**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “PERSONHOOD ENFORCEMENT AT CONCEPTION FOR EVERY SOUTH CAROLINIAN (PEACE SC) ACT” BY ADDING SECTIONS 6‑1‑190, 40‑1‑112, AND 41‑3‑150 SO AS TO REQUIRE LOCAL GOVERNMENTS, THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AND BOARDS OF PROFESSIONAL LICENSING TO RECEIVE AND REVIEW COMPLAINTS AGAINST BUSINESSES, LICENSEES, AND EMPLOYERS THAT ENGAGE IN PRACTICES THAT TERMINATE THE LIFE OF A PERSON, TO DEFINE “PERSON”, TO ALLOW CITIZENS OF THE STATE TO FILE CIVIL ACTIONS IN CERTAIN CIRCUMSTANCES, AND TO ESTABLISH PENALTIES FOR FAILURE TO COMPLY; TO REQUIRE LOCAL GOVERNMENTS, BOARDS OF PROFESSIONAL LICENSING, AND THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO REVOKE OR PERMANENTLY SUSPEND THE BUSINESS, PROFESSIONAL, OR EMPLOYMENT LICENSE OF ANY BUSINESS, LICENSEE, OR EMPLOYER THAT ENGAGES IN PRACTICES THAT TERMINATE THE LIFE OF A PERSON, WITH EXCEPTIONS; AND FOR OTHER PURPOSES.

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

SECTION 1. This act may be cited and known as the “Personhood Enforcement at Conception for Every South Carolinian (PEACE SC) Act”.

SECTION 2. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6‑1‑190. (A) Any local government, including counties, municipalities, and special purpose districts, shall as part of issuing business licenses maintain a publicly accessible location where complaints may be filed against any business license holder who engages in practices that terminate the life of any person including, but not limited to, the administering of an abortion, the administering of euthanasia, or the issuing or dispensing of a prescription for an abortifacient drug. The complaint must affirm that the filer has reasonable belief that the business has proximately caused the death of a person by intentional or wilful conduct and describe the facts leading to that belief. The location where complaints may be filed may include a publicly accessible website.

(B) A complaint regarding a business license holder filed pursuant to subsection (A) must be reviewed by the local governmental agency that issued such license within thirty days of receipt of the complaint. If the local governmental agency fails to review the complaint within thirty days of receipt, the local government shall review the complaint at its next regularly scheduled public meeting. A local government that fails to review a complaint as provided by this subsection is subject to a cause of action by any citizen of the State and may be held civilly liable in an amount of no more than ten thousand dollars per instance plus attorneys’ fees and costs.

(C) Upon a finding that a business license holder has proximately caused the death of a person through intentional or wilful conduct, and that death would not have occurred apart from such conduct, the applicable local government must suspend or permanently revoke the business’s license and provide written notice to the business license holder of the decision. As an affirmative defense to suspension or revocation, the business license holder may prove by clear and convincing evidence that the practices proximately causing the death of a person were emergency measures utilized only to save the life of another person. A decision by a local government suspending or permanently revoking a business license hereunder may be appealed to the circuit court within thirty days of a final decision.

(D) If the business whose license is suspended or revoked continues to operate after notice has been served, the sheriff of the county in which the business is located is authorized to immediately close the business and take such lawful measures deemed appropriate or necessary to prevent its continued operation. The sheriff shall inform the General Assembly and the South Carolina Department of Labor, Licensing and Regulation within thirty days of any business closure pursuant to this section.

(E) Notwithstanding another provision of law, state or federal act, regulation, executive order, court opinion, or professional guidance, no sheriff, law enforcement officer, or employee of this State or its political subdivisions shall assist or provide support in any effort to prevent this section from being enforced. Any sheriff, law enforcement officer, or employee of the State or a political subdivision who interferes with the enforcement of this section is subject to a cause of action by any citizen of the State and may be held civilly liable in an amount of no more than ten thousand dollars per instance plus attorneys’ fees and costs.

