~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

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

Our thought for today is from Hebrews 11:1: “Now faith is the assurance of things hoped for, the conviction of things not seen.”

Let us pray. Lord, You are my light and my salvation. When I cry aloud, be gracious and answer me. We give thanks and praise to You God for coming to us and granting us the privilege of being in this land and this place which You have made. We pray for those first responders who take care of us in times of need. We are grateful for Your love which endures forever. Bless and keep our World, Nation, President, State, Governor, Speaker, Staff, and all who labor in these Halls of Government. We offer our praise to You for Your blessings and give thanks for all You do. Remember our men and women who suffer and sacrifice for our freedom. Heal the wounds, those seen and those hidden, of our brave warriors who suffer and sacrifice for our freedom. Lord, in Your mercy, hear our prayers. Amen.

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

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

**MOTION ADOPTED**

Rep. S. JONES moved that when the House adjourns, it adjourn in memory of his grandfather, Marvin Campbell Stewart, which was agreed to.

**STATEMENT BY REP. BAUER**

Rep. BAUER made a statement relative to the contributions of Dr. Henrie Dobbins Monteith.

**SILENT PRAYER**

The House stood in silent prayer for those stricken by cancer.

**REPORTS OF STANDING COMMITTEE**

Rep. DAVIS, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3802 -- Rep. B. J. Cox: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "VETERANS' TRUST FUND" BY AMENDING SECTION 25-21-20, RELATING TO ESTABLISHMENT OF BOARD OF TRUSTEES, MEMBERSHIP REQUIREMENTS, TERM AND COMPENSATION, AND ANNUAL REPORTS, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FROM NINETEEN TO ELEVEN; TO PROVIDE FOR APPOINTMENT OF THOSE MEMBERS BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO PROVIDE REQUIREMENTS FOR THE APPOINTMENT OF THE MEMBERS; AND TO ESTABLISH A FOUR-YEAR TERM.

Ordered for consideration tomorrow.

Rep. DAVIS, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report on:

H. 3797 -- Reps. B. J. Cox, G. M. Smith and Beach: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

Ordered for consideration tomorrow.

**HOUSE RESOLUTION**

The following was introduced:

H. 3955 -- Reps. Bamberg, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE SERGEANT JUDD JONES OF THE SOUTH CAROLINA HIGHWAY PATROL ON THE OCCASION OF HIS RETIREMENT, TO COMMEND AND THANK HIM FOR TWENTY-SEVEN YEARS OF DISTINGUISHED SERVICE TO THE PEOPLE OF SOUTH CAROLINA, AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3956 -- Reps. King and McDaniel: A HOUSE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF LLOYD JOSEPH MCGRIFF OF FAIRFIELD COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3957 -- Reps. Pedalino, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO CONGRATULATE THE LAURENCE MANNING ACADEMY BASEBALL TEAM FOR AN IMPRESSIVE SEASON AND TO CELEBRATE THE SWAMPCATS' CAPTURE OF THE 2022 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS 3A STATE CHAMPIONSHIP TITLE.

The Resolution was adopted.

**HOUSE RESOLUTION**

The following was introduced:

H. 3958 -- Reps. Caskey, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR JOHN GARDNER, FOUNDER AND OWNER OF AMERICAN WRECKER SALES, AND TO CONGRATULATE HIM UPON THE FORTIETH ANNIVERSARY OF THE BUSINESS.

The Resolution was adopted.

**CONCURRENT RESOLUTION**

The following was introduced:

H. 3959 -- Reps. S. Jones, Gilliam, McCravy, Willis and Gagnon: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 72 IN LAURENS COUNTY FROM ITS INTERSECTION WITH DOVE FIELD ROAD TO ITS INTERSECTION WITH CRYSTAL BAY DRIVE "SAMUEL J. MCCALL, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

**INTRODUCTION OF BILLS**

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 3960 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-686 SO AS TO DESIGNATE THE SOUTH CAROLINA POULTRY FESTIVAL IN LEXINGTON COUNTY AS THE OFFICIAL STATE POULTRY FESTIVAL.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3961 -- Reps. Murphy, Brewer, Gatch, Jefferson and Robbins: A BILL TO AMEND ACT 535 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF THE SEVEN MEMBERS OF THE BOARD OF TRUSTEES OF SUMMERVILLE SCHOOL DISTRICT 2 OF DORCHESTER COUNTY, SO AS TO CHANGE THE METHOD OF ELECTING FROM AT- LARGE TO SINGLE-MEMBER DISTRICTS, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO CHANGE THE CANDIDATE FILING METHOD, AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS.

Referred to Dorchester Delegation

H. 3962 -- Reps. Trantham, Elliott, Vaughan, Gilliam, Mitchell, Yow, Oremus, A. M. Morgan, T. A. Morgan, Sandifer and Whitmire: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4100, RELATING TO PREVENTING ESCAPE OF MATERIALS LOADED ON VEHICLES, AND CLEANING THE HIGHWAYS OF ESCAPED SUBSTANCES OR CARGO, SO AS TO REVISE THE PENALTY PROVISION, TO PROVIDE THIS SECTION DOES NOT APPLY TO THE TRANSPORTATION OF FERTILIZERS OR OTHER PRODUCTS USED IN FARMING OPERATIONS, TO PROVIDE NO VEHICLES MAY BE OPERATED THAT ALLOW THE ESCAPE OF LARGE PIECES OF CERTAIN MATERIALS, AND TO DEFINE THE TERM "LARGE PIECES"; BY AMENDING SECTION 48-53-10, RELATING TO DEFINITIONS, SO AS TO DEFINE THE TERM "PERSON"; AND BY ADDING SECTION 48-53-25 SO AS TO PROVIDE VEHICLES SHALL NOT BE OPERATED THAT ALLOW THE ESCAPE OF LARGE PIECES OF CERTAIN MATERIALS, AND TO DEFINE THE TERM "LARGE PIECE".

Referred to Committee on Education and Public Works

H. 3963 -- Rep. Nutt: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF INDIVIDUAL ANTLERED DEER TAGS, SO AS TO UTILIZE THE REVENUE FOR THE COYOTE AND HOG MANAGEMENT PROGRAM.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3964 -- Reps. W. Jones, Dillard, Cobb-Hunter, Ott, G. M. Smith, Hyde and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3805 SO AS TO PROVIDE A TAX CREDIT FOR A TAXPAYER THAT CONTRACTS WITH A SMALL BUSINESS WHICH NECESSITATES THE SMALL BUSINESS HIRING ADDITIONAL FULL-TIME EMPLOYEES.

Referred to Committee on Ways and Means

**ROLL CALL**

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

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Atkinson |
| Bailey | Ballentine | Bamberg |
| Bannister | Bauer | Beach |
| Bernstein | Blackwell | Bradley |
| Brewer | Brittain | Burns |
| Bustos | Calhoon | Carter |
| Chapman | Chumley | Clyburn |
| Cobb-Hunter | Collins | Connell |
| B. J. Cox | B. L. Cox | Crawford |
| Cromer | Davis | Dillard |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Garvin |
| Gatch | Gibson | Gilliam |
| Gilliard | Guest | Guffey |
| Haddon | Hager | Hardee |
| Harris | Hart | Hayes |
| Henderson-Myers | Herbkersman | Hewitt |
| Hiott | Hixon | Hosey |
| Howard | Hyde | Jefferson |
| J. E. Johnson | J. L. Johnson | S. Jones |
| W. Jones | Jordan | Kilmartin |
| King | Kirby | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McDaniel | McGinnis | Mitchell |
| J. Moore | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Ott | Pace | Pedalino |
| Pendarvis | Pope | Rivers |
| Robbins | Rose | Rutherford |
| Sandifer | Schuessler | Sessions |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Thigpen | Trantham | Vaughan |
| Weeks | West | Wetmore |
| Wheeler | White | Whitmire |
| Williams | Willis | Wooten |
| Yow |  |  |

**Total Present--121**

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**SPECIAL PRESENTATION**

Rep. MCCABE presented to the House the Pelion Elementary School 2022 3D/IBO Outdoor World Archery Champions and 2022 Three Star Team Award.

**SPECIAL PRESENTATION**

Rep. CALHOON presented to the House the Lexington High School "Lady Wildcats" 2022 AAAAA Girls Varsity Cross Country Team.

