.”

B. Section 59-32-10(4) of the 1976 Code is amended to read:

“(4) ‘Pregnancy prevention education’ means instruction intended to:

(a) ~~stress the importance of~~ encourage abstaining from sexual activity until marriage;

(b) help students develop skills to enable them to resist peer pressure and abstain from sexual activity;

(c) explain methods of contraception and the risks and benefits of each method. Abortion must not be included as a method of birth control. Instruction explaining the methods of contraception must not be included in any education program for grades kindergarten through fifth. Contraceptive information must be given in the context of future family planning.”

SECTION 6. Chapter 41, Title 44 of the 1976 Code is repealed.

SECTION 7. This act takes effect upon approval by the Governor. /

Amend the bill further, as and if amended, by inserting before the enacting words:

/ Whereas, the right to reproductive liberty is central to the exercise of personal autonomy and involves decisions people should be able to make free from compulsion of the State. This right is critical to ensuring equal protection and treatment under the law and upholding the right of all people to health, dignity, independence, and freedom; and

Whereas, all people in South Carolina have the basic right to determine if and when to become a parent; and

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Whereas, all women should have control over their own reproductive health free from coercion, discrimination, and violation; and

Whereas, fifty percent of all pregnancies in South Carolina are unintended or unplanned; and

Whereas, South Carolina has the eighth highest maternal mortality rate in the nation; and

Whereas, South Carolina has the fifth highest infant mortality rate in the nation; and

Whereas, sixty percent of all pregnancies and childbirths in South Carolina are paid for through Medicaid coverage at a cost of more than \$500 million annually; and

Whereas, abortion is safe whether provided via medication or the use of a procedure. Abortion is safer than pregnancy and childbirth, which is at least fourteen times more dangerous for women than abortion; and

Whereas, students who receive abstinence-only sexual health education are more likely to become pregnant and be diagnosed with a sexually transmitted disease than are their fellow students who receive comprehensive, medically accurate sex education, which includes information on preventing pregnancy and STDs. Now, therefore, /

Renumber sections to conform.

Amend title to conform.

Rep. WETMORE explained the amendment.

Rep. CASKEY spoke against the amendment.

The question then recurred to the adoption of the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 32; Nays 71

Those who voted in the affirmative are:

| | | |
|-----------------|---------------|---------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Clyburn |
| Cobb-Hunter | Cogswell | Dillard |
| Garvin | Govan | Hart |
| Henderson-Myers | Hosey | Howard |
| Jefferson | J. L. Johnson | K. O. Johnson |
| King | Matthews | McDaniel |
| J. Moore | Pendarvis | Rivers |

[HJ]

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| | | |
|-------------|-------------|-------------|
| Robinson | Rose | Stavrinakis |
| Tedder | Thigpen | Wetmore |
| R. Williams | S. Williams | |

Total--32

Those who voted in the negative are:

| | | |
|--------------|---------------|--------------|
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Brittain |
| Bryant | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chumley | Collins | B. Cox |
| Crawford | Dabney | Davis |
| Elliott | Felder | Finlay |
| Forrest | Fry | Gagnon |
| Gatch | Gilliam | Gilliard |
| Haddon | Hardee | Hayes |
| Herbkersman | Hewitt | Hill |
| Hiott | Hixon | Huggins |
| Hyde | J. E. Johnson | Jones |
| Jordan | Ligon | Long |
| Lowe | Magnuson | May |
| McCabe | McCravy | McGarry |
| McGinnis | T. Moore | A. M. Morgan |
| T. A. Morgan | D. C. Moss | B. Newton |
| W. Newton | Nutt | Oremus |
| Pope | Robbins | G. M. Smith |
| G. R. Smith | M. M. Smith | Taylor |
| Thayer | Trantham | West |
| Wheeler | White | Whitmire |
| Willis | Wooten | |

Total--71

So, the amendment was tabled.

RECORD FOR VOTING

I mistakenly pushed the wrong button on the passage of Rep. Wetmore's Amendment No. 4. I meant to vote yes.

Rep. Wendell G. Gilliard

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Rep. GATCH proposed the following Amendment No. 6 to H. 5399 (COUNCIL\VR\5399C008.CC.VR22), which was tabled:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. The General Assembly hereby finds all of the following:

(1) All human beings are created equal, and endowed by their Creator with certain unalienable rights, the foremost of which is the right to life.

(2) Section 3, Article I 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 a preborn child is deserving of that protection.

(3) In the exercise of its constitutional duties and powers, the South Carolina General Assembly has a fundamental duty to provide equal protection for the life, health, and welfare of all persons, including preborn children. /

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

Rep. MCCRAVY spoke against the amendment and moved to table the amendment, which was agreed to.

Rep. GATCH proposed the following Amendment No. 7 to H. 5399 (COUNCIL\VR\5399C009.CC.VR22), which was tabled:

Amend the bill, as and if amended, SECTION 3, by striking Section 44-41-810(7) and inserting:

/ (7) 'Unborn human being' or 'unborn child' or 'preborn child' or 'preborn human being' or 'fetus' each mean an individual organism of the species homo sapiens in utero until live birth. /

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

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Rep. GATCH proposed the following Amendment No. 8 to H. 5399 (COUNCIL\VR\5399C006.GT.VR22), which was tabled:

Amend the bill, as and if amended, SECTION 3, by adding:

/ Section 44-41-836. The State of South Carolina shall pay all uncovered prenatal and health care costs of a pregnant woman whose pregnancy is the result of rape or incest and all uncovered health care costs of the child born to that pregnant woman until the child is eighteen years of age. /

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. GATCH proposed the following Amendment No. 9 to H. 5399 (COUNCIL\VR\5399C012.CC.VR22), which was tabled:

Amend the bill, as and if amended, SECTION 3, Section 44-41-810, by adding an appropriately numbered item at the end to read:

/ () 'Conception' means a fertilized egg that is in utero. /

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. GATCH proposed the following Amendment No. 10 to H. 5399 (COUNCIL\VR\5399C015.CC.VR22), which was tabled:

Amend the bill, as and if amended, SECTION 3, by adding:

/ Section 44-41-835. All costs associated with the adoption of a child who was conceived as a result of rape or incest including, but not limited to, costs approved by the court pursuant to Section 63-9-310(F), must be paid by the Department of Social Services. /

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

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Rep. MCCRAVY moved to table the amendment.

