**Wednesday, September 7, 2022**

**(Statewide Session)**

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Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 121:1

We are reminded by the Psalmist: “I lift up my eyes to the hills -- from where will my help come? My help comes from the Lord who made heaven and earth.”

Friends, let us pray: Since the Senate of South Carolina has returned to face additional work, O God, we turn to You today asking for You to bless this Body, as well as praying that Your strength and Your guidance will enfold all of us. But mostly, dear Lord, we ask You to lead these leaders and their aides as together they take on matters which directly impact every single one of us. Further, may each of these servants be acutely conscious of Your holy presence, and may they securely feel themselves lovingly directed by Your power and grace as they strive to accomplish what is right and just and needful. We all indeed fully know that our ultimate help always comes from you, dear God. May that knowledge be uppermost in the mind of every individual serving You in this place. So we pray in Your wondrous name, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

**Local Appointments**

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Charles R. Keep III, 9 Willow Oak Road West, Hilton Head Island, SC 29928-4408

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Bernard McIntyre, 416 Bb Sams Drive, Saint Helena Island, SC 29920-3007

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Russell A. DeMott, 1001 Mount Whitney Drive, Summerville, SC 29483-3323 *VICE* Michael H. Murphy

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Mona Lisa M. Andrews, 1754 South Pamplico Highway, Pamplico, SC 29583-4007 *VICE* Holly Wall

Initial Appointment, Sumter County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Kimberly Land, 617 Henderson Street, Sumter, SC 29150-3148 *VICE* Lee Anna Tindal

Initial Appointment, Edgefield County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Gary Hitt, 70 Windy Drive, Trenton, SC 29847-2316 *VICE* James McLaurin

**Leave of Absence**

On motion of Senator FANNING, at 11:37 A.M., Senator McLEOD was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator CORBIN, at 11:37 A.M., Senator GAMBRELL was granted a leave of absence until 1:00 P.M.

**Leave of Absence**

On motion of Senator SETZLER, at 11:42 A.M., Senator JACKSON was granted a leave of absence until 1:15 P.M.

**Expression of Personal Interest**

Senator K. JOHNSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CASH rose for an Expression of Personal Interest.

**Remarks by Senator CASH**

We debate a lot of issues in this Chamber. Most of the issues we debate in here are very political in nature -- how we're going to spend the state's money, how we're going to change laws, about labor and relations and all kinds of political stuff? That's the majority, the vast majority of what we do. Occasionally, much less occasionally, we take up constitutional issues. We start talking about the Second Amendment that's the first thing that comes to my mind, you know, it's something that is not centered on politics of nickels and dimes. It's centered on the Constitution.

Very rarely do we take up issues that are just squarely moral in nature. That's what we have before us. It is an issue that's squarely moral in nature. Does it have constitutional ramifications? Of course, it does. It has political ramifications. Everybody likes to look at polls. It's primarily a moral issue. Where do we go for guidance on moral issues? Some people say you cannot legislate morality. If you can't legislate morality, let's remove all the laws about theft, fraud and burglary. All those things that touch morality that supposedly we cannot legislate. Let's just get rid of them and see what kind of a society we have then. Laws about killing because killing is a moral issue. So, I believe there are issues where there are simply moral absolutes, and this is one of them. I talk about it, and I think about it from that perspective until someone can convince me otherwise. I want to read to you very briefly from Psalm 19, “The law of the Lord is perfect, restoring the soul: the testimony of the Lord is sure, making wise the simple. The precepts of the Lord are right, rejoicing in the heart: the commandment of the Lord is pure enlightening the eyes. The fear of the Lord is clean enduring forever. The judgments of the Lord are true. They are righteous altogether. They are more desirable than gold, yes, the much fine gold, sweeter also than honey. The drippings of the honeycomb. Moreover, by them thy servant is warned: in keeping them there is great reward. Who can discern his errors? Equip me of hidden faults. Keep back thy servant from presumptuous sins. Let them not rule over me and I shall be blameless and acquitted great transgression. Let the words of my mouth, and meditation of my heart, be acceptable in thy sight, O Lord, my rock and my redeemer.”

We are frail. We are frail creatures in our understanding and our attempts, something that is so contentious but of course, we do have to attempt. We do have to try to right the law that addresses the situation. My starting point in this debate is simply quite honestly the sixth commandment. Thy shall not murder. Intentional taking the life of an innocent person is a very simple definition of murder that I will stand by. I believe it's a moral absolute. It's not up for debate and it's not up for vote. It’s not up for the majority will of this legislature or public referendum. It's a moral absolute. I believe that when we get into the business of legislating which innocence can be killed; we're not going to have legal protection from society. And we're going to set the parameters by voting on what the conditions are and how many weeks and so on and so forth. I do believe we have ventured in the area of presumptuousness. We ventured into the area of facing this child with anomalies that are incapable of life according to somebody's opinion. I presume that we know best, and that child can be intentionally killed. We presume in the hard cases that lie before us which we have discussed and apparently are going to discuss a lot more. We presume there has to be this state sanctioned allowance for the killing of a child conceived, through no fault of its own, through an act of rape and incest. You know if I was to stand up and read you the stories of people like Ethel Waters, whose mother was raped at knifepoint when she was 12 or 13 and gave birth to Ethel Waters at the age of 13. I could go on and on about children who should have been deformed by their hereditary genetics. People that would be missing from this world if they had not been born and made their contributions. So, I’m going to continue that effort to try to provide legal protection for all the innocents. I would call upon those who believe in the sanctity of human life that all humans are created equal in the image of God to join me in that effort. I appreciate your attention, thank you.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator CASH were ordered printed in the Journal.

**Expression of Personal Interest**

Senator SHEALY rose for an Expression of Personal Interest.

**Remarks by Senator SHEALY**

To say it’s tough to be a woman in politics is an understatement.  To say it’s really tough to be a woman in politics in South Carolina is hardly a statement at all.  You can tell by looking around this room.  You can tell by looking at the portraits on the wall in this room and in the House Chamber and the halls of the State House.  You can tell how tough it is by some of the comments made by some of the people in the lobby -- Things like, “Women aren’t fit to serve”, “That God doesn’t want us here”. Well God’s pretty smart -- if God didn’t want us here, I’m pretty sure we wouldn’t be here.  The reason we come back everyday is because it is worth it.  It is one more victory for the women and girls who have been told they do not belong.  Fact is the numbers tell us that women legislators get more meaningful legislation passed and work better together and better across the aisle.

Here is where the problem comes in -- we know we are smart. We run the household, we run businesses, have jobs, take care of the children, take care of our aging parents, and we understand it all.  The only thing that we are not smart enough to do is take care of our own bodies.  We need men in government -- not medical professionals to do that.  The closest thing we have to a medical professional in this Chamber is Senator CROMER, he is a pharmacist and I really respect you Senator CROMER but I do not want you as my OB-GYN.  The fact is I do not want anyone in this room making life and death decisions for me, my daughter, my granddaughter -- and for that fact anyone. I also do not want the person I choose as my medical professional to stop in the middle of a procedure and request the South Carolina Code of Laws to decide if he can proceed or if he may be committing a crime punishable by a fine or time in prison.