**CO-SPONSORS ADDED**

In accordance with House Rule 5.2 below:

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

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3014 |
| Date: | ADD: |
| 02/15/23 | BERNSTEIN, W. NEWTON, HERBKERSMAN, HYDE, BRITTAIN, GUEST, ERICKSON, BRADLEY, HAGER, CONNELL, HEWITT, RUTHERFORD, THIGPEN, B. NEWTON, MCGINNIS, HARDEE, HIXON, TAYLOR, SANDIFER, M. M. SMITH, WETMORE, BUSTOS, LANDING, ELLIOTT, POPE, FELDER, STAVRINAKIS, ROSE, NEESE, DAVIS, WOOTEN, BANNISTER, WHEELER, MOSS, LAWSON, BAILEY, SCHUESSLER and BLACKWELL |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3024 |
| Date: | ADD: |
| 02/15/23 | HYDE |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3067 |
| Date: | ADD: |
| 02/15/23 | MITCHELL, CONNELL and HAGER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3222 |
| Date: | ADD: |
| 02/15/23 | LEBER |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3308 |
| Date: | ADD: |
| 02/15/23 | FELDER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3345 |
| Date: | ADD: |
| 02/15/23 | GAGNON and HIXON |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3354 |
| Date: | ADD: |
| 02/15/23 | HYDE |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3360 |
| Date: | ADD: |
| 02/15/23 | FELDER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3473 |
| Date: | ADD: |
| 02/15/23 | HYDE, MCGINNIS, HARDEE, BAILEY and GATCH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3481 |
| Date: | ADD: |
| 02/15/23 | SCHUESSLER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3682 |
| Date: | ADD: |
| 02/15/23 | WILLIS and J. E. JOHNSON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3695 |
| Date: | ADD: |
| 02/15/23 | HYDE, MCGINNIS, HARDEE, BUSTOS, BALLENTINE and GATCH |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3785 |
| Date: | ADD: |
| 02/15/23 | WILLIS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3824 |
| Date: | ADD: |
| 02/15/23 | BAUER |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3928 |
| Date: | ADD: |
| 02/15/23 | GAGNON, HIXON, WHITMIRE and MOSS |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3933 |
| Date: | ADD: |
| 02/15/23 | HIXON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3952 |
| Date: | ADD: |
| 02/15/23 | CONNELL, HAGER, MOSS, ATKINSON, STAVRINAKIS, YOW, MITCHELL and LIGON |

**CO-SPONSORS ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3953 |
| Date: | ADD: |
| 02/15/23 | WHITE, MOSS, YOW, MITCHELL, LIGON, WILLIS and S. JONES |

**CO-SPONSOR ADDED**

|  |  |
| --- | --- |
| Bill Number: | H. 3961 |
| Date: | ADD: |
| 02/15/23 | ROBBINS |

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**LEAVE OF ABSENCE**

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

**SENT TO THE SENATE**

The following Bill was taken up, read the third time, and ordered sent to the Senate:

H. 3269 -- Rep. W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50-3-140 RELATING TO THE PUBLICATION OF DESCRIPTIONS OF UNIFORMS AND EMBLEMS BY THE DEPARTMENT OF NATURAL RESOURCES.

**H. 3505--DEBATE ADJOURNED**

The following Bill was taken up:

H. 3505 -- Rep. J. E. Johnson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-13-640, RELATING TO THE POSSESSION OF BLUE CATFISH, SO AS TO LIMIT THE APPLICABLE WATERWAYS.

Rep. FORREST moved to adjourn debate on the Bill until Thursday, February 23, which was agreed to.

**MOTION PERIOD**

The motion period was dispensed with on motion of Rep. FORREST.

**H. 3774--AMENDED AND INTERRUPTED DEBATE**

The following Bill was taken up:

H. 3774 -- Reps. McCravy, G. M. Smith, Hiott, W. Newton, Pope, Yow, M. M. Smith, Hardee, J. E. Johnson, Hixon, Bustos, Erickson, Landing, Davis, Crawford, B. L. Cox, Connell, Vaughan, Ligon, T. Moore, Moss, Lawson, Hyde, Leber, B. J. Cox, Wooten, Whitmire, Long, Gagnon, Bradley, Herbkersman, Nutt, Mitchell, B. Newton, Jordan, Brewer, Murphy, Gilliam, Willis, Blackwell, Elliott, Guest, Oremus, Felder, Chapman, Haddon, S. Jones, Pace, Gibson, Robbins, Burns, Chumley and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HUMAN LIFE PROTECTION ACT"; BY ADDING ARTICLE 7 TO CHAPTER 41, TITLE 44 SO AS TO BAN ABORTIONS IN THIS STATE, TO PROVIDE FOR EXCEPTIONS TO THE BAN ON ABORTIONS, TO PROTECT THE USE OF CONTRACEPTIVES AND ALTERNATIVE REPRODUCTIVE TECHNOLOGIES, TO PROVIDE PENALTIES, TO PROVIDE A CIVIL CAUSE OF ACTION FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE, TO PROVIDE THAT A WOMAN CANNOT BE PROSECUTED FOR HAVING AN ABORTION, TO PROVIDE THAT PHYSICIANS OR OTHER LICENSED PROFESSIONALS SHALL LOSE THEIR LICENSE FOR VIOLATIONS OF THIS ARTICLE, AND TO PROVIDE THAT A WOMAN'S NAME MAY REMAIN ANONYMOUS IN PROCEEDINGS INITIATED PURSUANT TO THIS ARTICLE; BY ADDING SECTION 44-41-90 SO AS TO PROVIDE THAT THE STATE HEALTH INSURANCE PROGRAM MAY NOT PAY FOR ABORTIONS, TO PROHIBIT STATE FUNDS FROM BEING USED FOR THE PURCHASE OF FETAL TISSUE OR FETAL REMAINS OBTAINED FROM AN ABORTION, AND TO DEFUND PLANNED PARENTHOOD; BY ADDING SECTION 63-17-325 SO AS TO REQUIRE A BIOLOGICAL FATHER TO PAY CHILD SUPPORT BEGINNING AT CONCEPTION; BY ADDING SECTION 38-71-146 SO AS TO REQUIRE ALL INDIVIDUAL AND GROUP HEALTH INSURANCE AND HMO POLICIES TO COVER CONTRACEPTIVES; BY REQUIRING THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TO COVER PRESCRIBED CONTRACEPTIVES FOR DEPENDENTS; BY AMENDING SECTION 44-41-710, RELATING TO CONSTRUCTION AND APPLICATION OF THIS ARTICLE, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY AMENDING SECTION 44-41-480, RELATING TO CONSTRUCTION AGAINST IMPLICIT REPEAL OF EXISTING LAW, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY REPEALING SECTION 44-41-20 RELATING TO LEGAL ABORTIONS; BY AMENDING SECTION 44-41-70, RELATING TO PROMULGATION OF RULES AND REGULATIONS FOR CERTIFICATION OF HOSPITALS AND OTHER FACILITIES, SO AS TO DELETE A REFERENCE TO SECTION 44-41-20; AND BY PROVIDING AN UNCONDITIONAL RIGHT TO INTERVENE IN CHALLENGES TO THIS ACT BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Rep. HARRIS proposed the following Amendment No. 1 to H. 3774 (LC-3774.AHB0001H), which was tabled:

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

SECTION 1. This act may be cited as the “South Carolina Prenatal Equal Protection Act of 2023”.

SECTION 2. The General Assembly finds the following:

Acknowledging the sanctity of innocent human life, created in the image of God, which should be equally protected from fertilization to natural death, the purpose of this act is:

(1) to afford equal protection of the laws to all preborn children from the moment of fertilization;

(2) to comply with the Constitution of the United States, which requires that “no state…shall deny to any person within its jurisdiction the equal protection of the laws,” by repealing exceptions that permit wilful prenatal homicide;

(3) to ensure that all persons potentially subject to such laws are entitled to due process protections; and, therefore,

(4) to abolish abortion in this State as a legal act or as a crime separate and distinct from equivalent acts committed against a person who has been born.

SECTION 3.A. Article 1, Chapter 3, Title 16 of the S.C. Code is amended by adding:

Section 16‑3‑6. (A) As used in this article, “fertilization” means the fusion of a human spermatozoon with a human ovum.

(B) As used in this article, “person” includes an unborn child at every stage of development from fertilization until birth.