Rep. HOWARD demanded the yeas and nays which were taken,
resulting as follows:

Yeas 72; Nays 26

Those who voted in the affirmative are:

| | | |
|---------------|-----------------|---------------|
| Anderson | Atkinson | Bailey |
| Bamberg | Bannister | Bernstein |
| Blackwell | Bradley | Brittain |
| Burns | Carter | Chumley |
| Clyburn | Cobb-Hunter | Daning |
| Davis | Dillard | Finlay |
| Forrest | Gagnon | Garvin |
| Gilliam | Gilliard | Hart |
| Hayes | Henderson-Myers | Hill |
| Hiott | Hixon | Hosey |
| Howard | Hyde | Jefferson |
| J. E. Johnson | J. L. Johnson | K. O. Johnson |
| Jones | Jordan | King |
| Kirby | Ligon | Long |
| Lowe | Matthews | McCravy |
| McDaniel | McGarry | J. Moore |
| D. C. Moss | B. Newton | W. Newton |
| Nutt | Ott | Pendarvis |
| Pope | Rivers | Robinson |
| Rose | G. M. Smith | G. R. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Tedder | Thayer | West |
| Wetmore | White | Whitmire |
| R. Williams | S. Williams | Willis |

Total--72

Those who voted in the negative are:

| | | |
|----------|---------|----------|
| Bryant | Bustos | Caskey |
| Cogswell | B. Cox | Crawford |
| Dabney | Elliott | Felder |
| Fry | Gatch | Haddon |
| Hardee | Hewitt | Huggins |
| Magnuson | May | McCabe |

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T. Moore
Oremus
Wheeler

A. M. Morgan
Robbins
Wooten

T. A. Morgan
Trantham

Total--26

So, the amendment was tabled.

Rep. GATCH proposed the following Amendment No. 11 to H. 5399 (COUNCIL\VR\5399C016.CC.VR22), which was tabled:

Amend the bill, as and if amended, SECTION 3, Section 44-47-850, by adding an appropriately lettered subsection at the end to read:

/ () When determining whether a physician was negligent for purposes of a civil action brought pursuant to this section, the standard of care must be based on the standard of care for physicians practicing in a state with similar laws relating to abortion. /

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

Rep. MCCRAVY spoke against the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. MAGNUSON proposed the following Amendment No. 12 to H. 5399 (COUNCIL\VR\5399C018.CC.VR22), which was rejected:

Amend the bill, as and if amended, SECTION 3, Section 44-41-840, by adding an appropriately lettered subsection at the end to read:

/ () A licensed medical doctor who intentionally commits an abortion as defined in Section 44-41-810, not including a necessary medical procedure as provided in Section 44-41-830, is guilty of a felony, and upon conviction, must be fined not more than fifty thousand dollars, or imprisoned not more than ten years, or both. /

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

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Rep. MAGNUSON demanded the yeas and nays which were taken,
resulting as follows:

Yeas 17; Nays 83

Those who voted in the affirmative are:

| | | |
|--------------|----------|--------------|
| Burns | Chumley | B. Cox |
| Dabney | Haddon | Hill |
| Jones | Long | Magnuson |
| May | McCabe | A. M. Morgan |
| T. A. Morgan | Nutt | Oremus |
| G. R. Smith | Trantham | |

Total--17

Those who voted in the negative are:

| | | |
|---------------|---------------|-----------------|
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bamberg |
| Bannister | Bernstein | Blackwell |
| Bradley | Brawley | Brittain |
| Bryant | Bustos | Calhoon |
| Carter | Caskey | Clyburn |
| Cobb-Hunter | Cogswell | Collins |
| Danig | Davis | Dillard |
| Elliott | Felder | Finlay |
| Forrest | Fry | Gagnon |
| Garvin | Gatch | Gilliam |
| Gilliard | Govan | Hardee |
| Hart | Hayes | Henderson-Myers |
| Hewitt | Hiott | Hixon |
| Huggins | Hyde | Jefferson |
| J. E. Johnson | J. L. Johnson | K. O. Johnson |
| Jordan | King | Kirby |
| Ligon | Lowe | McCravy |
| McDaniel | McGarry | McGinnis |
| J. Moore | T. Moore | D. C. Moss |
| B. Newton | W. Newton | Ott |
| Pendarvis | Pope | Rivers |
| Robbins | Robinson | Rose |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Thigpen | West | Wetmore |

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White
Willis

R. Williams
Wooten

S. Williams

Total--83

So, the amendment was rejected.

Rep. MAGNUSON proposed the following Amendment No. 13 to H. 5399 (COUNCIL\VR\5399C023.CC.VR22), which was rejected:

Amend the bill, as and if amended, SECTION 3, by striking Section 44-41-860 and inserting:

/ Section 44-41-860. (A) Before January 1, 2025, a pregnant woman on whom an abortion is performed or induced in violation of this article may not be criminally prosecuted for violating any of the provisions of this article or for attempting to commit, conspiring to commit, or acting complicitly in committing a violation of any of the provisions of the article and is not subject to a civil or criminal penalty based on the abortion being performed or induced in violation of any of the provisions of this article.

(B)(1) Beginning January 1, 2025, a pregnant woman who intentionally commits an abortion, as defined in Section 44-41-810, upon her own child is guilty of a misdemeanor, and upon conviction, must be fined not more than five thousand dollars, or imprisoned not more than two years, or both. A finding of coercion must be regarded as a complete defense. Cooperation with prosecution as to other related crimes including, but not limited to, a sexual assault that caused the pregnancy, or an abortion procedure performed by a licensed medical doctor, shall provide cause in the discretion of the court for reduced sentencing.

(2) A person who files a charge under this subsection which is found to be frivolous or dismissed for lack of reasonable evidence of intent is subject to a cause of action in this State and may be held liable for double damages. /

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

Rep. MAGNUSON demanded the yeas and nays which were taken, resulting as follows:

Yeas 9; Nays 91

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Those who voted in the affirmative are:

| | | |
|-------------|--------------|--------------|
| Burns | Chumley | Haddon |
| Herbkersman | Long | Magnuson |
| McCabe | A. M. Morgan | T. A. Morgan |

Total--9

Those who voted in the negative are:

| | | |
|---------------|---------------|-----------------|
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bamberg |
| Bannister | Bernstein | Blackwell |
| Brawley | Brittain | Bryant |
| Bustos | Calhoon | Caskey |
| Clyburn | Cobb-Hunter | Cogswell |
| Collins | B. Cox | Dabney |
| Daning | Davis | Dillard |
| Elliott | Felder | Finlay |
| Forrest | Fry | Gagnon |
| Garvin | Gatch | Gilliam |
| Gilliard | Govan | Hardee |
| Hart | Hayes | Henderson-Myers |
| Hewitt | Hiott | Hixon |
| Hosey | Howard | Huggins |
| Hyde | Jefferson | J. E. Johnson |
| J. L. Johnson | K. O. Johnson | Jordan |
| King | Kirby | Ligon |
| Lowe | Matthews | May |
| McCravy | McDaniel | McGarry |
| McGinnis | T. Moore | D. C. Moss |
| B. Newton | W. Newton | Nutt |
| Oremus | Ott | Pope |
| Rivers | Robbins | Robinson |
| Rose | G. M. Smith | G. R. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Tedder | Thayer | Thigpen |
| Trantham | West | Wetmore |
| Wheeler | White | Whitmire |
| R. Williams | S. Williams | Willis |
| Wooten | | |

Total--91

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So, the amendment was rejected.