Ladies and gentlemen -- I do not want any 10 year old who is raped by her 13 year old brother (and yes it happened right here in West Columbia) to be afraid -- because first no one taught her about sex, because there’s no sex education in elementary school. She did not know she was pregnant until she was 6 months and she was forced to have a baby at 10 years old.  The chances of this young girl’s reproductive system ever being normal and her having children with someone she really loves, have greatly diminished not to mention her psychological damage. But in the South Carolina Legislature, we know best.

But you ask, why am I talking about this -- isn’t she pro-life?  Yes, I am pro-life. I am also pro-life of the mother, the life she has with her children who are already born. I care about the children who are forced into an adulthood that was made up by a legislature full of men so they can take a victory lap and feel good about it.

  You want children raising children who will most likely suffer domestic violence and live in poverty, but you do not care because you have done your job and you will forget about them once they are born.   You will fight my legislation on foster homes and adoption.  You will not support legislation to stop sex trafficking and pornography.  You will not support my legislation for free meals for all children in schools. You are not going to help me on that.

If you want to believe that God is wanting you to push a Bill through with no exceptions, that kills mothers, ruins the lives of children, and lets mothers bring home babies to bury, then I think you are miscommunicating with God or maybe you are just not communicating with him at all.

I know we disagree on a lot of issues but hearing you talk about menstrual cycles, conception, how you know when your egg is fertilized, or having the baby -- I got to tell you it really disgusts me. I really do not think there are but five of us that sit in this Chamber that can even speak on those issues honestly.  I do not even believe your wives would agree that you know how it feels.

  But before I sit down, I have one thing to say to you. Think about your wives, think about your daughters, your granddaughters, your nieces, and all those cute little girls’ faces in your church. Then think about the decisions you want to make for them even though you do not know what their situations are. They may have been raped, maybe someone in their family is abusing them and you do not know it. Think about them when you see them in church, that happened to a little girl in church with me. Her mom and daddy were abusing her -- they finally ended up killing her -- they were sexually abusing her. Maybe they have a serious illness but instead of letting a doctor decide the best method of care for that child, let the South Carolina Legislature do it. We think we can do a better job. Well, I just do not agree. Thank you.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator SHEALY were ordered printed in the Journal.

**Expression of Personal Interest**

Senator MATTHEWS rose for an Expression of Personal Interest.

**Remarks by Senator MATTHEWS**

Thank you for the opportunity to express a few of my thoughts regarding a Medical Affairs Committee meeting that we had yesterday. I want to thank all of the members of the committee for being attentive during that time. As the Senator before me, my sister Senator said earlier, I was incredulous about the lack of understanding that our members, many of our male counterparts, had about the woman’s body. I was surprised time and time again of the statements that showed not only did they know about the woman’s body; but apparently, their heads have been in the sand on the reality of what South Carolina looks like in 2022.

I am surprised that there is still a lack of understanding that there is supposed to be a separation of church and state. Yes, I see some of the members, while I say, “separation of church and state,” turn and look away. I see and I have seen over the last few years that there’s a divide in South Carolina and that’s sad because we’re one State and we’re not a very large State at that. And here we are again!

I started this session hearing that in D.C., they did not want to have filibusters -- they were afraid their rights -- their filibusters would be taken away. That’s exactly what happened in this Chamber under a different name. Here we are today. We’re here under a *Sine Die* Resolution that’s supposed to take up this *Dobbs* issue, but what it really meant was we’re going to take up the issue of abortion, stripping away women’s rights and choice. It gives a woman and a child power to live a very productive life. This soul-sucking effort to control a woman’s pregnancy; I’m sorry gentlemen, but I’m not going to participate any longer in this insulting and degrading debate.

This is not your place. Let the people of South Carolina decide. You say you represent them -- let them decide. Let your sisters, let your mothers, let your daughters, let your grandchildren decide. I have been telling my constituents from day one that this is your constitutional right. If you do not speak up, you’ll lose it. I told people yesterday to look at *The Handmade’s Tale.* I’ve been hearing since I got here that Bills start out very small and each year they progress. This year, you tell us what we -- what we shall do for our reproductive rights. Then next year, what? You know I’ve heard some members of this Chamber even say, oh, my granddaughter says, or my constituents say, don’t let them kill the babies. What are you talking about? That’s your opportunity, that is your opportunity to explain to your grandchildren and your children that this is about life -- a productive life. I’m protecting your rights. I feel insulted when I hear people bringing up things that happened before Christ. I believe in the Bible. I raised my children in the church, but you know what? I believe in life, liberty and the sanctity of a good life.

We’ve already seen proof that the polls show -- they showed this summer -- that only 8% of South Carolinians want a Bill that we’re confronting here today and yet it was rammed down our throats in the *Sine Die* Resolution. But yet, let’s march on for a few at the top part of the State. You’ve seen the consequences of the Supreme Court’s overturning *Roe vs. Wade* in elections. You’ve seen the results in Kansas what the voters have said. They rejected an abortion ban by a huge margin; but yet here we go. South Carolina shooting the first battle cry. Come on! The *Cook Political Report* is flipping their election ratings daily from leaning Republican to toss up, you know what, here we go. Candidates and members of congress including those in our own State are scrubbing their websites where they’ve been talking about anti-abortions.

Now, I sat in session yesterday and I heard some very good amendments to the abortion Bill. But you know what? You own this. You decided that we are going to come here and tell women, even though you don’t know what you’re talking about, what their bodies should feel like when they become pregnant. You’re going to tell us what we should do when we become pregnant.

But yet, I look at you thumping that Bible. Who are you talking to? Are you talking to the political pundits of the far right? Are you talking to the women that you love? We’re not up here for re-election this year. None of us are. We do not run again until 2024. We’re not up here for re-election this year. And I’m sure some of you are betting that women will forget your votes today, before 2024 when you have to run again. I can assure you with every breath in my body that I will make sure they don’t.

If we are here to represent our constituents, their voices must be considered. They’ve told us they didn’t want *Roe* overturned, that they don’t support abortion bans, and they don’t like what’s been happening at the State House this summer -- but we march on. So instead of personal agendas, religious archaic beliefs, and moral codes that you should all enforce in your own house instead of in this Chamber, let’s do what the voters of South Carolina want. Let’s codify the stipulations of the *Roe vs. Wade* decision that governed our land for nearly 50 years. And if you don’t believe me, let’s ask the voters. Don’t trust me, let’s put this issue before the voters. Let the people of South Carolina decide. If abortion remains legal in this State, the issue is too important to be decided by a few men in this State House. It’s up to you. Thank you.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator MATTHEWS were ordered printed in the Journal.