B. Article 1, Chapter 3, Title 16 of the S.C. Code is amended by adding:

Section 16‑3‑105. Where the victim is an unborn child and the defendant is the child’s mother, it is a defense to prosecution under this article that the mother engaged in the proscribed conduct because she was compelled to do so by the threat of imminent death or great bodily injury.

Section 16‑3‑106. In a prosecution under this article where the victim is an unborn child, unless specifically provided otherwise:

(1) enforcement is subject to the same presumptions, defenses, justifications, laws of parties, immunities, and clemencies as would apply to the homicide of a person who had been born alive;

(2) solicitors and the Attorney General shall have concurrent authority to prosecute criminal cases and to perform any duty that necessarily relates to such prosecution; and

(3) this article prevails over other law to the extent of any conflict.

Section 16‑3‑107. (A) Medical care or treatment provided with the requisite consent by a licensed physician to avert the death of a pregnant woman that results in the accidental or unintentional injury or death of her unborn child when all reasonable alternatives to save the life of the unborn child were attempted or none were available does not constitute a violation of this article.

(B) Mistake or unintentional error on the part of a licensed physician or other licensed health care provider or his or her employee or agent or any person acting on behalf of the patient shall not subject the licensed physician or other licensed health care provider or person acting on behalf of the patient to any criminal liability under this article.

(C) Medical care or treatment includes, but is not limited to, ordering, dispensation, or administration of prescribed medications and medical procedures.

Section 16‑3‑108. Any person may be compelled to testify in any action or prosecution initiated pursuant to this article where the victim is an unborn child; provided, however, that such testimony shall not be admissible in any civil or criminal action against such witness and such witness shall forever be exempt from any prosecution for the act concerning which the witness testifies except a prosecution for perjury.

SECTION 4. Article 7, Chapter 3, Title 16 of the S.C. Code is amended by adding:

Section 16‑3‑760. (A) As used in this article, “fertilization” means the fusion of a human spermatozoon with a human ovum.

(B) As used in this article, “person” includes an unborn child at every stage of development from fertilization until birth.

Section 16‑3‑761. Where the victim is an unborn child and the defendant is the child’s mother, it is a defense to prosecution under this article that the mother engaged in the proscribed conduct because she was compelled to do so by the threat of imminent death or great bodily injury.

Section 16‑3‑762. In a prosecution under this article where the victim is an unborn child, unless specifically provided otherwise:

(1) enforcement is subject to the same presumptions, defenses, justifications, laws of parties, immunities, and clemencies as would apply to the assault of a person who had been born alive;

(2) solicitors and the Attorney General shall have concurrent authority to prosecute criminal cases and to perform any duty that necessarily relates to such prosecution; and

(3) this article prevails over other law to the extent of any conflict.

Section 16‑3‑763. (A) Medical care or treatment provided with the requisite consent by a licensed physician to avert the death of a pregnant woman that results in the accidental or unintentional injury or death of her unborn child when all reasonable alternatives to save the life of the unborn child were attempted or none were available does not constitute a violation of this article.

(B) Mistake, or unintentional error on the part of a licensed physician or other licensed health care provider or his or her employee or agent or any person acting on behalf of the patient shall not subject the licensed physician or other licensed health care provider or person acting on behalf of the patient to any criminal liability under this article.

(C) Medical care or treatment includes, but is not limited to, ordering, dispensation, or administration of prescribed medications and medical procedures.

Section 16‑3‑764. Any person may be compelled to testify in any action or prosecution initiated pursuant to this article where the victim is an unborn child; provided, however, that such testimony shall not be admissible in any civil or criminal action against such witness and such witness shall forever be exempt from any prosecution for the act concerning which the witness testifies except a prosecution for perjury.

SECTION 5. This act is prospective only and shall not apply to conduct committed prior to the effective date of this act.

SECTION 6. Section 16-3-1083, Chapter 41 of Title 44, and any other existing provisions relating to prenatal homicide or assault or regulating abortion or abortion facilities are not repealed but are superseded to the extent that such provisions may conflict with or may be inconsistent with this act.

SECTION 7. This act takes effect upon approval of the Governor.

Renumber sections to conform.

Amend title to conform.

Rep. HARRIS explained the amendment.

Rep. LONG spoke in favor of the amendment.

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

Rep. HARRIS proposed the following Amendment No. 2 to H. 3774 (LC-3774.VR0025H), which was tabled:

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

SECTION 1. This act may be cited as the “South Carolina Prenatal Equal Protection Act of 2023”.

SECTION 2. The General Assembly finds the following:

Acknowledging the sanctity of innocent human life, created in the image of God, which should be equally protected from fertilization to natural death, the purpose of this act is:

(1) to afford equal protection of the laws to all preborn children from the moment of fertilization;

(2) to comply with the Constitution of the United States, which requires that “no state…shall deny to any person within its jurisdiction the equal protection of the laws,” by repealing exceptions that permit wilful prenatal homicide;

(3) to ensure that all persons potentially subject to such laws are entitled to due process protections; and, therefore,

(4) to abolish abortion in this State as a legal act or as a crime separate and distinct from equivalent acts committed against a person who has been born.

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

Article 7

South Carolina Prenatal Equal Protection Act of 2023

Section 44-41-800. (A) As used in this article, “fertilization” means the fusion of a human spermatozoon with a human ovum.

(B) As used in this article and in Chapter 3, Title 16, “person” includes an unborn child at every stage of development from fertilization until birth.

Section 44-41-810. Where the victim is an unborn child and the defendant is the child’s mother, it is a defense to prosecution under Articles 1 and 7, Chapter 3, Title 16 that the mother engaged in the proscribed conduct because she was compelled to do so by the threat of imminent death or great bodily injury.

Section 44-41-820. (A) In a prosecution under Article 1, Chapter 3, Title 16 where the victim is an unborn child, unless specifically provided otherwise:

(1) enforcement is subject to the same presumptions, defenses, justifications, laws of parties, immunities, and clemencies as would apply to the homicide of a person who had been born alive;

(2) solicitors and the Attorney General shall have concurrent authority to prosecute criminal cases and to perform any duty that necessarily relates to such prosecution; and

(3) this article and Article 1, Chapter 3, Title 16 prevail over other law to the extent of any conflict.

(B) In a prosecution under Article 7, Chapter 3, Title 16 where the victim is an unborn child, unless specifically provided otherwise:

(1) enforcement is subject to the same presumptions, defenses, justifications, laws of parties, immunities, and clemencies as would apply to the assault of a person who had been born alive;

(2) solicitors and the Attorney General shall have concurrent authority to prosecute criminal cases and to perform any duty that necessarily relates to such prosecution; and

(3) this article and Article 7, Chapter 3, Title 16 prevail over other law to the extent of any conflict.

Section 44-41-830. (A) Medical care or treatment provided with the requisite consent by a licensed physician to avert the death of a pregnant woman that results in the accidental or unintentional injury or death of her unborn child when all reasonable alternatives to save the life of the unborn child were attempted or none were available does not constitute a violation of Article 1 or 7, Chapter 3, Title 16.

(B) Mistake or unintentional error on the part of a licensed physician or other licensed health care provider or his or her employee or agent or any person acting on behalf of the patient shall not subject the licensed physician or other licensed health care provider or person acting on behalf of the patient to any criminal liability under Article 1 or 7, Chapter 3, Title 16.

(C) Medical care or treatment includes, but is not limited to, ordering, dispensation, or administration of prescribed medications and medical procedures.

Section 44-41-840. Any person may be compelled to testify in any action or prosecution initiated pursuant to Article 1 or 7, Chapter 3, Title 16 where the victim is an unborn child; provided, however, that such testimony shall not be admissible in any civil or criminal action against such witness and such witness shall forever be exempt from any prosecution for the act concerning which the witness testifies except a prosecution for perjury.

SECTION 4. This act is prospective only and shall not apply to conduct committed prior to the effective date of this act.

SECTION 5. Section 16-3-1083, Chapter 41 of Title 44, and any other existing provisions relating to prenatal homicide or assault or regulating abortion or abortion facilities are not repealed but are superseded to the extent that such provisions may conflict with or may be inconsistent with this act.

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

Renumber sections to conform.

Amend title to conform.