Rep. MAGNUSON proposed the following Amendment No. 14 to H. 5399 (COUNCIL\VR\5399C033.CC.VR22), which was tabled:

Amend the bill, as and if amended, SECTION 3, Section 44-41-820, by adding the following subsection to read:

/ (C) No person may knowingly mail or transport into or within this State, or procure, provide, or possess, mifepristone or misoprostol with the specific intent of causing an abortion, not including a necessary medical procedure as provided in Section 44-41-830. /

Amend the bill further, SECTION 3, Section 44-41-840, by adding the following subsection to read:

/ (D) A person who violates Section 44-41-820(C) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than two hundred dollars, or imprisoned not more than thirty days, or both. For a second or subsequent offense, the person must be fined not more than two thousand dollars, or imprisoned for not more than one year, or both. /

Amend the bill further, SECTION 3, by striking Section 44-41-860 and inserting:

/ Section 44-41-860. Except as provided in Section 44-41-840(D), a pregnant woman on whom an abortion is performed or induced in violation of this article may not be criminally prosecuted for violating any of the provisions of this article or for attempting to commit, conspiring to commit, or acting complicitly in committing a violation of any of the provisions of the article and is not subject to a civil or criminal penalty based on the abortion being performed or induced in violation of any of the provisions of this article. /

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

Rep. MCCRAVY spoke against the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to.

Rep. HILL proposed the following Amendment No. 15 to H. 5399 (COUNCIL\VR\5399C005.GT.VR22), which was rejected:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

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/SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Article 21

Violence to Unborn Children

Section 16-3-2310. As used in this article, ‘unborn child’ means a living member of the species homo sapiens, at any state of development from fertilization until birth.

Section 16-3-2320. (A) The deliberate termination of an unborn child by any means or at any stage of development is murder under Section 16-3-10.

(B) Medical treatment provided by a licensed physician that results in the accidental or unintentional injury or death of the unborn child does not constitute a violation of this section.

Section 16-3-2330. (A) A person who commits a violent crime, as defined in Section 16-1-60, that causes the death of, or bodily injury to, an unborn child at the time that the violent crime was committed, is guilty of a separate offense under this section.

(B) The punishment for a separate offense under this section is the same as the punishment provided for that criminal offense had the death or bodily injury occurred to the unborn child’s mother.

(C) Prosecution of an offense under this section does not require proof that:

(1) the person committing the violent offense had knowledge or should have had knowledge that the victim of the underlying offense was pregnant; or

(2) the defendant intended to cause the death of, or bodily injury to, the unborn child.

Section 16-3-2340. Any person may be compelled to testify in any action or prosecution initiated pursuant to this article; provided, however, that such testimony may not be used in any other action or prosecution against such witness and the witness is forever exempt from any prosecution for the act concerning which the witness testifies, except prosecution for perjury.”

SECTION 2. The provisions of this act supersede the following:

(1) Section 14-8-200(b)(7) of the 1976 Code;

(2) Section 16-3-1083 of the 1976 Code;

(3) Chapter 41, Title 44 of the 1976 Code; and

(4) Any provision of the 1976 Code that could otherwise be construed to allow for the deliberate termination of an unborn child, without limiting common law defenses of duress, necessity, or mistake of fact.

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SECTION 3. This State and its political subdivisions, and agents thereof, are not required to enter an appearance, special or otherwise, in any federal suit challenging this act.

SECTION 4. Pursuant to the powers granted to the General Assembly by Article XV of the South Carolina Constitution, 1895, any judge of this State who purports to enjoin, stay, overrule, or void any provision of this act is subject to impeachment or removal from office.

SECTION 5. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Rep. HILL explained the amendment.

Rep. HILL spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

Rep. OTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 6; Nays 96

Those who voted in the affirmative are:

| | | |
|-------|----------|--------|
| Burns | Chumley | Hill |
| Long | Magnuson | McCabe |

Total--6

Those who voted in the negative are:

| | | |
|-------------|------------|-----------|
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bamberg |
| Bannister | Bernstein | Blackwell |
| Bradley | Brawley | Brittain |
| Bryant | Bustos | Calhoon |
| Carter | Caskey | Clyburn |
| Cobb-Hunter | Cogswell | Collins |
| B. Cox | Crawford | Dabney |
| Daning | Davis | Dillard |
| Elliott | Felder | Finlay |
| Forrest | Fry | Gagnon |
| Garvin | Gatch | Gilliam |
| Gilliard | Govan | Hardee |

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| | | |
|---------------|---------------|-----------------|
| Hart | Hayes | Henderson-Myers |
| Hewitt | Hiott | Hixon |
| Hosey | Huggins | Hyde |
| Jefferson | J. E. Johnson | J. L. Johnson |
| K. O. Johnson | Jordan | King |
| Kirby | Ligon | Lowe |
| Matthews | McCravy | McDaniel |
| McGarry | McGinnis | J. Moore |
| T. Moore | D. C. Moss | V. S. Moss |
| B. Newton | W. Newton | Nutt |
| Oremus | Ott | Parks |
| Pope | Rivers | Robbins |
| Robinson | Rose | Simrill |
| G. M. Smith | G. R. Smith | M. M. Smith |
| Stavrinakis | Taylor | Tedder |
| Thayer | Thigpen | Trantham |
| West | Wetmore | Wheeler |
| White | Whitmire | R. Williams |
| S. Williams | Willis | Wooten |

Total--96

So, the amendment was rejected.

Reps. CASKEY and W. NEWTON proposed the following Amendment No. 16 to H. 5399 (COUNCIL\SA\5399C004.JN.SA22), which was adopted:

Amend the bill, as and if amended, SECTION 3, by adding new Sections to read:

/ Section 44-41-900. (A) Notwithstanding any other provision of law, a biological father of a child has a duty to pay the mother of the child the following financial obligations beginning with the date of conception:

(1) child support payment obligations in an amount determined pursuant to Section 63-17-470;

(2) fifty percent of the mother's pregnancy expenses.

(a) Any portion of a mother's pregnancy expenses paid by the mother or the biological father reduces that parent's fifty percent obligation regardless of when the mother or biological father pays the pregnancy expenses.

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(b) Pregnancy expenses must include fifty percent of the mother's insurance premiums that are not paid by her employer or governmental program beginning from the date of conception and before the pregnancy ends, unless otherwise ordered by the court.

(c) item (2) does not apply if a court apportions pregnancy expenses as part of an award of child support in item (1).

(B) In the case of a mother who becomes pregnant as a result of rape or incest, the biological father, in addition to the duties imposed by subsection (A), also is responsible for the full cost of any expenses incurred by the mother for mental health counseling arising out of the rape or incest.

(C) The duties imposed by this section accrue at the time of conception and must be applied retroactively when paternity is contested and medical evidence establishes the paternity of the child. Interest accrues on any retroactive obligations beginning with conception until either the obligations are brought current or paid in full whichever happens first. The rate of interest must be calculated based on the applicable interest rate for money decrees and judgments in this state established annually by the South Carolina Supreme Court.

Section 44-41-910. There is allowed as a deduction in computing South Carolina taxable income of an individual, a South Carolina unborn child dependent exemption equal to three thousand dollars for each eligible unborn dependent of the taxpayer, who is not born during the income tax year and has reached a gestational age of at least six weeks. /

Renumber sections to conform.