**Expression of Personal Interest**

Senator GUSTAFSON rose for an Expression of Personal Interest.

**Remarks by Senator GUSTAFSON**

In January 2021, I was a new Senator as we debated S.1, which passed. I voted for it. Because other women of this Body spoke so very eloquently, I chose not to speak to the Bill. Today is a new day with a new Bill, and it needs every female voice we can muster. I have never had an abortion, but I do live in “realville” as Rush Limbaugh used to say. The real consequences of this Bill must be addressed. Yesterday, while my husband was driving us home from visiting his family in PA, I watched the Senate Medical Affairs Committee meeting that was almost 6 hours long. I watched all exemptions be eliminated -- all of them.

I do agree with Senator CASH that there are no easy answers, but there are right ones. What is right is that we do the best job possible balancing the rights of the child with the rights of the mother, but this Bill does not seem to regard the mother at all. The kind Senator DAVIS brought this view into focus yesterday at the Senate Medical Affairs meeting. He offered that this Bill does not recognize or even acknowledge any other right. Do we women have no right to any autonomy of our bodies? Are we simply baby machines? Are the circumstances by which the female is pregnant entirely irrelevant? Pregnant with a dead baby? Nope. Too bad. Have ectopic pregnancy? Nope. Too bad. Raped at 11 by grandfather and pregnant? Nope. Too bad.

In a utopian world for many of us, no one would have sex before marriage and every single mother would carry to full term with no medical problems whatsoever. The Bill in front of us today can be called wishful thinking legislation. We wishthere were fewer teenage pregnancies, we wish we did not have to make the decision to reduce the number of embryos to twins if needed for viability, we wish all children would wait until marriage or an adult committed relationship before engaging in sexual activity, *we wish* that contraception is just understood by all no matter the age and all information taught at home, we wish that women would stop talking about their bodies -- did that last one catch your attention? Legislation is not created in a vacuum.

Seems like women will be penalized for being victims of rape, incest, or being pregnant with a fatal fetal anomaly. The majority of our voters do not support this Bill with no exceptions; this is fact. I have been warned not to “water down the Bill”. This is not a loophole. I do not understand how S.1 could be so widely supported with this obvious exception less than two years ago, and now, it is completely off the table?

We have a real opportunity to clearly define a fatal fetal anomaly. There seems to be some confusion on birth defects v. fatal fetal anomalies. I was born with a congenital defect of hearing loss with about half of my hearing in my right ear and a malformed mouth. Fatal birth defects are not the same as all birth defects. Down syndrome is not a fatal fetal anomaly as suggested yesterday. Chromosomal abnormalities account for about half of all miscarriages, but the key word here is fatal. Prenatal testing between weeks 18 - 23 allows the doctors to view development of the formation of baby’s head, brain, and facial features, spinal development, structure of the abdominal wall and internal organ, heart and lung structure and function, kidney formation and function, and formation of limbs, hands, and feet. There are two general categories of fetal anomalies, structural and functional. It is very possible that some defects will not be visible until later in pregnancy. Lethal means the baby cannot survive outside the uterus.

Being forced to carry a baby with a lethal anomaly would be a nightmare. So, what generally happens in a forced birth in these circumstances? A high degree of severe infection. These anomalies need to be clearly defined and included in this Bill. I cannot support this Bill without this exception. I heard about testimony by a woman, Michelle Cilley Foisy, who was pregnant with a baby with no brain and a missing heart chamber.

I support increased access to contraception, more affordable contraception, expanded sex education to include what contraceptives are, mandated coverage of cost of contraceptives, and provided assurances to doctors that this Bill will not interfere with best medical practices and standard care.

We must face reality. We do not live in the Dark Ages. This is not simply a moral discussion, and I am not advocating for abortion on demand or abortion as birth control. There are more considerations that must be undertaken. Short-term decision-making and wishful thinking legislation does not allow us legislators to mollify the consequences of what we are doing. Abortion should be safe, legal, but extremely rare. Please support the exemption of fatal fetal anomalies.

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator GUSTAFSON were ordered printed in the Journal.

**Expression of Personal Interest**

Senator SENN rose for an Expression of Personal Interest.

**Remarks by Senator SENN**

Good morning, colleagues. Ladies and gentlemen of the Senate, what I heard coming from the mouths of the majority of the men in the Medical Affairs Committee just sickened me because what I heard was -- and this is how my brain works anyway -- that you little ladies in South Carolina need to listen to us. We can take care of everything for y’all little ladies, and I also heard that little ladies have no place in politics. Just look at that Steve Lefemine guy who is always swirling around doll babies and sending out horrible emails to us. He basically said as much in an email and yet we let him in here time and time again to let him send us offensive stuff. Don’t you remember the time he even sent around an email saying that if women take longer than two seconds to put on their pants, then their pants are too tight? Why do we listen to this kind of stuff? Why do we have to put up with it? Why can he even email us? But it’s okay, everybody just laughs it off. I don’t laugh it off when it comes from my own colleagues.

To those of you who stood up for women yesterday, I am grateful, but to those of you who feel that women are inferior remember you were warned when you are challenged by a female. I have been in the Senate going on seven years now and for each of those years we have talked about abortion. Here we go again, but why now? And I’m not talking about Roe vs. Wade. I’m talking about the fact that this woefully underpaid part-time legislature is supposed to be out of session for time with family or for in-district business but no, we are here telling our citizens that we need to come for special session because women and families need your guidance, because y’all know better than them. Right? Y’all know better than the women and the families. What I don’t understand is why you don’t understand that you cannot legislate morality. You cannot tell people who to sleep with. You cannot tell people who to marry and you cannot tell women what to do with their own bodies. Try as you might. Try as you might, but I can tell you now, a woman who is hell-bent to have an abortion is going to have an abortion despite what this legislature says. It may be messy, but she is going to get it done. We little ladies can take care of ourselves. But if given time -- if women are given time to adjust to their situation, to say okay I’m pregnant. What am I going to do? How am I going to handle this -- in many scenarios? Whether they’re raped or not, let’s just say they’ve had a night of sex and they shouldn’t have done that. A lot of people in here want to even take away the morning after pill. What if a woman just has, oh heaven forbid, sex and finds herself pregnant? Maybe if we give her time to come to grips with her reality, she’s going to do the right thing, but if she is rushed, she may not do the right thing. She may run off to another state and she may get an abortion lickety-split that she would not have gotten if she had been given time from the rest of us here in the legislature to come to grips and make the right decision.

What you may not understand is that no woman really wants to have an abortion. Do you know anybody that wants to have an abortion? I mean that just does not happen. I mean to me, all women are truly pro-life, but a woman that has an abortion feels she has no choice. Thankfully, I’ve never been in that situation, but I will not judge. I will not judge my fellow females who have been in that situation.