(F) For purposes of this section, ‘person’ means a human being at any stage of development beginning at fertilization, without regard to race, gender, age, disability, medical history, circumstances of conception, or dependent status.”

SECTION 3. Article 1, Chapter 1, Title 40 of the 1976 Code is amended by adding:

“Section 40‑1‑112. (A)(1) The South Carolina Department of Labor, Licensing and Regulation shall maintain a complaint page on its publicly accessible website where complaints may be filed against any licensee who engages in practices that terminate the life of any person including, but not limited to, the administering of an abortion, the administering of euthanasia, or the issuing or dispensing of a prescription for an abortifacient drug. The complaint must affirm that the filer has reasonable belief that the licensee has proximately caused the death of a person by intentional or wilful conduct and describe the facts leading to that belief. The department must forward any such complaint to the appropriate board within three business days of filing.

(2) The department shall review a notice received from a county sheriff pursuant to Section 6‑1‑190 within three business days to determine if the business license holder is licensed by a board of the department and, if so licensed, shall forward the notice to the appropriate board for review.

(3) Failure of the department to comply with the requirements of this subsection constitutes cause for immediate termination of the director of the department.

(B) A complaint or notice received by a board pursuant to subsection (A) must be investigated by that board within fourteen days. Failure of a board to investigate a complaint or notice in accordance with this section constitutes cause for immediate termination of the chief executive officer of that board.

(C) If a board finds as part of reviewing a complaint or notice received pursuant to this section that a licensee has proximately caused the death of a person through intentional or wilful conduct, and that death would not have occurred apart from such conduct, the board must suspend or permanently revoke the licensee’s license, subject to appeal in accordance with law. As an affirmative defense to suspension or revocation, the licensee may prove by clear and convincing evidence that the practices proximately causing the death of a person were emergency measures utilized only to save the life of another person.

(D) For purposes of this section, ‘person’ means a human being at any stage of development beginning at fertilization, without regard to race, gender, age, disability, medical history, circumstances of conception, or dependent status.”

SECTION 4. Article 1, Chapter 3, Title 41 of the 1976 Code is amended by adding:

“Section 41‑3‑150. (A) The South Carolina Department of Labor, Licensing and Regulation shall maintain a complaint page on its publicly accessible website where complaints may be filed against any employer who engages in practices that terminate the life of any person including, but not limited to, the administering of an abortion, the administering of euthanasia, or the issuing or dispensing of a prescription for an abortifacient drug. The complaint must affirm that the filer has reasonable belief that the licensee has proximately caused the death of a person by intentional or wilful conduct and describe the facts leading to that belief. The department shall review any such complaint or a notice received from a county sheriff pursuant to Section 6‑1‑190 within fourteen days. Failure of the department to comply with the requirements of this subsection constitutes cause for immediate termination of the director of the department.

(B) If the department finds as part of reviewing a complaint or notice received pursuant to this section that an employer has proximately caused the death of a person through intentional or wilful conduct, and that death would not have occurred apart from such conduct, the department must suspend or permanently revoke any employment license issued to the employer by the department, subject to appeal in accordance with law. As an affirmative defense to suspension or revocation, the employer may prove by clear and convincing evidence that the practices proximately causing the death of a person were emergency measures utilized only to save the life of another person.

(C) For purposes of this section, ‘person’ means a human being at any stage of development beginning at fertilization, without regard to race, gender, age, disability, medical history, circumstances of conception, or dependent status.”

SECTION 5. This act is enacted pursuant to the authority of the State of South Carolina reserved to itself in the Tenth Amendment to the U.S. Constitution, and pursuant to the duty of the State to protect every person under its jurisdiction from being deprived of life without due process of law as set forth in the Fifth and Fourteenth Amendments to the U.S. Constitution.

SECTION 6. 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 7. This act takes effect upon approval by the Governor.

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