Amend title to conform.

Rep. CASKEY explained the amendment.

The amendment was then adopted.

Rep. MATTHEWS proposed the following Amendment No. 17 to H. 5399 (COUNCIL\VR\5399C034.CC.VR22), which was tabled:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. (A) A statewide advisory referendum must be conducted by the State Election Commission at the same time as the 2022 general election on the question of whether the people of this State are in favor of prohibiting abortions unless the life of the mother is at stake even in cases where rape or incest occurred. The state election laws shall apply to the referendum, with the appropriate changes being

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made. The State Board of Canvassers shall publish the results of the referendum and certify them to the Governor and each house of the General Assembly.

(B) “Do you favor prohibiting abortions unless the life of the mother is at stake even in cases where rape or incest occurred?”

YES ☐

NO ☐

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

(C) The cost of the referendum must be paid from funds appropriated to the State Election Commission and the results of the referendum are advisory only.

SECTION 2. This Joint Resolution takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. MATTHEWS explained the amendment.

Rep. MCCRAVY spoke against the amendment.

Rep. MCCRAVY moved to table the amendment.

Rep. COBB-HUNTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 65; Nays 41

Those who voted in the affirmative are:

| | | |
|----------|-------------|---------------|
| Bailey | Bannister | Blackwell |
| Bradley | Bryant | Burns |
| Bustos | Calhoon | Carter |
| Caskey | Chumley | B. Cox |
| Crawford | Dabney | Daning |
| Davis | Elliott | Felder |
| Forrest | Fry | Gagnon |
| Gatch | Gilliam | Haddon |
| Hayes | Herbkersman | Hewitt |
| Hill | Hiott | Hixon |
| Huggins | Hyde | J. E. Johnson |

[HJ]

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| | | |
|--------------|-------------|--------------|
| Jones | Jordan | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McGarry | T. Moore | A. M. Morgan |
| T. A. Morgan | D. C. Moss | V. S. Moss |
| B. Newton | W. Newton | Nutt |
| Oremus | Pope | Robbins |
| Simrill | G. M. Smith | G. R. Smith |
| M. M. Smith | Taylor | Thayer |
| Trantham | West | Whitmire |
| Willis | Wooten | |

Total--65

Those who voted in the negative are:

| | | |
|-----------------|---------------|---------------|
| Alexander | Anderson | Atkinson |
| Ballentine | Bamberg | Bernstein |
| Brawley | Brittain | Clyburn |
| Cobb-Hunter | Cogswell | Dillard |
| Finlay | Garvin | Gilliard |
| Govan | Hardee | Hart |
| Henderson-Myers | Hosey | Howard |
| Jefferson | J. L. Johnson | K. O. Johnson |
| King | Kirby | Matthews |
| McDaniel | McGinnis | J. Moore |
| Ott | Parks | Rivers |
| Rose | Stavrinakis | Tedder |
| Thigpen | Wetmore | Wheeler |
| R. Williams | S. Williams | |

Total--41

So, the amendment was tabled.

Reps. CASKEY and W. NEWTON proposed the following Amendment No. 18 to H. 5399 (COUNCIL\VR\5399C032.CC.VR22), which was rejected:

Amend the bill, as and if amended, SECTION 3, by striking Section 44-41-830(A) and inserting:

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/ Section 44-41-830. (A) It is not a violation of Section 44-41-820 for a licensed physician to perform a medical procedure necessary in reasonable medical judgment to prevent:

- (1) the death of the pregnant woman;
- (2) a substantial risk of death for the pregnant woman because of a physical condition;
- (3) the substantial physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions; or
- (4) a lethal fetal abnormality meaning a profound and irremediable congenital or chromosomal anomaly that, with or without the provision of life-preserving treatment, would be incompatible with sustaining life after birth as certified by a licensed South Carolina physician. It is presumed that the following medical conditions constitute a lethal fetal abnormality: Anencephaly or acrania, hydranencephaly, alobar holoprosencephaly, bilateral renal agenesis, triploidy, achondrogenesis, thanatophoric dysplasia, lethal multiple pterygium syndrome. The enumeration of the medical conditions in this item is not intended to exclude or abrogate other conditions that satisfy the exclusions of this item or prevent other procedures that are not included in the definition of abortion in Section 44-41-810.

However, the physician shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman's unborn child when performing a medical procedure on the mother pursuant to item (1), (2), or (3), to the extent it does not substantially risk the death or physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions and in a manner consistent with reasonable medical practice. A medical procedure shall not be considered necessary if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial physical impairment of a major bodily function. /

Renumber sections to conform.

Amend title to conform.

Rep. CASKEY explained the amendment.

Rep. MCCRAVY spoke against the amendment.

Rep. CASKEY spoke in favor of the amendment.

Rep. MAGNUSON spoke against the amendment.

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The question then recurred to the adoption of the amendment.

So, the amendment was rejected.

Rep. CASKEY proposed the following Amendment No. 19 to H. 5399 (COUNCIL\VR\5399C040.CC.VR22), which was rejected:

Amend the bill, as and if amended, SECTION 3, Section 44-41-810, by adding an appropriately numbered item at the end to read:

/ () 'Minor' means an individual who is under eighteen years of age. /

Amend the bill further, SECTION 3, by striking Section 44-41-830(A) and inserting:

/ Section 44-41-830. (A)(1) It is not a violation of Section 44-41-820 for a licensed physician to perform a medical procedure necessary in reasonable medical judgment to prevent:

- (a) the death of the pregnant woman;
- (b) a substantial risk of death for the pregnant woman because of a physical condition; or
- (c) the substantial physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions.

However, the physician shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman's unborn child, to the extent it does not substantially risk the death or physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions and in a manner consistent with reasonable medical practice. A medical procedure shall not be considered necessary if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial physical impairment of a major bodily function.

(2) It is not a violation of Section 44-41-820 for a licensed physician to perform, induce, or attempt to perform or induce an abortion on a pregnant woman if:

- (a) the licensed physician received information that gives him reason to believe the pregnancy is the result of criminal sexual conduct with a minor or criminal sexual conduct, and the probable post-fertilization age of the fetus is fewer than sixteen weeks; or
- (b) the licensed physician received information that gives him reason to believe the pregnancy is the result of incest of a minor, and the probable post-fertilization age of the fetus is fewer than sixteen weeks.

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However, the physician shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman's unborn child, to the extent it does not substantially risk the death or physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions and in a manner consistent with reasonable medical practice. A medical procedure shall not be considered necessary if based on a claim or diagnosis that a woman will engage in conduct that she intends to result in her death or in a substantial physical impairment of a major bodily function. /

Renumber sections to conform.

Amend title to conform.

Rep. CASKEY explained the amendment.