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

Rep. GATCH proposed the following Amendment No. 4 to H. 3774 (LC-3774.VR0017H), which was tabled:

Amend the bill, as and if amended, SECTION 3, by striking Section 44-41-830(A)(2) and inserting:

(2) A physician who performs or induces an abortion on a pregnant woman pursuant to subitem (1)(a) must report the allegation of rape or incest to the sheriff in the county in which the rape or incest occurred. The report must be made no later than twenty‑four hours after performing or inducing the abortion. The report may be made orally or in writing and must include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing the abortion, the physician who will perform or induce the 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 in the county where the rape or incest occurred. 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 physician timely notified the appropriate Sheriff of the allegation of rape or incest, and that the woman was notified prior to the abortion that the physician would notify the Sheriff of the allegation of rape or incest.

Renumber sections to conform.

Amend title to conform.

Rep. GATCH explained the amendment.

Rep. MCCRAVY spoke upon the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to, by a division vote of 57 to 35.

Rep. MAGNUSON proposed the following Amendment No. 6 to   
H. 3774 (LC-3774.VR0021H), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting Section 44-41-810(4).

Amend the bill further, SECTION 3, by deleting Section 44-41-810(8).

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

(A)(1) It is not a violation of Section 44‑41‑820 for a physician to perform a medical procedure necessary in his reasonable medical judgment to prevent the death of a pregnant woman, a substantial risk of death of a pregnant woman due to a physical condition, or the substantial physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions.

(2) It is presumed that the following medical conditions constitute a substantial risk of death or substantial risk of substantial physical impairment of a major bodily function of a pregnant woman: molar pregnancy, partial molar pregnancy, blighted ovum, ectopic pregnancy, severe preeclampsia, HELLP syndrome, abruptio placentae, severe physical maternal trauma, uterine rupture, intrauterine fetal demise, and miscarriage. However, when an unborn child is alive in utero, the physician must make all reasonable efforts to deliver and save the life of an unborn child during the process of separating the unborn child from the pregnant woman, to the extent that it does not adversely affect the life or physical health of the pregnant woman, and in a manner that is consistent with reasonable medical practice. The enumeration of the medical conditions in this item is not intended to exclude or abrogate other conditions that satisfy the exclusions contained in item (1) or prevent other procedures that are not included in the definition of abortion.

(3) A physician performing a medical procedure pursuant to item (1) shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman’s unborn child, to the extent that 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 practices. A medical procedure shall not be considered necessary if it is performed based upon a claim or diagnosis that the woman will engage in conduct that she intends to result in her death or in a substantial physical impairment of a major bodily function.

(4) A physician who performs a medical procedure pursuant to item (1) shall declare, in a written document maintained with the woman’s medical records, that the medical procedure was necessary, the woman’s medical condition necessitating the procedure, the physician’s rationale for his conclusion that the procedure was necessary, and that all reasonable efforts were made to save the unborn child in the event it was living prior to the procedure. The declaration required by this item must be placed in the woman’s medical records not later than thirty days after the procedure was completed. A physician’s exercise of reasonable medical judgment in relation to a medical procedure undertaken pursuant to this subsection is presumed to be within the applicable standard of care.

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

(C)(1) It is not a violation of Section 44‑41‑820 to use, sell, or administer 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's instructions and is not used, sold, prescribed or administered to cause or induce an abortion.

(2) It is not a violation of Section 44‑41‑820 to use, sell, prescribe, and insert an intrauterine device if the intrauterine device is used, sold, inserted, and prescribed within the reasonable medical judgment of a physician and is not used, sold, prescribed, or administered to cause or induce an abortion of an unborn human being.

(3) It is not a violation of Section 44‑41‑820 to use, sell, prescribe, and administer 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.

(D)(1) Except as provided in item (2), it is not a violation of Section 44‑41‑820 to perform or undergo assistive reproductive technology, including but not limited to in vitro fertilization, within the accepted standards of care by the reproductive medical community.

(2) Performing selective reduction is a violation of Section 44‑41‑820 unless it is necessary within reasonable medical judgment to prevent a substantial risk of death or a substantial and irreversible physical impairment of a major bodily function of another unborn child.

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

Rep. BAMBERG spoke against the amendment.

**POINT OF ORDER**

Rep. TRANTHAM raised the Point of Order that Rep. BAMBERG’s comments were not germane to the discussion of Amendment No. 6 on H. 3774.

Rep. BAMBERG argued that his comments concerned the constitutionality of Amendment No. 6 on H. 3774.

The SPEAKER overruled the Point of Order and stated that Rep. BAMBERG’s speech was germane to the bill and that he would continue to enforce the Rules of the House concerning decorum, speeches, and parliamentary procedure.

Rep. BAMBERG spoke against the amendment.

Rep. MCCRAVY spoke upon the amendment.

Rep. BEACH spoke in favor of the amendment.

Rep. MCCRAVY moved to table the amendment.

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

Yeas 60; Nays 42

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Atkinson | Bailey | Bannister |
| Blackwell | Bradley | Brewer |
| Brittain | Bustos | Calhoon |
| Chapman | Collins | Connell |
| B. L. Cox | Davis | Elliott |
| Erickson | Felder | Forrest |
| Gagnon | Gatch | Gibson |
| Gilliam | Guest | Guffey |
| Hager | Hardee | Hayes |
| Hewitt | Hixon | Hyde |
| J. E. Johnson | Landing | Ligon |
| Lowe | McCravy | McGinnis |
| Mitchell | T. Moore | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | Ott |
| Pedalino | Pope | Robbins |
| Sandifer | Schuessler | Sessions |
| G. M. Smith | M. M. Smith | Stavrinakis |
| Vaughan | West | Wheeler |
| Willis | Wooten | Yow |

**Total--60**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bamberg | Bauer |
| Beach | Bernstein | Burns |
| Chumley | Clyburn | Cobb-Hunter |
| B. J. Cox | Cromer | Dillard |
| Garvin | Gilliard | Haddon |
| Harris | Hart | Hosey |
| Howard | Jefferson | S. Jones |
| W. Jones | Kilmartin | King |
| Lawson | Long | Magnuson |
| May | McCabe | McDaniel |
| A. M. Morgan | T. A. Morgan | O'Neal |
| Oremus | Pace | Rivers |
| Rutherford | Tedder | Thayer |
| Trantham | White | Whitmire |

**Total--42**

So, the amendment was tabled.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Amendment No. 6 of H. 3774. If I had been present, I would have voted in favor of the Amendment.

Rep. Davey Hiott

RECORD FOR VOTING

Today, I voted to table Amendment No. 6 during the debate of the Human Life Protection Act. This is the first time in my 22-year legislative career that I have voted against stripping exceptions from pro-life legislation. I remain ardently committed to protecting life. In our current political reality, passage of this Amendment will not lead to the passage or enactment of the Bill – leaving no pro-life law in our State. I have voted to table this Amendment in order to give us the best chance of successfully moving forward in our pursuit of protecting life in South Carolina.

Rep. G. Murrell Smith

Rep. MAGNUSON proposed the following Amendment No. 7 to   
H. 3774 (LC-3774.VR0022H), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting Section 44-41-810(8).

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

(A) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman if there exists a fatal fetal anomaly that has been confirmed by two physicians in separate medical practices who specialize in obstetrics or the area of medicine in which the fatal fetal anomaly is diagnosed.

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

**POINT OF ORDER**

Rep. GATCH raised the Point of Order that Rep. MAGNUSON’s comments were not germane to the discussion of Amendment No. 7 on H. 3774.

The SPEAKER overruled the Point of Order and stated that Rep. MAGNUSON’s speech was germane to the Amendment.

Rep. MAGNUSON continued speaking.

Rep. MCCRAVY spoke upon the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to, by a division vote of 58 to 44.

Rep. MAGNUSON proposed the following Amendment No. 8 to   
H. 3774 (LC-3774.VR0018H), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting Section 44-41-810(4).

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

(A)(1) 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 abortion or attempted abortion is performed or induced during the first trimester of the pregnancy.

(2) A physician who performs or induces an abortion on a pregnant woman pursuant to item (1) must report the allegation of rape or incest to the sheriff in the county in which the rape or incest occurred. The report must be made no later than twenty‑four hours after performing or inducing the abortion. The report may be made orally or in writing and must include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing the abortion, the physician who will perform or induce the 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 in the county where the rape or incest occurred. 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 physician timely notified the appropriate 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 physician shall preserve a DNA sample from the fetal remains and notify the Sheriff that the DNA sample has been preserved. The Sheriff shall collect the DNA sample from the physician and shall hold the DNA sample as evidence within ninety days of receiving notice from the physician. The DNA sample shall be held as evidence as provided by the Preservation of Evidence Act.