I listened to a podcast, and it was actually the first podcast that I had ever listened to, but it was by an author named Jodi Picoult. She is one of my favorite authors. It is just a little two-hour read. You should listen to it. It’s hilarious because everybody wakes up in America and, all of a sudden, only men can be pregnant, and it is hilarious. It is hilarious. I mean the women are getting the best jobs. The guys are waking up feeling like they’re puffy and getting a little fat. They’re all teary-eyed. They’re getting hormonal. The women are getting the best jobs and the men are mad because their former girlfriends, who had broken up with them are out at the bar drinking beer. If you guys could picture yourselves getting pregnant from a one-night stand or maybe sleeping with somebody that you shouldn’t have slept with or maybe just because it is just not right for your body, because it could be very dangerous for your body. If you ever thought like that, then you would never be bringing a Bill like this.

Like I said, ladies and gentlemen, back to my original question. I do wonder why we are here discussing this in September and not when regular business is at hand, because the Supreme Court has already indicated that they are likely to weigh in. But instead of waiting to review the impacts of other states -- we are not going to do that. Instead, we are back here trying to make a rush decision, which I believe is going to be turned around if we don’t do this thing the right way and let it go through the proper channels. In addition, if you disagree with me consider this. I think it is going to be interesting in the November elections to see what is going to happen because this issue is huge. Fifty-one percent of the population now are women. You don’t think that we’re going to vote on this? You don’t think that women will vote single issue on something like this? Because they will. There is a woman out there who is my constituent. She is holding up a sign saying, do women not have any rights or any thoughts in the Republican Party right now? Another one of my constituents spoke when we had the one day that people could come and testify. She was raped at age 12 by two men when she was there babysitting. They locked the kids out of the house, raped this little girl then made her wash the sheets while the wife was out of the house. She got raped. She got pregnant on her first time ever having sex. Isn’t that awful? She was so ashamed she didn’t want her parents to know. She thought, first of all, that her daddy would kill the men, but she also thought that her parents, neighborhood and everybody in her school would feel that she was tainted somehow. So that little girl, thankfully, found a nurse who was her neighbor who took her to another state to have an abortion and her parents did not even find out about it. She suffered through that alone. What she did not tell y’all though is that five years later those two men who raped her, raped, and killed an 18-year-old and so they’re in prison now. Thank gosh. But this Body would have that 12-year-old carry that child to term. That is something that I cannot even think about. I just cannot even think about that.

I’m trying to wrap this up for you. Think about the Republican Creed. I don’t know how abortion became so big in our Party. It’s because there are extremists that turn around and they make the agendas. They make the platform, so here that is on the platform, but if you listen to the Republican Creed there is nothing even close to that -- nothing close to that on the platform. What I ask you to do is start focusing less on social issues and focusing more on lowering taxes and on fiscal conservatism, please. That is my ask. The other thing I’m asking is, please, give us equal rights. You know y’all won’t even give us equal rights and here is why. We don’t need equal rights. We got y’all. The little ladies, we got y’all. Why would we even need equal rights? I do hope that one of you chairman are going to let equal rights come out of the box this year.

My final ask is let’s put this whole issue on the ballot. Let’s put it on the ballot, but we won’t do that because y’all are scared to do that. The same thing that happened in Kansas would happen here resoundingly. y’all think you know better than your own constituents. Y’all have said, time and again your constituents want this. Mine don’t. I can tell you now, mine don’t and odds are that yours don’t either. We can do better than this, ladies and gentlemen. We can do better than this. We are better than this. I’m going to ask you to please, please at least give us exceptions and I’m going to ask you to please let us put this on a referendum. Thank you.

On motion of Senator FANNING, with unanimous consent, the remarks of Senator SENN were ordered printed in the Journal.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1375 -- Senator Stephens: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SAINT PETER AFRICAN METHODIST EPISCOPAL CHURCH.

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The Senate Resolution was adopted.

S. 1376 -- Senators Stephens and Hutto: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF WILLIE B. OWENS, SR. AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1377 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE LORICK OFFICE PRODUCTS UPON THE OCCASION OF ITS EIGHTY-FIFTH ANNIVERSARY AND TO COMMEND JEANNE LORICK BRUTSCHY AND KAREN LORICK BROACH FOR THEIR ENTREPRENEURSHIP AND THEIR MANY YEARS OF DEDICATED SERVICE TO THE COLUMBIA COMMUNITY AND TO THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1378 -- Senators Corbin, Loftis and Kimbrell: A SENATE RESOLUTION TO CONGRATULATE DR. GENE C. FANT, JR. UPON THE OCCASION OF HIS FIFTH ANNIVERSARY AS PRESIDENT OF NORTH GREENVILLE UNIVERSITY AND TO RECOGNIZE AND HONOR HIS MANY CONTRIBUTIONS TO THE ACADEMIC COMMUNITY.

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The Senate Resolution was adopted.

S. 1379 -- Senator Sabb: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF JANNIE LOU MCCULLOUGH MITCHELL AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1380 -- Senator Malloy: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SHEILA MARIE JONES UPON THE OCCASION OF HER BECOMING THE FIRST WOMAN AND FIRST PERSON OF COLOR TO HOLD THE POSITION OF BUILDING OFFICIAL FOR THE CITY OF DARLINGTON.

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The Senate Resolution was adopted.

S. 1381 -- Senators Stephens, Scott and Williams: A SENATE RESOLUTION TO CONGRATULATE SOUTH CAROLINA STATE UNIVERSITY'S ROTC PROGRAM UPON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY AND TO COMMEND THE PROGRAM FOR ITS MANY YEARS OF DEDICATED SERVICE TO SOUTH CAROLINA STATE UNIVERSITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1382 -- Senators Shealy and Gustafson: A SENATE RESOLUTION TO RECOGNIZE SEPTEMBER 2022 AS "KINSHIP CARE MONTH" IN SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1383 -- Senator Allen: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF SHEMYIA TONETTE "MYIAELLA" RILEY OF GREENVILLE COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1384 -- Senator Reichenbach: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF CORPORAL SARA KINSY WEAVER OF FLORENCE COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS AND COWORKERS.

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The Senate Resolution was adopted.

H. 5481 -- Reps. May, McCabe, Caskey, Calhoon, Huggins, Forrest, Wooten, Ott and Ballentine: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF DOROTHY JEAN JONES OF LEXINGTON AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

The Concurrent Resolution was adopted, ordered returned to the House.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**COMMITTEE AMENDMENT ADOPTED, AMENDED**

**READ THE SECOND TIME**

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 Senate proceeded to a consideration of the Bill.

Senator VERDIN explained the committee amendment.

Senator CASH proposed the following perfecting amendment (5399R022.KMM.RJC), which was ruled out of order:

Amend the committee amendment, as and if amended, by striking Section 44-41-810 and inserting:

/ Section 44‑41‑810. For purposes of this article:

(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 unborn human being.

(2) ‘Conception’ means the fecundation of the ovum by the spermatozoa.