Rep. MCCRAVY demanded the yeas and nays which were taken, resulting as follows:

Yeas 40; Nays 63

Those who voted in the affirmative are:

| | | |
|-------------|------------|------------|
| Atkinson | Bailey | Ballentine |
| Bannister | Blackwell | Bradley |
| Brittain | Bryant | Bustos |
| Calhoon | Carter | Caskey |
| Cogswell | Davis | Elliott |
| Felder | Finlay | Forrest |
| Fry | Gagnon | Gatch |
| Hardee | Hayes | Hewitt |
| Hixon | Huggins | Hyde |
| Ligon | Lowe | McGinnis |
| T. Moore | D. C. Moss | V. S. Moss |
| W. Newton | Robbins | Simrill |
| M. M. Smith | Taylor | West |
| Wooten | | |

Total--40

Those who voted in the negative are:

| | | |
|-----------|----------|-------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Burns |
| Chumley | Clyburn | Cobb-Hunter |
| B. Cox | Crawford | Dabney |

[HJ]

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| | | |
|-----------------|---------------|---------------|
| Dillard | Garvin | Gilliam |
| Gilliard | Haddon | Hart |
| Henderson-Myers | Hill | Hiott |
| Hosey | Howard | Jefferson |
| J. E. Johnson | J. L. Johnson | K. O. Johnson |
| Jones | Jordan | King |
| Kirby | Long | Magnuson |
| Matthews | May | McCabe |
| McCravy | McGarry | J. Moore |
| A. M. Morgan | T. A. Morgan | Nutt |
| Oremus | Ott | Parks |
| Pendarvis | Pope | Rivers |
| Robinson | Rose | G. M. Smith |
| G. R. Smith | Stavrinakis | Tedder |
| Thayer | Thigpen | Trantham |
| Wetmore | Wheeler | Whitmire |
| R. Williams | S. Williams | Willis |

Total--63

So, the amendment was rejected.

Rep. GATCH proposed the following Amendment No. 20 to H. 5399 (COUNCIL\VR\5399C038.CC.VR22), which was rejected:

Amend the bill, as and if amended, SECTION 3, by adding:

/ Section 44-41-825. (A) Notwithstanding another provision of law, a physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman if the pregnancy is the result of rape or incest, and the probable post-fertilization age of the fetus is fewer than twenty weeks.

(B) A physician who performs or induces an abortion on a pregnant woman based on the exceptions in subsection (A) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, a physician who performs or induces an abortion based upon an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the

[HJ]

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pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor timely notified the sheriff of the allegation of rape or incest, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest. /

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

Rep. BALLENTINE spoke in favor of the amendment.

POINT OF ORDER

Rep. MAGNUSON raised the Point of Order that Amendment No. 20 pertained to subject matter substantially the same as a prior amendment, was dilatory in nature, and was out of order.

The SPEAKER *PRO TEMPORE* stated that he had reviewed all the amendments and had determined that Amendment No. 20 was sufficiently different from prior amendments, was not identical, and was not dilatory in nature. He overruled the Point of Order.

Rep. G. R. SMITH spoke against the amendment.

Rep. GATCH spoke in favor of the amendment.

Rep. MCCRAVY spoke against the amendment.

The question then recurred to the adoption of the amendment.

Rep. KING demanded the yeas and nays which were taken, resulting as follows:

Yeas 41; Nays 65

Those who voted in the affirmative are:

| | | |
|-----------|-----------|------------|
| Atkinson | Bailey | Ballentine |
| Bannister | Blackwell | Bradley |
| Brittain | Bryant | Bustos |
| Calhoon | Carter | Caskey |
| Cogswell | Collins | Crawford |
| Danig | Davis | Elliott |
| Felder | Finlay | Forrest |
| Fry | Gagnon | Gatch |
| Hardee | Hayes | Hewitt |

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| | | |
|---------------|-------------|-----------|
| Hixon | Huggins | Hyde |
| J. E. Johnson | Jordan | Lowe |
| McGinnis | D. C. Moss | B. Newton |
| W. Newton | G. M. Smith | Taylor |
| West | Wooten | |

Total--41

Those who voted in the negative are:

| | | |
|-----------------|---------------|-------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Burns |
| Chumley | Clyburn | Cobb-Hunter |
| B. Cox | Dabney | Dillard |
| Garvin | Gilliam | Gilliard |
| Govan | Haddon | Hart |
| Henderson-Myers | Hill | Hiott |
| Hosey | Howard | Jefferson |
| J. L. Johnson | K. O. Johnson | Jones |
| King | Kirby | Ligon |
| Long | Magnuson | Matthews |
| May | McCabe | McCravy |
| McGarry | J. Moore | T. Moore |
| A. M. Morgan | T. A. Morgan | V. S. Moss |
| Nutt | Oremus | Ott |
| Parks | Pendarvis | Pope |
| Rivers | Robbins | Robinson |
| Rose | G. R. Smith | M. M. Smith |
| Stavrinakis | Tedder | Thayer |
| Thigpen | Trantham | Wetmore |
| Wheeler | Whitmire | R. Williams |
| S. Williams | Willis | |

Total--65

So, the amendment was rejected.

Rep. STAVRINAKIS spoke against the Bill.

Rep. HIOTT moved that the House recede until 5:30 p.m.

Rep. HART moved to table the motion.

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POINT OF ORDER

Rep. MAGNUSON raised the Point of Order that Amendment No. 20 pertained to subject matter substantially the same as a prior amendment, was dilatory in nature, and was out of order.

The SPEAKER *PRO TEMPORE* stated that he had reviewed all the amendments and had determined that Amendment No. 20 was sufficiently different from prior amendments, was not identical, and was not dilatory in nature. He overruled the Point of Order.

Rep. G. R. SMITH spoke against the amendment.

Rep. GATCH spoke in favor of the amendment.

Rep. MCCRAVY spoke against the amendment.

The question then recurred to the adoption of the amendment.

Rep. KING demanded the yeas and nays which were taken, resulting as follows:

Yeas 41; Nays 65

Those who voted in the affirmative are:

| | | |
|---------------|-------------|------------|
| Atkinson | Bailey | Ballentine |
| Bannister | Blackwell | Bradley |
| Brittain | Bryant | Bustos |
| Calhoon | Carter | Caskey |
| Cogswell | Collins | Crawford |
| Daning | Davis | Elliott |
| Felder | Finlay | Forrest |
| Fry | Gagnon | Gatch |
| Hardee | Hayes | Hewitt |
| Hixon | Huggins | Hyde |
| J. E. Johnson | Jordan | Lowe |
| McGinnis | D. C. Moss | B. Newton |
| W. Newton | G. M. Smith | Taylor |
| West | Wooten | |

Total--41

Those who voted in the negative are:

[HJ]

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| | | |
|-----------------|---------------|-------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Burns |
| Chumley | Clyburn | Cobb-Hunter |
| B. Cox | Dabney | Dillard |
| Garvin | Gilliam | Gilliard |
| Govan | Haddon | Hart |
| Henderson-Myers | Hill | Hiott |
| Hosey | Howard | Jefferson |
| J. L. Johnson | K. O. Johnson | Jones |
| King | Kirby | Ligon |
| Long | Magnuson | Matthews |
| May | McCabe | McCravy |
| McGarry | J. Moore | T. Moore |
| A. M. Morgan | T. A. Morgan | V. S. Moss |
| Nutt | Oremus | Ott |
| Parks | Pendarvis | Pope |
| Rivers | Robbins | Robinson |
| Rose | G. R. Smith | M. M. Smith |
| Stavrinakis | Tedder | Thayer |
| Thigpen | Trantham | Wetmore |
| Wheeler | Whitmire | R. Williams |
| S. Williams | Willis | |

Total--65

So, the amendment was rejected.