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

The amendment was then rejected by a division vote of 28 to 76.

Rep. MAGNUSON proposed the following Amendment No. 9 to   
H. 3774 (LC-3774.VR0014H), which was tabled:

Amend the bill, as and if amended, SECTION 3, by striking Section 44-41-840(A) and inserting:

(A) A person who violates Section 44-41-820 is guilty of a felony and, upon conviction, must be fined ten thousand dollars, or imprisoned for not more than ten years for a first offense or for not more than twenty-five years for a second or subsequent offense, or both.

Renumber sections to conform.

Amend title to conform.

Rep. HART moved to table the amendment.

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

Yeas 77; Nays 28

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Atkinson |
| Bailey | Bannister | Bauer |
| Bernstein | Blackwell | Bradley |
| Brewer | Brittain | Calhoon |
| Chapman | Clyburn | Collins |
| Connell | B. L. Cox | Crawford |
| Davis | Dillard | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Gilliard | Guest |
| Hager | Hardee | Hart |
| Herbkersman | Hewitt | Hiott |
| Hixon | Hosey | Hyde |
| Jefferson | J. E. Johnson | W. Jones |
| King | Kirby | Landing |
| Leber | Ligon | Lowe |
| McCravy | McGinnis | Mitchell |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Ott |
| Pope | Rivers | Robbins |
| Rose | Rutherford | Sandifer |
| Schuessler | M. M. Smith | Stavrinakis |
| Taylor | Tedder | Thayer |
| Thigpen | Vaughan | West |
| Wetmore | Wheeler | Williams |
| Wooten | Yow |  |

**Total--77**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Beach | Burns | Chumley |
| B. J. Cox | Cromer | Elliott |
| Guffey | Haddon | Harris |
| S. Jones | Kilmartin | Lawson |
| Long | Magnuson | May |
| McCabe | T. Moore | A. M. Morgan |
| T. A. Morgan | Nutt | O'Neal |
| Oremus | Pace | Sessions |
| Trantham | White | Whitmire |
| Willis |  |  |

**Total--28**

So, the amendment was tabled.

**PARLIAMENTARY INQUIRY**

Rep. OTT raised the Parliamentary Inquiry that if it had been appropriate to accept Rep. HART’s motion to table Amendment No. 9 on H. 3774 before the amendment was explained.

Rep. RUTHERFORD argued that the Rules required that an amendment be explained at least ten minutes.

The SPEAKER cited Rule 5.19 and stated that the rule required that a bill or joint resolution be explained at least ten minutes before the question of second reading being voted upon by the Body.  The SPEAKER stated that the rule did not apply to amendments.   The Speaker started further that he felt that he should have allowed the amendment sponsor to explain his or her position before accepting the motion to table. The SPEAKER stated that henceforth he would allow the amendment sponsor to explain his or her amendment before accepting a motion to dispose of the amendment.

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. MAGNUSON proposed the following Amendment No. 10 to   
H. 3774 (LC-3774.VR0015H), which was tabled:

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

Section 44‑41‑860. (A) Before January 1, 2027, a pregnant woman on whom an abortion is performed or induced in violation of this article may not be criminally prosecuted for violating any of the provisions of this article or for attempting to commit, conspiring to commit, or acting complicitly in committing a violation of any of the provisions of the article and is not subject to a civil or criminal penalty based on the abortion being performed or induced in violation of any of the provisions of this article.

(B)(1) Beginning January 1, 2027, a pregnant woman who intentionally commits an abortion, as defined in Section 44-41-810, upon her own child is guilty of a misdemeanor, and upon conviction, must be fined not more than five thousand dollars, or imprisoned not more than two years, or both. A finding of coercion must be regarded as a complete defense. Cooperation with prosecution as to other related crimes including, but not limited to, a sexual assault that caused the pregnancy, or an abortion procedure performed by a licensed medical doctor, shall provide cause in the discretion of the court for reduced sentencing.

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

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

Rep. MCCRAVY spoke upon the amendment.

Rep. MCCRAVY moved to table the amendment, which was agreed to, which was agreed to by a division vote of 65 to 32.

Rep. LONG proposed the following Amendment No. 11 to H. 3774 (LC-3774.VR0024H), which was adopted:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Sections 44-41-32, 44-41-33, and 44-41-34 of the S.C. Code are repealed.

SECTION X. Section 44-41-37 of the S.C. Code is amended to read:

Section 44-41-37. A physician or other professional person or agency counseling or discussing with a minor the question of her obtaining an abortion shall fully inform her of the procedures she must follow under law to obtain an abortion without the consent required in Section 44-41-31(1).

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

(1) how to access her local health department for prenatal care;

(2) how to access her local Adoption and Birth Parent Services Division of the Department of Social Services or any private not for profit adoption service;

(3) the parental consent requirement as outlined in this bill; and

(4) the judicial by-pass procedure as referred in Sections 44-41-32, 44-41-33, and 44-41-34; and

(5) how to access her local mental health center for counseling services.

Renumber sections to conform.

Amend title to conform.

Rep. LONG explained the amendment.

Rep. BAMBERG spoke against the amendment.

Rep. BAMBERG spoke against the amendment.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. COLLINS a leave of absence for the remainder of the day.

Rep. BAMBERG continued speaking.

Rep. MAGNUSON spoke in favor of the amendment.

Rep. T. MOORE spoke in favor of the amendment.

Rep. MCCRAVY spoke in favor of the amendment.

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

Yeas 82; Nays 23

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bailey | Bannister |
| Beach | Blackwell | Bradley |
| Brewer | Brittain | Burns |
| Bustos | Calhoon | Chapman |
| Chumley | Connell | B. J. Cox |
| B. L. Cox | Crawford | Cromer |
| Davis | Elliott | Erickson |
| Forrest | Gagnon | Gatch |
| Gibson | Gilliam | Guest |
| Guffey | Haddon | Hager |
| Hardee | Harris | Hayes |
| Herbkersman | Hewitt | Hiott |
| Hixon | Hyde | J. E. Johnson |
| S. Jones | Kilmartin | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McGinnis | T. Moore | A. M. Morgan |
| T. A. Morgan | Moss | Murphy |
| Neese | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Pace | Pedalino | Pope |
| Robbins | Rutherford | Sandifer |
| Sessions | G. M. Smith | M. M. Smith |
| Taylor | Thayer | Trantham |
| Vaughan | West | White |
| Whitmire | Willis | Wooten |
| Yow |  |  |

**Total--82**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Bauer | Bernstein |
| Clyburn | Cobb-Hunter | Dillard |
| Felder | Garvin | Gilliard |
| Hosey | Howard | J. L. Johnson |
| W. Jones | King | Kirby |
| McDaniel | Rivers | Rose |
| Tedder | Thigpen | Wetmore |
| Wheeler | Williams |  |

**Total--23**

So, the amendment was adopted.

Rep. BAUER proposed the following Amendment No. 12 to H. 3774 (LC-3774.VR0002H), which was tabled:

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

SECTION X. Section 44-41-80 of the S.C. Code is amended to read:

Section 44-41-80. (a) Any person, except as permitted by this chapter, who provides, supplies, prescribes or administers any drug, medicine, prescription or substance to any woman or uses or employs any device, instrument or other means upon any woman, with the intent to produce an abortion shall be deemed guilty of a felony and, upon conviction, shall be punished by imprisonment for a term of not less than two nor more than five years or fined not more than five thousand dollars, or both. Provided, that the provisions of this item shall not apply to any woman upon whom an abortion has been attempted or performed.

(b) Except as otherwise permitted by this chapter, any woman who solicits of any person or otherwise procures any drug, medicine, prescription or substance and administers it to herself or who submits to any operation or procedure or who uses or employs any device or instrument or other means with intent to produce an abortion, unless it is necessary to preserve her life, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for a term of not more than two years or fined not more than one thousand dollars, or both.

(c) Any woman upon whom an abortion has been performed or attempted in violation of the provisions of this chapter may be compelled to testify in any criminal prosecution initiated pursuant to subsection (a) of this section; provided, however, that such testimony shall not be admissible in any civil or criminal action against such woman and she shall be forever immune from any prosecution for having solicited or otherwise procured the performance of the abortion or the attempted performance of the abortion upon her.