(3) ‘Contraceptive’ means a drug, device, or chemical administered before the time when a pregnancy could be determined through conventional medical testing and if the contraceptive drug, device, or chemical is sold, used, prescribed, or administered in accordance with manufacturer instructions.

(4) ‘Physician’ means a person licensed to practice medicine in this State.

(5) ‘Pregnancy’ means the condition of a woman carrying a fetus or embryo within her body as the result of conception.

(6) ‘Probable gestational age’ means the age of an unborn human being as calculated from the first day of the last menstrual cycle of a pregnant woman.

(7) ‘Rape’ has the same meaning as criminal sexual conduct, regardless of the degree of criminal sexual conduct.

(8) ‘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.

(9) ‘Selective reduction’ means a procedure associated with assistive reproductive technologies that stops the development of one or more unborn human beings in utero.

(10) ‘Unborn human being’ means an individual organism of the species homo sapiens from conception until live birth. /

Amend the committee amendment further, as and if amended, by striking Section 44-41-820(A) and (B) and inserting:

/ Section 44‑41‑820. (A) It is unlawful to knowingly administer to, prescribe for, procure for, or sell to any woman known to be pregnant any medicine, drug, or other substance with the specific intent of causing an abortion.

(B) It is unlawful to knowingly use or employ any instrument, device, means, or procedure upon a woman known to be pregnant with the specific intent of causing an abortion. /

Amend the committee amendment further, as and if amended, on page [5399-4] by striking line 1 and inserting:

/ that all reasonable efforts were made to save the unborn human being in the event it /

Amend the committee amendment further, as and if amended, on page [5399-5] by striking lines 1 and 2 and inserting:

/ death for another unborn human being, or the substantial and irreversible physical impairment of a major bodily function of another unborn human being. /

Amend the committee amendment further, as and if amended, by striking Section 44-41-840 and inserting:

/ Section 44‑41‑840. (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.

(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.

(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 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 against the defendant.

(E) No damages, costs, or attorney’s fees 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. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

**Point of Order**

Senator MALLOY raised a Point of Order that the perfecting amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

The Committee on Medical Affairs proposed the following amendment (5399R009.SP.DBV), 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. 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 use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of the unborn human being, or to remove a dead unborn human being.

(2) ‘Contraceptive’ means a drug, device, or chemical administered before the time when a pregnancy could be determined through conventional medical testing and if the contraceptive drug, device, or chemical is sold, used, prescribed, or administered in accordance with manufacturer instructions.

(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 human being within her uterus, whether or not she has reached the age of majority.

(6) ‘Probable gestational age’ means the age of an unborn human being as calculated from the first day of the last menstrual cycle of a pregnant woman.

(7) ‘Rape’ has the same meaning as criminal sexual conduct, regardless of the degree of criminal sexual conduct.

(8) ‘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.

(9) ‘Selective reduction’ means a procedure associated with assistive reproductive technologies that stops the development of one or more fetuses in utero.

(10) ‘Unborn human being’ means an individual organism of the species homo sapiens from conception until live birth.

Section 44‑41‑820. (A) It is unlawful to 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) It is unlawful to knowingly use or employ any instrument, device, means, or procedure upon a pregnant woman with the specific intent of causing an abortion.

(C)(1) A person who violates subsection (A) or (B) is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

(2) 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 subsection (A) or (B) is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.

(3) 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 44‑41‑830. (A) It is not a violation of Section 44‑41‑820 for a 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 human being, 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 certify, 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; 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 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. This 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 human being is alive in utero, the physician must make all reasonable efforts to deliver and save the life of the unborn human being during the process of separating the unborn human being 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.

(D) Medical treatment provided to the pregnant woman by a physician which results in the accidental or unintentional injury to or the death of her unborn human being 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 assisted reproductive technology procedures including, but not limited to, in vitro fertilization accepted as standard of care by the reproductive medical community. No part of the assisted reproductive procedures considered the normal standard constitute an abortion procedure. However, the practice of selective reduction, shall constitute an abortion in violation of Section 44-41-820 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.

(G)(1) 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 insertion of an intrauterine device if the intrauterine device is used, sold, inserted, or prescribed within the reasonable standard of care by a physician and is not used, sold, prescribed, or administered to cause or induce an abortion of a clinically diagnosable pregnancy.

(2) 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 an emergency contraceptive drug designed to be taken within five days of unprotected sex and used according to the manufacturer’s instructions. For purposes of this item, an emergency contraceptive drug does not include mifepristone or misoprostol.

Section 44‑41‑840. A woman upon whom an abortion has been performed or induced in violation of this article may bring a wrongful death civil action on behalf her unborn child pursuant to Article 1, Chapter 51, Title 15.

Section 44‑41‑850. 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.

Section 44‑41‑860. 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 44‑41‑870. 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 44‑41‑880. 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 dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.”

SECTION 3. Article 3, Chapter 17, Title 63 of the 1976 Code is amended by adding:

“Section 63-17-325. 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.

(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 4. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-3810. There is allowed as a deduction in computing South Carolina taxable income of an individual, a South Carolina unborn human being dependent exemption equal to three thousand dollars for each eligible unborn dependent of the taxpayer, who is unborn at some point during the income tax year and has reached a probable gestational age of at least six weeks.

SECTION 5. The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives have an unconditional right to intervene on behalf of their respective bodies in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges the constitutionality of this act. In a federal court action that challenges the constitutionality of this act the Legislature may seek to intervene, to file an amicus brief, or to present arguments in accordance with federal rules of procedure. Intervention by the Legislature pursuant to this provision does not limit the duty of the Attorney General to appear and prosecute legal actions or defend state agencies, officers or employees as otherwise provided. In any action in which the Legislature intervenes or participates, the Senate and the House of Representatives shall function independently from each other in the representation of their respective clients.

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. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The “ayes” and “nays” were demanded and taken, resulting as follows:

**Ayes 16; Nays 11; Present 1**

**AYES**

Adams Alexander Campsen

Cash Climer Corbin

Garrett Goldfinch *Johnson, Michael*

Kimbrell Loftis Martin

Peeler Reichenbach Rice

Verdin

**Total --16**

**NAYS**

Bennett Cromer Davis

Gustafson Hembree Massey

Rankin Shealy Talley

Turner Young

**Total --11**

**PRESENT**

Matthews

**Total --1**

The amendment was adopted.

**Statement by Senator GROOMS**

Due to an immediate family member’s urgent medical issue, I was out of the Chamber when this vote was taken. Had I been in the Chamber, I would have voted “aye”.

**Point of Order**

Senator MARTIN raised a point of order under Rule 16 regarding the requirement that Senators present must record their vote.

Senators DAVIS and GUSTAFSON proposed the following amendment (5399R015.SP.TD), which was tabled:

Amend the bill, as and if amended, in SECTION 2, by adding an appropriately lettered new subsection to Section 44-41-830 to read:

/(\_\_) 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.

Senator DAVIS explained the amendment.

**RECESS**

At 12:19 P.M., on motion of Senator MASSEY, with Senator DAVIS retaining the floor, the Senate receded from business until 12:55 P.M.