Rep. STAVRINAKIS spoke against the Bill.

Rep. HIOTT moved that the House recede until 5:30 p.m.

Rep. HART moved to table the motion.

Rep. HIOTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 39; Nays 64

Those who voted in the affirmative are:

| | | |
|-----------|-------------|----------|
| Alexander | Anderson | Atkinson |
| Bamberg | Bernstein | Brawley |
| Clyburn | Cobb-Hunter | Dillard |

[HJ]

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| | | |
|---------------|-----------------|-------------|
| Garvin | Gilliard | Govan |
| Hayes | Henderson-Myers | Hill |
| Hosey | Howard | Jefferson |
| J. L. Johnson | K. O. Johnson | King |
| Kirby | Magnuson | Matthews |
| McDaniel | J. Moore | Ott |
| Parks | Pendarvis | Rivers |
| Robinson | Rose | Stavrinakis |
| Tedder | Thigpen | Wetmore |
| Wheeler | R. Williams | S. Williams |

Total--39

Those who voted in the negative are:

| | | |
|---------------|-------------|--------------|
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Brittain |
| Bryant | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chumley | Cogswell | B. Cox |
| Crawford | Dabney | Daning |
| Davis | Elliott | Felder |
| Finlay | Forrest | Fry |
| Gagnon | Gatch | Gilliam |
| Haddon | Hardee | Hart |
| Herbkersman | Hewitt | Hiott |
| Hixon | Huggins | Hyde |
| J. E. Johnson | Jordan | Ligon |
| Lowe | McCabe | McGarry |
| McGinnis | T. Moore | A. M. Morgan |
| D. C. Moss | V. S. Moss | B. Newton |
| Nutt | Oremus | Pope |
| Robbins | Sandifer | Simrill |
| G. M. Smith | G. R. Smith | M. M. Smith |
| Taylor | Thayer | Trantham |
| West | Whitmire | Willis |
| Wooten | | |

Total--64

So, the House refused to table the motion to recede.

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The question then recurred to the motion to recede until 5:30 p.m., which was agreed to by a division vote of 57 to 45.

Further proceedings were interrupted by the House receding, the pending question being the consideration of the Bill.

THE HOUSE RESUMES

At 5:30 p.m. the House resumed, the SPEAKER *PRO TEMPORE* in the Chair.

POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

H. 5399--REJECTED

Debate was resumed on the following Bill, the pending question being the consideration of the Bill:

H. 5399 -- Reps. Lucas, G. M. Smith, McCravy, T. Moore, White, Ligon, Long, Gilliam, Chumley, Burns, Hardee, Bailey, J. E. Johnson, B. Newton, Hewitt, Bustos, Jordan, M. M. Smith, Davis, Hyde, Hixon, West, Hiott, Jones, Caskey, Fry, Thayer, Pope, Forrest, Oremus, Trantham, Bennett, McGarry, Felder, Allison, D. C. Moss, Brittain, Nutt, Haddon, Huggins, G. R. Smith, Magnuson, May, Wooten, B. Cox, Yow, Murphy, Crawford, Bryant and Robbins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-41-05 SO AS TO PROHIBIT ABORTIONS IN THE STATE OF SOUTH CAROLINA.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 47; Nays 55

Those who voted in the affirmative are:

| | | |
|-------------|-----------|----------|
| Bailey | Bannister | Burns |
| Chumley | B. Cox | Crawford |
| Dabney | Davis | Elliott |
| Fry | Gagnon | Gilliam |
| Haddon | Hardee | Hayes |
| Herbkersman | Hiott | Hyde |

[HJ]

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| | | |
|---------------|--------------|-------------|
| J. E. Johnson | Jones | Jordan |
| Ligon | Long | Magnuson |
| May | McCabe | McCravy |
| McGarry | McGinnis | T. Moore |
| A. M. Morgan | T. A. Morgan | D. C. Moss |
| V. S. Moss | B. Newton | Nutt |
| Oremus | Pope | Robbins |
| G. M. Smith | G. R. Smith | M. M. Smith |
| Thayer | Trantham | West |
| Whitmire | Willis | |

Total--47

Those who voted in the negative are:

| | | |
|-----------|-----------------|---------------|
| Alexander | Anderson | Ballentine |
| Bamberg | Bernstein | Bradley |
| Brawley | Brittain | Bryant |
| Bustos | Carter | Caskey |
| Clyburn | Cobb-Hunter | Cogswell |
| Collins | Daning | Dillard |
| Finlay | Forrest | Garvin |
| Gatch | Gilliard | Govan |
| Hart | Henderson-Myers | Hewitt |
| Hixon | Hosey | Howard |
| Jefferson | J. L. Johnson | K. O. Johnson |
| King | Kirby | Matthews |
| McDaniel | J. Moore | W. Newton |
| Ott | Parks | Pendarvis |
| Rivers | Robinson | Rose |
| Sandifer | Simrill | Stavrinnakis |
| Tedder | Thigpen | Wetmore |
| Wheeler | R. Williams | S. Williams |
| Wooten | | |

Total--55

So, the Bill was rejected.

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**H. 5399--RECONSIDERED, AMENDED, AND ORDERED TO
THIRD READING**

Rep. W. NEWTON moved to reconsider the vote whereby the following Bill was rejected:

H. 5399 -- Reps. Lucas, G. M. Smith, McCravy, T. Moore, White, Ligon, Long, Gilliam, Chumley, Burns, Hardee, Bailey, J. E. Johnson, B. Newton, Hewitt, Bustos, Jordan, M. M. Smith, Davis, Hyde, Hixon, West, Hiott, Jones, Caskey, Fry, Thayer, Pope, Forrest, Oremus, Trantham, Bennett, McGarry, Felder, Allison, D. C. Moss, Brittain, Nutt, Haddon, Huggins, G. R. Smith, Magnuson, May, Wooten, B. Cox, Yow, Murphy, Crawford, Bryant and Robbins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-41-05 SO AS TO PROHIBIT ABORTIONS IN THE STATE OF SOUTH CAROLINA.

Rep. COBB-HUNTER moved to table the motion to reconsider.