Renumber sections to conform.

Amend title to conform.

Rep. BAUER explained the amendment.

Rep. ALEXANDER spoke in favor of the amendment.

Rep. MAGNUSON moved to table the amendment.

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

Yeas 77; Nays 27

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Bannister | Beach |
| Blackwell | Bradley | Brewer |
| Brittain | Bustos | Calhoon |
| Chapman | Connell | B. J. Cox |
| B. L. Cox | Crawford | Cromer |
| Davis | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Gatch | Gibson | Gilliam |
| Guest | Guffey | Haddon |
| Hager | Hardee | Harris |
| Herbkersman | Hewitt | Hiott |
| Hixon | Hyde | J. E. Johnson |
| S. Jones | Kilmartin | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Pace | Pedalino |
| Pope | Robbins | Sandifer |
| Sessions | G. M. Smith | Taylor |
| Thayer | Trantham | Vaughan |
| White | Whitmire | Willis |
| Wooten | Yow |  |

**Total--77**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bamberg |
| Bauer | Clyburn | Cobb-Hunter |
| Dillard | Garvin | Gilliard |
| Hart | Hosey | Howard |
| Jefferson | J. L. Johnson | W. Jones |
| King | Kirby | McDaniel |
| J. Moore | Rivers | Rose |
| Rutherford | Stavrinakis | Tedder |
| Thigpen | Wetmore | Williams |

**Total--27**

So, the amendment was tabled.

RECORD FOR VOTING

I was temporarily out of the Chamber on committee matters during the vote on Amendment No. 12 on H. 3774. If I had been present, I would have voted in affirmative to table the amendment.

Rep. Jay West

Rep. MCCRAVY moved that the House recede until 1:45 p.m., which was agreed to.

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

**THE HOUSE RESUMES**

At 1:45 p.m. the House resumed, the SPEAKER in the Chair.

**POINT OF QUORUM**

The question of a quorum was raised.

A quorum was later present.

**H. 3774--ORDERED TO THIRD READING**

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

H. 3774 -- Reps. McCravy, G. M. Smith, Hiott, W. Newton, Pope, Yow, M. M. Smith, Hardee, J. E. Johnson, Hixon, Bustos, Erickson, Landing, Davis, Crawford, B. L. Cox, Connell, Vaughan, Ligon, T. Moore, Moss, Lawson, Hyde, Leber, B. J. Cox, Wooten, Whitmire, Long, Gagnon, Bradley, Herbkersman, Nutt, Mitchell, B. Newton, Jordan, Brewer, Murphy, Gilliam, Willis, Blackwell, Elliott, Guest, Oremus, Felder, Chapman, Haddon, S. Jones, Pace, Gibson, Robbins, Burns, Chumley and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HUMAN LIFE PROTECTION ACT"; BY ADDING ARTICLE 7 TO CHAPTER 41, TITLE 44 SO AS TO BAN ABORTIONS IN THIS STATE, TO PROVIDE FOR EXCEPTIONS TO THE BAN ON ABORTIONS, TO PROTECT THE USE OF CONTRACEPTIVES AND ALTERNATIVE REPRODUCTIVE TECHNOLOGIES, TO PROVIDE PENALTIES, TO PROVIDE A CIVIL CAUSE OF ACTION FOR FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE, TO PROVIDE THAT A WOMAN CANNOT BE PROSECUTED FOR HAVING AN ABORTION, TO PROVIDE THAT PHYSICIANS OR OTHER LICENSED PROFESSIONALS SHALL LOSE THEIR LICENSE FOR VIOLATIONS OF THIS ARTICLE, AND TO PROVIDE THAT A WOMAN'S NAME MAY REMAIN ANONYMOUS IN PROCEEDINGS INITIATED PURSUANT TO THIS ARTICLE; BY ADDING SECTION 44-41-90 SO AS TO PROVIDE THAT THE STATE HEALTH INSURANCE PROGRAM MAY NOT PAY FOR ABORTIONS, TO PROHIBIT STATE FUNDS FROM BEING USED FOR THE PURCHASE OF FETAL TISSUE OR FETAL REMAINS OBTAINED FROM AN ABORTION, AND TO DEFUND PLANNED PARENTHOOD; BY ADDING SECTION 63-17-325 SO AS TO REQUIRE A BIOLOGICAL FATHER TO PAY CHILD SUPPORT BEGINNING AT CONCEPTION; BY ADDING SECTION 38-71-146 SO AS TO REQUIRE ALL INDIVIDUAL AND GROUP HEALTH INSURANCE AND HMO POLICIES TO COVER CONTRACEPTIVES; BY REQUIRING THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY TO COVER PRESCRIBED CONTRACEPTIVES FOR DEPENDENTS; BY AMENDING SECTION 44-41-710, RELATING TO CONSTRUCTION AND APPLICATION OF THIS ARTICLE, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY AMENDING SECTION 44-41-480, RELATING TO CONSTRUCTION AGAINST IMPLICIT REPEAL OF EXISTING LAW, SO AS TO REMOVE LANGUAGE RELATED TO IMPLICIT REPEAL; BY REPEALING SECTION 44-41-20 RELATING TO LEGAL ABORTIONS; BY AMENDING SECTION 44-41-70, RELATING TO PROMULGATION OF RULES AND REGULATIONS FOR CERTIFICATION OF HOSPITALS AND OTHER FACILITIES, SO AS TO DELETE A REFERENCE TO SECTION 44-41-20; AND BY PROVIDING AN UNCONDITIONAL RIGHT TO INTERVENE IN CHALLENGES TO THIS ACT BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Rep. WETMORE proposed the following Amendment No. 14 to   
H. 3774 (LC-3774.VR0030H), which was tabled:

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

SECTION 1. This act may be cited as the “Reproductive Freedom Bill of Rights Act”.

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

CHAPTER 140

Reproductive Rights

Article 1

Definitions

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

(1) “Abortion” means the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant for reasons other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

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

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

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

(5) “Department” means the Department of Health and Environmental Control.

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

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

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

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

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

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

Article 3

Abortions Generally

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

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

(1) abortion is necessary based upon her physician’s best medical judgment to preserve the life or health of the woman;

(2) pregnancy was the result of rape;

(3) pregnancy was the result of incest; or

(4) abortion is necessary based upon a fetal diagnosis that is incompatible with life.

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

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

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

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

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

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

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

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

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

Section 44‑140‑370. Any abortion performed or induced in this State must be reported by the performing physician on the standard form for reporting abortions to the State Registrar, Department of Health and Environmental Control, within seven days after the abortion is performed or induced. The names of the patient and physician may not be reported on the form or otherwise disclosed to the State Registrar. The form must indicate from whom consent was obtained, circumstances waiving consent, and, if an exception was exercised pursuant to Section 44‑140‑320, which exception the physician relied upon in performing or inducing the abortion.

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

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

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

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

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

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

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

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

Section 44‑140‑410. It is unlawful to deceive, or attempt to deceive, a woman, regardless of whether the woman is pregnant, by providing her with false or misleading information concerning the gestational age of her fetus, her due date, how much time she has to make a decision concerning an abortion, or any other false or misleading information that may impact a woman’s decision concerning her pregnancy and whether to have an abortion. A person who violates this section is guilty of a felony, and, upon conviction, must be fined up to ten thousand dollars or imprisoned for up to five years, or both.

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

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

(1) remain confidential and may not be released to anyone without the woman’s prior written consent; and

(2) not be used as evidence in any prosecution of the woman.

Article 5

Abortions on Minors

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

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

(a) one parent of the minor; or

(b) a legal guardian of the minor; or

(c) a grandparent of the minor; or

(d) any person who has been standing in loco parentis to the minor for a period not less than sixty days;

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

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

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

(C) Any person standing in loco parentis and who consents to the abortion of the minor as permitted in subsection (A)(1) shall sign an affidavit indicating the nature and length of his or her relationship with the minor. The affidavit must state the penalties for wilfully or knowingly making a false representation. Anyone who knowingly or wilfully makes a false representation in the affidavit shall be guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than one year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 44‑140‑550. Failure to obtain required consent constitutes prima facie evidence of interference with family relations in appropriate civil actions. The law of this State does not preclude the award of exemplary damages in an appropriate civil action relevant to violations concerning a minor. Nothing in this chapter may be construed to limit the common law rights of parents.