At 1:05 P.M., the Senate resumed.

Senator DAVIS continued explaining the amendment.

Senator CASH spoke on the amendment.

Senator CASH moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 23; Nays 6; Present 1**

**AYES**

Adams Alexander Campsen

Cash Climer Corbin

Cromer Gambrell Garrett

Goldfinch *Johnson, Michael* Kimbrell

Loftis Martin Massey

Peeler Rankin Reichenbach

Rice Talley Turner

Verdin Young

**Total—23**

**NAYS**

Bennett Davis Gustafson

Hembree Senn Shealy

**Total--6**

**PRESENT**

Malloy

**Total--1**

The amendment was laid on the table.

**Statement by Senator GROOMS**

Due to an immediate family member’s urgent medical issue, I was out of the Chamber when this vote was taken. Had I been in the Chamber, I would have voted “aye”.

Senator CASH proposed the following amendment (5399R023.KMM.RJC), which was not adopted:

Amend the bill, as and if amended, by striking Section 44-41-810 and inserting:

/ Section 44‑41‑810. For purposes of this article:

(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 unborn human being.

(2) ‘Conception’ means the fecundation of the ovum by the spermatozoa.

(3) ‘Contraceptive’ means a drug, device, or chemical administered before the time when a pregnancy could be determined through conventional medical testing and if the contraceptive drug, device, or chemical is sold, used, prescribed, or administered in accordance with manufacturer instructions.

(4) ‘Physician’ means a person licensed to practice medicine in this State.

(5) ‘Pregnancy’ means the condition of a woman carrying a fetus or embryo within her body as the result of conception.

(6) ‘Probable gestational age’ means the age of an unborn human being as calculated from the first day of the last menstrual cycle of a pregnant woman.

(7) ‘Rape’ has the same meaning as criminal sexual conduct, regardless of the degree of criminal sexual conduct.

(8) ‘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.

(9) ‘Selective reduction’ means a procedure associated with assistive reproductive technologies that stops the development of one or more unborn human beings in utero.

(10) ‘Unborn human being’ means an individual organism of the species homo sapiens from conception until live birth. /

Amend the committee amendment further, as and if amended, by striking Section 44-41-820(A) and (B) and inserting:

/ Section 44‑41‑820. (A) It is unlawful to knowingly administer to, prescribe for, procure for, or sell to any woman known to be pregnant any medicine, drug, or other substance with the specific intent of causing an abortion.

(B) It is unlawful to knowingly use or employ any instrument, device, means, or procedure upon a woman known to be pregnant with the specific intent of causing an abortion. /

Amend the committee amendment further, as and if amended, on page [5399-4] by striking line 1 and inserting:

/ that all reasonable efforts were made to save the unborn human being in the event it /

Amend the committee amendment further, as and if amended, on page [5399-5] by striking lines 1 and 2 and inserting:

/ death for another unborn human being, or the substantial and irreversible physical impairment of a major bodily function of another unborn human being. /

Amend the committee amendment further, as and if amended, by striking Section 44-41-840 and inserting:

/ Section 44‑41‑840. (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.

(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.

(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 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 against the defendant.

(E) No damages, costs, or attorney’s fees 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. /

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 8; Nays 20; Present 1**

**AYES**

Cash Corbin Gambrell

Garrett Loftis Martin

Rice Verdin

**Total -- 8**

**NAYS**

Adams Alexander Bennett

Campsen Climer Cromer

Davis Goldfinch Gustafson

Hembree *Johnson, Michael* Kimbrell

Massey Peeler Rankin

Reichenbach Shealy Talley

Turner Young

**Total--20**

**PRESENT**

Malloy

**Total--1**

The amendment failed.

**Statement by Senator GROOMS**

Due to an immediate family member’s urgent medical issue, I was out of the Chamber when this vote was taken. Had I been in the Chamber, I would have voted “nay”.

Senators DAVIS and GUSTAFSON proposed the following amendment (5399R026.KM.TD), which was carried over:

Amend the bill, as and if amended, in SECTION 2, by adding an appropriately lettered new subsection to Section 44-41-830 to read:

/ ( ) It is not a violation of Section 44-41-820 if an abortion is performed or induced on a pregnant woman if in reasonable medical judgment, the unborn human being has 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. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

On motion of Senator DAVIS, the amendment was carried over.

Senators DAVIS and GUSTAFSON proposed the following amendment (5399R010.SP.TD), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. A. The Public Employee Benefit Authority and the State Health Plan shall cover prescribed contraceptives for dependents under the same terms and conditions that the plan provides contraceptive coverage for employees and spouses. The State Health Plan shall not apply patient cost sharing provisions to covered contraceptives.

B. Article 1, Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38-71-146. All individual and group health insurance and health maintenance organization policies in this State shall include coverage for contraceptives. For purposes of this section, ‘contraceptive’ means any drug, device, or medication to prevent pregnancy. A contraceptive may prevent ovulation, fertilization, or implantation in the uterus. A contraceptive does not include any drug, device, or medication used with the intent of terminating a pregnancy of a woman known to be pregnant.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 21; Nays 9; Present 1**

**AYES**

Adams Alexander Bennett

Campsen Climer Cromer

Davis Goldfinch Gustafson

Hembree *Johnson, Michael* Kimbrell

Massey Peeler Rankin

Reichenbach Senn Shealy

Turner Williams Young

**Total--21**

**NAYS**

Cash Corbin Gambrell

Garrett Loftis Martin

Rice Talley Verdin

**Total--9**

**PRESENT**

Malloy

**Total--1**

The amendment was adopted.

**Statement by Senator GROOMS**

Due to an immediate family member’s urgent medical issue, I was out of the Chamber when this vote was taken. Had I been in the Chamber, I would have voted “aye”.

Senators DAVIS and GUSTAFSON proposed the following amendment (5399R012.SP.TD), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. The Departments of Health and Environmental Control, Health and Human Services, Disabilities and Special Needs, Education, Social Services, Mental Health, Alcohol and Other Drug Abuse Services, Corrections, and Juvenile Justicemust, through their offices, provide increased access to contraceptives for persons over the age of thirteen, particularly in rural, low-income, and historically marginalized communities within the state. Increased access must include providing contraceptives at low or no cost, providing a list of easily accessible resources to procure contraceptives, and including educational materials with any distributed contraceptives. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator MASSEY spoke on the amendment.

Senator CAMPSEN spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 25; Nays 2; Present 1**

**AYES**

Adams Alexander Bennett

Campsen Cash Climer

Corbin Cromer Gambrell

Garrett Goldfinch Hembree

*Johnson, Michael* Kimbrell Loftis

Martin Massey Peeler

Rankin Reichenbach Rice

Talley Turner Verdin

Young

**Total--25**

**NAYS**

Davis Gustafson

**Total--2**

**PRESENT**

Malloy

**Total--1**

The amendment was laid on the table.