Rep. HIOTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 36; Nays 72

Those who voted in the affirmative are:

| | | |
|---------------|-----------------|---------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Clyburn |
| Cobb-Hunter | Cogswell | Dillard |
| Garvin | Gilliard | Govan |
| Hart | Henderson-Myers | Hosey |
| Howard | Jefferson | J. L. Johnson |
| K. O. Johnson | King | Kirby |
| Matthews | McDaniel | J. Moore |
| Ott | Parks | Pendarvis |
| Rivers | Robinson | Rose |
| Stavrinakis | Tedder | Wetmore |
| Wheeler | R. Williams | S. Williams |

Total--36

Those who voted in the negative are:

| | | |
|-----------|------------|-----------|
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Brittain |

[HJ]

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| | | |
|---------------|--------------|--------------|
| Bryant | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chumley | Collins | B. Cox |
| Crawford | Dabney | Daning |
| Davis | Elliott | Felder |
| Finlay | Forrest | Fry |
| Gagnon | Gatch | Gilliam |
| Haddon | Hardee | Hayes |
| Herbkersman | Hewitt | Hiott |
| Hixon | Huggins | Hyde |
| J. E. Johnson | Jones | Jordan |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McGarry | McGinnis |
| T. Moore | A. M. Morgan | T. A. Morgan |
| D. C. Moss | V. S. Moss | B. Newton |
| W. Newton | Nutt | Oremus |
| Pope | Robbins | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| M. M. Smith | Taylor | Thayer |
| Thigpen | Trantham | West |
| Whitmire | Willis | Wooten |

Total--72

So, the House refused to table the motion to reconsider.

The question then recurred to the motion to reconsider.

Rep. HIOTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 71; Nays 37

Those who voted in the affirmative are:

| | | |
|-----------|------------|-----------|
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Brittain |
| Bryant | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chumley | Collins | B. Cox |
| Crawford | Dabney | Daning |
| Davis | Elliott | Felder |

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| | | |
|---------------|--------------|--------------|
| Finlay | Forrest | Fry |
| Gagnon | Gatch | Gilliam |
| Haddon | Hardee | Hayes |
| Herbkersman | Hewitt | Hiott |
| Hixon | Huggins | Hyde |
| J. E. Johnson | Jones | Jordan |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McGarry | McGinnis |
| T. Moore | A. M. Morgan | T. A. Morgan |
| D. C. Moss | V. S. Moss | B. Newton |
| W. Newton | Nutt | Oremus |
| Pope | Robbins | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| M. M. Smith | Taylor | Thayer |
| Trantham | West | Whitmire |
| Willis | Wooten | |

Total--71

Those who voted in the negative are:

| | | |
|---------------|-----------------|---------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Clyburn |
| Cobb-Hunter | Cogswell | Dillard |
| Garvin | Gilliard | Govan |
| Hart | Henderson-Myers | Hosey |
| Howard | Jefferson | J. L. Johnson |
| K. O. Johnson | King | Kirby |
| Matthews | McDaniel | J. Moore |
| Ott | Parks | Pendarvis |
| Rivers | Robinson | Rose |
| Stavrinakis | Tedder | Thigpen |
| Wetmore | Wheeler | R. Williams |
| S. Williams | | |

Total--37

So, the motion to reconsider was agreed to.

Rep. HIOTT moved cloture on the entire matter.

[HJ]

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Rep. GOVAN moved that the House do now adjourn.

Rep. SIMRILL demanded the yeas and nays which were taken,
resulting as follows:

Yeas 35; Nays 71

Those who voted in the affirmative are:

| | | |
|---------------|---------------|-----------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Clyburn |
| Cogswell | Dillard | Garvin |
| Gilliard | Govan | Henderson-Myers |
| Hosey | Howard | Jefferson |
| J. L. Johnson | K. O. Johnson | King |
| Kirby | Matthews | McDaniel |
| J. Moore | Ott | Parks |
| Pendarvis | Rivers | Robinson |
| Rose | Stavrinakis | Tedder |
| Thigpen | Wetmore | Wheeler |
| R. Williams | S. Williams | |

Total--35

Those who voted in the negative are:

| | | |
|--------------|---------------|--------------|
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Brittain |
| Bryant | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chumley | Collins | B. Cox |
| Crawford | Dabney | Daning |
| Davis | Elliott | Felder |
| Finlay | Forrest | Fry |
| Gagnon | Gatch | Gilliam |
| Haddon | Hardee | Hart |
| Hayes | Herbkersman | Hewitt |
| Hiott | Hixon | Huggins |
| Hyde | J. E. Johnson | Jones |
| Jordan | Ligon | Long |
| Lowe | Magnuson | May |
| McCabe | McCravy | McGarry |
| McGinnis | T. Moore | A. M. Morgan |
| T. A. Morgan | V. S. Moss | B. Newton |

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| | | |
|-------------|-------------|-------------|
| W. Newton | Nutt | Oremus |
| Pope | Robbins | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| M. M. Smith | Taylor | Thayer |
| Trantham | West | Whitmire |
| Willis | Wooten | |

Total--71

So, the House refused to adjourn.

Rep. STAVRINAKIS moved to continue the Bill.

Rep. HIOTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 35; Nays 71

Those who voted in the affirmative are:

| | | |
|-----------------|---------------|---------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Clyburn |
| Cobb-Hunter | Cogswell | Dillard |
| Garvin | Gilliard | Govan |
| Henderson-Myers | Hosey | Howard |
| Jefferson | J. L. Johnson | K. O. Johnson |
| King | Kirby | McDaniel |
| J. Moore | Ott | Parks |
| Pendarvis | Rivers | Robinson |
| Rose | Stavrinakis | Tedder |
| Thigpen | Wetmore | Wheeler |
| R. Williams | S. Williams | |

Total--35

Those who voted in the negative are:

| | | |
|-----------|------------|-----------|
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Brittain |
| Bryant | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chumley | Collins | B. Cox |
| Crawford | Dabney | Daning |
| Davis | Elliott | Felder |

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| | | |
|---------------|--------------|--------------|
| Finlay | Forrest | Fry |
| Gagnon | Gatch | Gilliam |
| Haddon | Hardee | Hayes |
| Herbkersman | Hewitt | Hiott |
| Hixon | Huggins | Hyde |
| J. E. Johnson | Jones | Jordan |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McGarry | McGinnis |
| T. Moore | A. M. Morgan | T. A. Morgan |
| D. C. Moss | V. S. Moss | B. Newton |
| W. Newton | Nutt | Oremus |
| Pope | Robbins | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| M. M. Smith | Taylor | Thayer |
| Trantham | West | Whitmire |
| Willis | Wooten | |

Total--71

So, the House refused to continue the Bill.

Rep. BAMBERG moved to recommit the Bill to the Committee on Judiciary.