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

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

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

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

(1) how to access her local health department for prenatal care;

(2) how to access her local Adoption and Birth Parent Services Division of the Department of Social Services or any private not‑for‑profit adoption service;

(3) the parental consent requirement as outlined in this bill;

(4) the judicial by‑pass procedure as provided in this article; and

(5) how to access her local mental health center for counseling services.

Article 7

Assistive Reproductive Technologies and Contraceptives

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

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

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

Article 9

Pregnancy and Childbirth

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

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

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

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

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

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

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

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

(1) abortions and related services; and

(2) medical procedures intended to permanently prevent pregnancy including, but not limited to, tubal ligation, hysterectomy, and vasectomy.

Section 38‑71‑49. Every health maintenance organization, individual and group health insurance policy, or contract issued or renewed in this State must offer coverage for assistive reproductive technologies. Coverage offered pursuant to this section shall include, but shall not be not limited to, ovulation induction, egg retrieval, sperm retrieval, artificial insemination, in vitro fertilization, genetic screening, intracytoplasmic sperm injection, and any other nonexperimental treatment, as determined by the Director of the Department of Health and Environmental Control in consultation with appropriate professional and patient organizations such as the American Society for Reproductive Medicine, RESOLVE, the National Infertility Association, and the American College of Obstetricians and Gynecologists.

SECTION 5.A. Section 59‑32‑10(2) of the S.C. Code is amended to read:

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

B. Section 59‑32‑10(4) of S.C. Code is amended to read:

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

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

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Rep. WETMORE explained the amendment.

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

Rep. RUTHERFORD proposed the following Amendment No. 15 to H. 3774 (LC-3774.VR0036H):

Amend the bill, as and if amended, SECTION 3, by deleting Section 44-41-810(8).

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

(A) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman if there exists a fatal fetal anomaly that has been confirmed by two physicians in separate medical practices who specialize in obstetrics or the area of medicine in which the fatal fetal anomaly is diagnosed.

Renumber sections to conform.

Amend title to conform.

Rep. BAMBERG moved to adjourn debate on the amendment, which was agreed to.

Rep. RUTHERFORD proposed the following Amendment No. 16 to H. 3774 (LC-3774.VR0037H), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting Section 44-41-810(4).

Amend the bill further, SECTION 3, by deleting Section 44-41-810(8).

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

(A)(1) It is not a violation of Section 44‑41‑820 for a physician to perform a medical procedure necessary in his reasonable medical judgment to prevent the death of a pregnant woman, a substantial risk of death of a pregnant woman due to a physical condition, or the substantial physical impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions.

(2) It is presumed that the following medical conditions constitute a substantial risk of death or substantial risk of substantial physical impairment of a major bodily function of a pregnant woman: molar pregnancy, partial molar pregnancy, blighted ovum, ectopic pregnancy, severe preeclampsia, HELLP syndrome, abruptio placentae, severe physical maternal trauma, uterine rupture, intrauterine fetal demise, and miscarriage. However, when an unborn child is alive in utero, the physician must make all reasonable efforts to deliver and save the life of an unborn child during the process of separating the unborn child from the pregnant woman, to the extent that it does not adversely affect the life or physical health of the pregnant woman, and in a manner that is consistent with reasonable medical practice. The enumeration of the medical conditions in this item is not intended to exclude or abrogate other conditions that satisfy the exclusions contained in item (1) or prevent other procedures that are not included in the definition of abortion.

(3) A physician performing a medical procedure pursuant to item (1) shall make reasonable medical efforts under the circumstances to preserve the life of the pregnant woman’s unborn child, to the extent that 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 practices. A medical procedure shall not be considered necessary if it is performed based upon a claim or diagnosis that the woman will engage in conduct that she intends to result in her death or in a substantial physical impairment of a major bodily function.

(4) A physician who performs a medical procedure pursuant to item (1) shall declare, in a written document maintained with the woman’s medical records, that the medical procedure was necessary, the woman’s medical condition necessitating the procedure, the physician’s rationale for his conclusion that the procedure was necessary, and that all reasonable efforts were made to save the unborn child in the event it was living prior to the procedure. The declaration required by this item must be placed in the woman’s medical records not later than thirty days after the procedure was completed. A physician’s exercise of reasonable medical judgment in relation to a medical procedure undertaken pursuant to this subsection is presumed to be within the applicable standard of care.

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

(C)(1) It is not a violation of Section 44‑41‑820 to use, sell, or administer 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's instructions and is not used, sold, prescribed or administered to cause or induce an abortion.

(2) It is not a violation of Section 44‑41‑820 to use, sell, prescribe, and insert an intrauterine device if the intrauterine device is used, sold, inserted, and prescribed within the reasonable medical judgment of a physician and is not used, sold, prescribed, or administered to cause or induce an abortion of an unborn human being.

(3) It is not a violation of Section 44‑41‑820 to use, sell, prescribe, and administer 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.

(D)(1) Except as provided in item (2), it is not a violation of Section 44‑41‑820 to perform or undergo assistive reproductive technology, including but not limited to in vitro fertilization, within the accepted standards of care by the reproductive medical community.

(2) Performing selective reduction is a violation of Section 44‑41‑820 unless it is necessary within reasonable medical judgment to prevent a substantial risk of death or a substantial and irreversible physical impairment of a major bodily function of another unborn child.

Renumber sections to conform.

Amend title to conform.

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

Rep. RUTHERFORD proposed the following Amendment No. 17 to H. 3774 (LC-3774.VR0032H), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting Section 44-41-810(4).

Amend the bill further, SECTION 3, by deleting Section 44-41-810(8).

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

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

(B)(1) It is not a violation of Section 44‑41‑820 to use, sell, or administer 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's instructions and is not used, sold, prescribed or administered to cause or induce an abortion.

(2) It is not a violation of Section 44‑41‑820 to use, sell, prescribe, and insert an intrauterine device if the intrauterine device is used, sold, inserted, and prescribed within the reasonable medical judgment of a physician and is not used, sold, prescribed, or administered to cause or induce an abortion of an unborn human being.

(3) It is not a violation of Section 44‑41‑820 to use, sell, prescribe, and administer 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.

(C)(1) Except as provided in item (2), it is not a violation of Section 44‑41‑820 to perform or undergo assistive reproductive technology, including but not limited to in vitro fertilization, within the accepted standards of care by the reproductive medical community.

(2) Performing selective reduction is a violation of Section 44‑41‑820 unless it is necessary within reasonable medical judgment to prevent a substantial risk of death or a substantial and irreversible physical impairment of a major bodily function of another unborn child.

Renumber sections to conform.

Amend title to conform.

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

Rep. J. L. JOHNSON proposed the following Amendment No. 18 to H. 3774 (LC-3774.VR0029H), which was tabled:

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

SECTION X. Section 63-17-790(A) of the S.C. Code is amended to read:

(A) The division may establish paternity of a child upon conception in the course of a negotiation conference held pursuant to Section 63-17-750 based upon an application for services or receipt of services by the custodian pursuant to Title IV-D of the Social Security Act. Service on the alleged father pursuant to this section must be made as provided in Section 63-17-740. In addition to the notice of financial responsibility as set forth in Section 63-17-730, the division must serve the alleged father with a notice of paternity determination which shall include:

(1) an allegation that the alleged father is the natural father of the born or unborn child involved;

(2) the child's name and date of birth or if not yet born, the probable date of conception and expected date of birth;

(3) the name of the child's mother and, if the child is born, the name of the person or agency having custody of the child, if other than the mother;

(4) a statement that if the alleged father fails to timely deny the allegation of paternity, the question of paternity may be resolved against the alleged father without further notice;

(5) a statement that if the alleged father timely denies the allegation of paternity:

(a) the alleged father is subject to compulsory genetic testing and that expenses incurred may be assessed against the alleged father if he is found to be the father;

(b) a genetic test may result in a presumption of paternity; and

(c) upon receipt of the genetic test results, if the alleged father continues to deny paternity, the alleged father may request the division to refer the matter to Family Court for a determination of paternity pursuant to Section 63-17-780. An order for child support resulting from a subsequent finding of paternity is effective from the date the alleged father was served with the notice of paternity determination.

Renumber sections to conform.

Amend title to conform.

Rep. J. L. JOHNSON explained the amendment.

Rep. HIOTT moved to table the amendment.