**Statement by Senator GROOMS**

Due to an immediate family member’s urgent medical issue, I was out of the Chamber when this vote was taken. Had I been in the Chamber, I would have voted “aye”.

Senator DAVIS proposed the following amendment (5399R025.SP.TD), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/SECTION \_\_. There is created the Comprehensive Sexual Health Education and Reproductive Health Care Task Force to research and report on best practices in comprehensive sexual health education and reproductive health care for residents of South Carolina age thirteen and older that shall be taken under consideration to be passed into law. The task force shall be comprised of:

1. a representative from the Senate Medical Affairs Committee;
2. a representative from the House of Representative’s Medical, Military, Public and Municipal Affairs Committee; and
3. representatives from government and non‑government organizations at the state and local levels including, but not limited to the Departments of Health and Environmental Control, Health and Human Services, Education, Disabilities and Special Needs, Social Services, Mental Health, Corrections, and Juvenile Justice; Alcohol and Other Drug Abuse Services, Fact Forward, New Morning, and the medical community, specifically those in the field of adolescent obstetrics and gynecology, University of South Carolina Arnold School of Public Health, Medical University of South Carolina.

The task force shall study and make recommendations to improve areas affecting comprehensive sexual health education and reproductive health care for residents of South Carolina age thirteen and older on the following topics:

(1) age‑appropriate, medically accurate sexual and reproductive health education;

(2) access to affordable, comprehensive health services;

(3) access to affordable contraception methods;

(4) family based educational resources to empower caregivers to educate minors in their life.

The task force will make recommendations through a written report to the Senate Medical Affairs Committee and the House of Representative’s Medical, Military, Public and Municipal Affairs Committee no later than December 31, 2023. After issuing the report, the task force shall dissolve. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

**Point of Order**

Senator MASSEY raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator DAVIS spoke against the Point of Order.

Senator CASH spoke in favor of the Point of Order.

Senator MASSEY spoke on the Point of Order.

**RECESS**

At 3:05 P.M., on motion of Senator HUTTO, with unanimous consent and Senator DAVIS retaining the floor, the Senate receded from business not to exceed 15 minutes.

At 3:40 P.M., the Senate resumed.

On motion of Senator DAVIS, the amendment was withdrawn.

Senators DAVIS and GUSTAFSON proposed the following amendment (5399R026.KM.TD), which was adopted:

Amend the bill, as and if amended, in SECTION 2, by adding an appropriately lettered new subsection to Section 44-41-830 to read:

/ ( ) It is not a violation of Section 44-41-820 if an abortion is performed or induced on a pregnant woman if in reasonable medical judgment, the unborn human being has 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. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator CASH spoke on the amendment.

Senator CASH moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 10; Nays 20; Present 1**

**AYES**

Alexander Cash Climer

Corbin Garrett Loftis

Martin Reichenbach Rice

Verdin

**Total--10**

**NAYS**

Adams Bennett Campsen

Cromer Davis Gambrell

Goldfinch Gustafson Hembree

*Johnson, Michael* Kimbrell Massey

Peeler Rankin Senn

Shealy Talley Turner

Williams Young

**Total--20**

**PRESENT**

Malloy

**Total--1**

The Senate refused to table the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

**Recorded Vote**

Senators CORBIN and MARTIN desired to be recorded as voting against the adoption of the amendment.

**Statement by Senator GROOMS**

Due to an immediate family member’s urgent medical issue, I was out of the Chamber when this vote was taken. Had I been in the Chamber, I would have voted “nay”.

Senators DAVIS and GUSTAFSON proposed the following amendment (5399R034.SP.TD), which was carried over:

Amend the bill, as and if amended, by adding an appropriately lettered new subsection to Section 44-41-830 to read:

/( ) A physician who performs or induces an abortion in a hospital pursuant to the circumstances relevant to preserving the life of the mother as prescribed in this section shall be immune from civil action or criminal prosecution regarding medical procedures and treatments administered to the pregnant woman if those medical procedures or treatments are provided for under this section and are consistent with current standard of care for the physician’s specialty under the circumstances provided for in this section. Immunity from civil or criminal liability provided in this subsection also extends to any nurse, technician, or other person who participates in such medical procedure or treatment with the physician. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator CASH spoke on the amendment.

Senator CLIMER spoke on the amendment.

On motion of Senator CLIMER, the amendment was carried over.

Senator KIMBRELL proposed the following amendment (5399R024.SP.JK), which was carried over:

Amend the bill, as and if amended, in SECTION 2, by adding an appropriately lettered new subsection to Section 44-41-830 to read:

/(\_\_)(1) 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 six weeks.

(2) Notwithstanding another provision of law, a physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman if there exists a fetal anomaly. ‘Fetal anomaly’ means that, in reasonable medical judgment, the unborn human being has 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.

(3) A physician who performs or induces an abortion on a pregnant woman based on the exceptions in subsection (1) 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. The name of the minor victim shall remain sealed unless otherwise ordered by a court. /

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

On motion of Senator KIMBRELL, the amendment was carried over.

Senator CASH proposed the following amendment (5399R032.KMM.RJC), which was adopted:

Amend the bill, as and if amended, by striking Section 44-41-810 and inserting:

/ Section 44‑41‑810. For purposes of this article:

(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 unborn human being.

(2) ‘Conception’ means the fecundation of the ovum by the spermatozoa.

(3) ‘Contraceptive’ means a drug, device, or chemical administered before the time when a pregnancy could be determined through conventional medical testing and if the contraceptive drug, device, or chemical is sold, used, prescribed, or administered in accordance with manufacturer instructions.

(4) ‘Physician’ means a person licensed to practice medicine in this State.

(5) ‘Pregnancy’ means the condition of a woman carrying a fetus or embryo within her body as the result of conception.

(6) ‘Probable gestational age’ means the age of an unborn human being as calculated from the first day of the last menstrual cycle of a pregnant woman.

(7) ‘Rape’ has the same meaning as criminal sexual conduct, regardless of the degree of criminal sexual conduct.

(8) ‘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.

(9) ‘Selective reduction’ means a procedure associated with assistive reproductive technologies that stops the development of one or more unborn human beings in utero.

(10) ‘Unborn human being’ means an individual organism of the species homo sapiens from conception until live birth. /

Amend the committee amendment further, as and if amended, by striking Section 44-41-820(A) and (B) and inserting:

/ Section 44‑41‑820. (A) It is unlawful to knowingly administer to, prescribe for, or distribute to any woman known to be pregnant any medicine, drug, or other substance with the specific intent of causing an abortion.

(B) It is unlawful to knowingly use or employ any instrument, device, means, or procedure upon a woman known to be pregnant with the specific intent of causing an abortion. /

Amend the committee amendment further, as and if amended, on page [5399-4] by striking line 1 and inserting:

/ that all reasonable efforts were made to save the unborn human being in the event it /

Amend the committee amendment further, as and if amended, on page [5399-5] by striking lines 1 and 2 and inserting:

/ death for another unborn human being, or the substantial and irreversible physical impairment of a major bodily function of another unborn human being. /

Amend the committee amendment further, as and if amended, by striking Section 44-41-840 and inserting:

/ Section 44‑41‑840. (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.