Rep. HIOTT demanded the yeas and nays which were taken, resulting as follows:

Yeas 37; Nays 70

Those who voted in the affirmative are:

| | | |
|---------------|-----------------|---------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Clyburn |
| Cobb-Hunter | Cogswell | Dillard |
| Garvin | Gilliard | Govan |
| Hart | Henderson-Myers | Hosey |
| Howard | Jefferson | J. L. Johnson |
| K. O. Johnson | King | Kirby |
| Matthews | McDaniel | J. Moore |
| Ott | Parks | Pendarvis |
| Rivers | Robinson | Rose |
| Stavrinakis | Tedder | Thigpen |

[HJ]

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| | | |
|-------------|---------|-------------|
| Wetmore | Wheeler | R. Williams |
| S. Williams | | |

Total--37

Those who voted in the negative are:

| | | |
|--------------|--------------|---------------|
| Bailey | Ballentine | Bannister |
| Blackwell | Brittain | Bryant |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chumley |
| Collins | B. Cox | Crawford |
| Dabney | Daning | Davis |
| Elliott | Felder | Finlay |
| Forrest | Fry | Gagnon |
| Gatch | Gilliam | Haddon |
| Hardee | Hayes | Herbkersman |
| Hewitt | Hiott | Hixon |
| Huggins | Hyde | J. E. Johnson |
| Jones | Jordan | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McGarry | McGinnis | T. Moore |
| A. M. Morgan | T. A. Morgan | D. C. Moss |
| V. S. Moss | B. Newton | W. Newton |
| Nutt | Oremus | Pope |
| Robbins | Sandifer | Simrill |
| G. M. Smith | G. R. Smith | M. M. Smith |
| Taylor | Thayer | Trantham |
| West | Whitmire | Willis |
| Wooten | | |

Total--70

So, the House refused to recommit the Bill.

The question then recurred to the motion to invoke cloture on the entire matter.

The yeas and nays were taken resulting as follows:

Yeas 69; Nays 35

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Those who voted in the affirmative are:

| | | |
|--------------|---------------|--------------|
| Bailey | Ballentine | Bannister |
| Blackwell | Brittain | Bryant |
| Burns | Bustos | Calhoon |
| Carter | Caskey | Chumley |
| B. Cox | Crawford | Dabney |
| Daning | Davis | Elliott |
| Felder | Finlay | Forrest |
| Fry | Gagnon | Gatch |
| Gilliam | Haddon | Hardee |
| Hayes | Herbkersman | Hewitt |
| Hiott | Hixon | Huggins |
| Hyde | J. E. Johnson | Jones |
| Jordan | Ligon | Long |
| Lowe | Magnuson | May |
| McCabe | McCravy | McGarry |
| McGinnis | T. Moore | A. M. Morgan |
| T. A. Morgan | D. C. Moss | V. S. Moss |
| B. Newton | W. Newton | Nutt |
| Oremus | Pope | Robbins |
| Sandifer | Simrill | G. M. Smith |
| G. R. Smith | M. M. Smith | Taylor |
| Thayer | Trantham | West |
| Whitmire | Willis | Wooten |

Total--69

Those who voted in the negative are:

| | | |
|---------------|---------------|-----------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Clyburn |
| Cobb-Hunter | Cogswell | Collins |
| Dillard | Garvin | Gilliard |
| Govan | Hart | Henderson-Myers |
| Hosey | Howard | Jefferson |
| J. L. Johnson | K. O. Johnson | King |
| Kirby | McDaniel | Ott |
| Parks | Pendarvis | Rivers |
| Robinson | Rose | Stavrinakis |

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Tedder
R. Williams

Wetmore
S. Williams

Wheeler

Total--35

So, cloture was ordered.

Rep. GATCH proposed the following Amendment No. 24 to H. 5399 (COUNCIL\VR\5399C041.CC.VR22), which was adopted:

Amend the bill, as and if amended, SECTION 3, by adding:

/ Section 44-41-825. (A) Notwithstanding another provision of law, a physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman if the pregnancy is the result of rape or incest, and the probable post-fertilization age of the fetus is fewer than twelve weeks.

(B) A physician who performs or induces an abortion on a pregnant woman based on the exceptions in subsection (A) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty-four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, a physician who performs or induces an abortion based upon an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman's medical records that the abortion was performed pursuant to the applicable exception, that the doctor timely notified the sheriff of the allegation of rape or incest, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest. /

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

The amendment was then adopted.

POINT OF ORDER

Rep. BAMBERG raised the Point of Order that H. 5399 was improperly before the House because proper procedures had not been

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followed in the consideration and approval of the Bill by the House Judiciary Committee.

The SPEAKER *PRO TEMPORE* overruled the Point of Order. The SPEAKER *PRO TEMPORE* stated that a Point of Order concerning procedures in committee had to be raised in the committee and it was too late in the process to raise them to the full House. Thus, he overruled the Point of Order.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 67; Nays 38

Those who voted in the affirmative are:

| | | |
|-------------|---------------|--------------|
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Brittain |
| Bryant | Burns | Bustos |
| Calhoon | Carter | Caskey |
| Chumley | Collins | B. Cox |
| Crawford | Dabney | Daning |
| Davis | Elliott | Felder |
| Forrest | Fry | Gagnon |
| Gatch | Gilliam | Hardee |
| Hayes | Herbkersman | Hewitt |
| Hiott | Hixon | Huggins |
| Hyde | J. E. Johnson | Jordan |
| Ligon | Long | Lowe |
| Magnuson | May | McCabe |
| McCravy | McGarry | McGinnis |
| T. Moore | A. M. Morgan | T. A. Morgan |
| D. C. Moss | V. S. Moss | B. Newton |
| W. Newton | Nutt | Oremus |
| Pope | Robbins | Sandifer |
| Simrill | G. M. Smith | G. R. Smith |
| M. M. Smith | Taylor | Trantham |
| West | Whitmire | Willis |
| Wooten | | |

Total--67

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Those who voted in the negative are:

| | | |
|---------------|---------------|-----------------|
| Alexander | Anderson | Bamberg |
| Bernstein | Brawley | Clyburn |
| Cobb-Hunter | Cogswell | Dillard |
| Garvin | Gilliard | Govan |
| Haddon | Hart | Henderson-Myers |
| Hosey | Howard | Jefferson |
| J. L. Johnson | K. O. Johnson | King |
| Kirby | Matthews | McDaniel |
| J. Moore | Ott | Parks |
| Pendarvis | Rivers | Robinson |
| Rose | Stavrinakis | Tedder |
| Thigpen | Wetmore | Wheeler |
| R. Williams | S. Williams | |

Total--38

So, the Bill, as amended, was read the second time and ordered to third reading.

Rep. FORREST moved that the House do now adjourn, which was agreed to.

ADJOURNMENT

At 6:35 p.m. the House, in accordance with the motion of Rep. K. O. JOHNSON, adjourned in memory of Dr. Rose H. Wilder, to meet at 10:00 a.m. tomorrow.

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| | | | |
|---------------|----------------|---------------|----|
| H. 5399 | 2, 13, 14, 15 | H. 5463 | 6 |
| H. 5399 | 23, 26, 28, 42 | H. 5464 | 6 |
| H. 5399 | 43, 45, 47, 49 | H. 5465 | 7 |
| H. 5399 | 52, 53, 55, 57 | H. 5466 | 7 |
| H. 5399 | 59, 65, 67, 75 | H. 5467 | 8 |
| H. 5457 | 2 | H. 5468 | 8 |
| H. 5458 | 3 | H. 5469 | 9 |
| H. 5459 | 4 | H. 5470 | 9 |
| H. 5460 | 4 | H. 5471 | 10 |
| H. 5461 | 5 | H. 5472 | 14 |
| H. 5462 | 6 | | |