(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.

(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 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 against the defendant.

(E) No damages, costs, or attorney’s fees 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. /

Renumber sections to conform.

Amend title to conform.

Senator CASH explained the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 18; Nays 12; Present 1**

**AYES**

Adams Alexander Campsen

Cash Climer Corbin

Gambrell Garrett Goldfinch

Gustafson Kimbrell Loftis

Martin Massey Peeler

Reichenbach Rice Verdin

**Total--18**

**NAYS**

Bennett Cromer Davis

Hembree *Johnson, Michael* Rankin

Senn Shealy Talley

Turner Williams Young

**Total--12**

**PRESENT**

Malloy

**Total--1**

The amendment was adopted.

**Statement by Senator GROOMS**

Due to an immediate family member’s urgent medical issue, I was out of the Chamber when this vote was taken. Had I been in the Chamber, I would have voted “aye”.

Senators CAMPSEN and CLIMER proposed the following amendment(AHB\5399C001.NBD.AHB22), which was ruled out of order:

Amend the bill, as and if amended, SECTION 2, page [5399-5], after line 27, by adding:

/ Section 44-41-855. A person who violates the provisions of Article 7, Chapter 3, Title 16, relating to any degree of criminal sexual conduct, or Section 16-15-20, relating to the offense of incest, and pregnancy results from the unlawful conduct as described in this section is subject to an additional penalty enhancement of not more than ten years in addition to the penalty provided for the underlying offense. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator GARRETT spoke against the Point of Order.

Senator MATTHEWS spoke in favor of the Point of Order.

Senator CAMPSEN spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Objection**

Senator MASSEY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

Senator MATTHEWS objected.

Senator KIMBRELL proposed the following amendment (5399R035.SP.JK), which was tabled:

Amend the bill, as and if amended, in SECTION 2, by adding an appropriately lettered new subsection to Section 44-41-830 to read:

/(\_\_)(1) 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 six weeks.

(2) A physician who performs or induces an abortion on a pregnant woman based on the exceptions in subsection (1) 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. The name of the minor victim shall remain sealed unless otherwise ordered by a court. /

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

Senator CASH moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 23; Nays 18**

**AYES**

Allen Cash Davis

Gambrell Garrett Gustafson

Harpootlian Hutto *Johnson, Kevin*

Malloy Martin Matthews

McElveen Reichenbach Rice

Sabb Scott Senn

Setzler Shealy Stephens

Verdin Williams

**Total--23**

**NAYS**

Adams Alexander Bennett

Campsen Climer Corbin

Cromer Goldfinch Hembree

*Johnson, Michael* Kimbrell Loftis

Massey Peeler Rankin

Talley Turner Young

**Total—18**

The amendment was laid on the table.

**Statement by Senator GROOMS**

Due to an immediate family member’s urgent medical issue, I was out of the Chamber when this vote was taken. Had I been in the Chamber, I would have voted “nay”.

**RECESS**

At 6:36 P.M., on motion of Senator MATTHEWS, the Senate receded from business not to exceed 5 minutes.

At 6:47 P.M., the Senate resumed.

**Motion Adopted**

Senator MASSEY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

**Recorded Vote**

Senators GUSTAFSON, MATTHEWS, DAVIS, SHEALY, ALLEN, SENN, KIMPSON and HUTTO desired to be recorded as voting against the second reading of the Bill.

**Recorded Vote**

Senator MARTIN desired to be recorded as voting in favor of the second reading of the Bill.

**Statement by Senator MALLOY**

Today’s protracted debate on H. 5399 engendered discussions of the most private and at times tragic circumstances in the lives of South Carolinians. When discussing situations of rape, incest, and fatal conditions arising during pregnancy, we must be judicious and respectful. I write separately to commit my position to the record.

During the debate, there were amendments offered that were meant to mitigate the wrongs in the Bill that would threaten the lives of girls, women, and anyone able to be pregnant. I voted “present” or abstained from the votes on these amendments as is permitted under the Rules of the Senate. While some of these amendments were worthy of consideration and potential improvements to the public policy of our State, at the core of this debate was a Bill flawed in its premise. H. 5399 does nothing to enrich the lives of living, breathing South Carolinians -- citizens who need healthcare, housing, education, infrastructure and jobs. The Bill presumes to insert state government into intimate and personal conversations between women and their families and doctors.

To reflect the respect, I have for those placed directly in harm’s way as a result of the Bill, I did not vote on the amendments.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Edgefield County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Gary Hitt, 70 Windy Drive, Trenton, SC 29847-2316 *VICE* James McLaurin

Initial Appointment, Sumter County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Kimberly Land, 617 Henderson Street, Sumter, SC 29150-3148 *VICE* Lee Anna Tindal

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Russell A. DeMott, 1001 Mount Whitney Drive, Summerville, SC 29483-3323 *VICE* Michael H. Murphy

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Mona Lisa M. Andrews, 1754 South Pamplico Highway, Pamplico, SC 29583-4007 *VICE* Holly Wall

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Charles R. Keep III, 9 Willow Oak Road West, Hilton Head Island, SC 29928-4408

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Bernard McIntyre, 416 Bb Sams Drive, Saint Helena Island, SC 29920-3007

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow morning at 10:00 A.M.

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

**MOTION ADOPTED**

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Jane Stinson Thompson of Gaffney, S.C. Jane was the grandmother of our beloved Senate page, Katelin Mathis. Jane was a graduate of Woodruff High School and the University of South Carolina. She was a retired RN who worked for Cherokee Memorial Hospital, the Department of Disabilities and Special Needs and the Department of Health and Environmental Control. Jane was an elder and choir member at Limestone Presbyterian Church. Jane was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator K. JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Rose Wilder of Kingstree, S.C. Dr. Wilder was known as a mentor and legend in the field of education in South Carolina. In 1994, she became the first African American female superintendent in the State since Reconstruction for Clarendon School District Two. Dr. Wilder received numerous awards including Outstanding Superintendent by the South Carolina School Boards Association in 1999 and Superintendent of the Year during the 2013-2014 School Year. Dr. Wilder was a pioneer for educators who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senators PEELER and ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Fred Hoover of Clemson, S.C. Fred was a longtime Clemson athletic trainer for over 40 years. He began his career in 1959 under Frank Howard. Upon retirement, he worked part time for the athletic department for 16 additional years on football weekends. Frank was a leader in his field and served as chairman of the National Athletic Trainers Association. He received the Distinguished Service to Sports Medicine Award and the Distinguished Service Sports Award and was inducted into the South Carolina Athletic Hall of Fame in 2022. Fred was a devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 6:54 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*