Rep. J. L. JOHNSON demanded the yeas and nays which were taken, resulting as follows:

Yeas 74; Nays 21

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Beach | Blackwell |
| Bradley | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Chapman | Chumley | Connell |
| B. J. Cox | B. L. Cox | Crawford |
| Davis | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Gatch | Gibson | Gilliam |
| Guest | Guffey | Haddon |
| Hager | Hardee | Harris |
| Hayes | Hewitt | Hiott |
| Hixon | Hyde | J. E. Johnson |
| S. Jones | Kilmartin | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | May |
| McCabe | McCravy | McGinnis |
| Mitchell | T. Moore | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | O'Neal |
| Oremus | Pedalino | Pope |
| Robbins | Sandifer | Sessions |
| G. M. Smith | M. M. Smith | Taylor |
| Thayer | Trantham | Vaughan |
| West | White | Whitmire |
| Wooten | Yow |  |

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bernstein | Clyburn | Dillard |
| Garvin | Gilliard | Hart |
| Hosey | Jefferson | J. L. Johnson |
| W. Jones | King | Kirby |
| J. Moore | Ott | Rivers |
| Tedder | Thigpen | Weeks |
| Wetmore | Wheeler | Williams |

**Total--21**

So, the amendment was tabled.

Reps. BAUER and COBB-HUNTER proposed the following Amendment No. 19 to H. 3774 (LC-3774.DG0042H), which was ruled out of order:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 10, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO PROTECTIONS AGAINST UNREASONABLE SEARCHES AND SEIZURES AND INVASIONS OF PRIVACY, SO AS TO DELETE THE PROTECTION AGAINST UNREASONABLE INVASIONS OF PRIVACY.

SECTION 1. It is proposed that Section 10, Article I of the Constitution of this State be amended to read:

Section 10. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained. The right of the people against unreasonable invasions of privacy may not be construed so as to provide a person a right to an abortion.

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 10, Article I of the Constitution of this State, relating to protections against unreasonable searches and seizures and invasions of privacy, be amended so as to provide that the right against unreasonable invasions of privacy does not provide a person a right to an abortion?

Yes 

No 

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

SECTION 3. This joint resolution takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

**POINT OF ORDER**

Rep HIOTT raised the Point of Order that Amendment No. 19 to   
H. 3774 was not germane.  Rep. HIOTT stated that the Bill concerned with the legality and regulation of abortion, but the Amendment proffered a proposed constitutional amendment dealing with the right to privacy.

Rep. BAUER spoke against the Point of Order.

Rep. HART spoke against the Point of Order.

Rep. BAMBERG spoke against the Point of Order.

The SPEAKER stated that Rule 9.3 governs the germaneness of amendments and that an amendment must have the same substantial effect or impact as the bill it proposes to amend.  He stated that an amendment cannot expand upon or go beyond the scope of the bill’s subject matter.  He stated, “This Bill has an effect of dealing with statutory law as it relates to abortion.  The proposed Amendment’s substantial effect is to strike the Bill and put a Joint Resolution on the Bill to which it is a constitutional amendment.  A statutory amendment cannot be used and go beyond the scope to use a constitutional amendment.”  He sustained the Point of Order and ruled the Amendment No. 19 to be non-germane.

Reps. BAUER and COBB-HUNTER proposed the following Amendment No. 20 to H. 3774 (LC-3774.DG0044H), which was ruled out of order:

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

SECTION 1. (A) A statewide advisory referendum must be held at the same time as the 2024 General Election to ascertain the wishes of the qualified electors of this State as to whether the State should amend its Constitution so as to provide that the right of the people against unreasonable invasions of privacy may not be construed so as to provide a person a right to an abortion.

(B) The question must be submitted to the qualified electors at the 2024 advisory referendum. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Should the State of South Carolina amend its Constitution so as to provide that the right of the people against unreasonable invasions of privacy may not be construed so as to provide a person a right to an abortion.?

Yes 

No 

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

(C) Within sixty days after the results of the 2024 General Election are certified, the State Election Commission must submit a report to the General Assembly concerning the results of the referendum.

SECTION 2. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

**POINT OF ORDER**

Rep HIOTT raised the Point of Order that Amendment No. 20 to H. 3774 was not germane.

Rep. HART spoke against the Point of Order.

Rep. BAMBERG spoke against the Point of Order.

The SPEAKER stated that Rule 9.3 governs the germaneness of amendments.  He stated that Amendment No. 20 called for a non-binding referendum.  He stated that the Amendment went beyond the scope of the Bill and was not germane to the Bill.  He sustained the Point of Order.

Rep. J. L. JOHNSON proposed the following Amendment No. 21 to H. 3774 (LC-3774.VR0048H), which was tabled:

Amend the bill, as and if amended, SECTION 5, by striking Section 63-17-325 and inserting:

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, which are payable upon the birth of the child after a determination of paternity:

(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.

Renumber sections to conform.

Amend title to conform.

Rep. J. L. JOHNSON explained the amendment.

Rep. MCCRAVY spoke upon the amendment.

Rep. MCCRAVY moved to table the amendment.

Rep. J. L. JOHNSON demanded the yeas and nays which were taken, resulting as follows:

Yeas 74; Nays 33

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Bannister | Blackwell |
| Bradley | Brewer | Brittain |
| Burns | Bustos | Calhoon |
| Chapman | Chumley | Connell |
| B. J. Cox | B. L. Cox | Crawford |
| Davis | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Gatch | Gibson | Gilliam |
| Guest | Guffey | Haddon |
| Hager | Hardee | Harris |
| Hayes | Herbkersman | Hewitt |
| Hiott | Hixon | Hyde |
| J. E. Johnson | S. Jones | Kilmartin |
| Landing | Lawson | Leber |
| Ligon | Long | Lowe |
| May | McCabe | McCravy |
| McGinnis | T. Moore | T. A. Morgan |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Nutt |
| O'Neal | Pope | Robbins |
| Sandifer | Schuessler | Sessions |
| G. M. Smith | M. M. Smith | Taylor |
| Thayer | Vaughan | West |
| White | Whitmire | Willis |
| Wooten | Yow |  |

**Total--74**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bamberg | Bauer | Beach |
| Bernstein | Clyburn | Cobb-Hunter |
| Cromer | Dillard | Garvin |
| Gilliard | Hart | Hosey |
| Howard | Jefferson | J. L. Johnson |
| W. Jones | King | Kirby |
| McDaniel | J. Moore | Oremus |
| Ott | Pace | Rivers |
| Rose | Rutherford | Stavrinakis |
| Tedder | Thigpen | Trantham |
| Weeks | Wetmore | Williams |

**Total--33**

So, the amendment was tabled.

Rep. MAGNUSON proposed the following Amendment No. 5 to   
H. 3774 (LC-3774.VR0006H), which was tabled:

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

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

Article 21

Violence to Unborn Children

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

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

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

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

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

(C) Prosecution of an offense under this section requires proof that:

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

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

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

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

(1) Section 14-8-200(b)(7) of the S.C. Code;

(2) Section 16-3-1083 of the S.C. Code:

(3) Chapter 41, Title 44 of the S.C. Code; and

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

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

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

SECTION 5. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Rep. MAGNUSON explained the amendment.

Rep. HART spoke against the amendment.

Rep. MCCRAVY spoke upon the amendment.

Rep. MCCRAVY moved to table the amendment.

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

Yeas 65; Nays 44

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Ballentine | Bannister |
| Blackwell | Bradley | Brewer |
| Brittain | Bustos | Calhoon |
| Chapman | Connell | B. L. Cox |
| Crawford | Davis | Erickson |
| Felder | Forrest | Gagnon |
| Garvin | Gatch | Gibson |
| Gilliam | Guest | Guffey |
| Hager | Hardee | Hart |
| Hayes | Herbkersman | Hewitt |
| Hiott | Hixon | Hyde |
| J. E. Johnson | Landing | Leber |
| Ligon | McCravy | McGinnis |
| Mitchell | J. Moore | T. Moore |
| Moss | Murphy | Neese |
| B. Newton | W. Newton | Ott |
| Pope | Robbins | Sandifer |
| Schuessler | Sessions | G. M. Smith |
| M. M. Smith | Stavrinakis | Taylor |
| Tedder | Thayer | Vaughan |
| Weeks | West | Wheeler |
| Wooten | Yow |  |

**Total--65**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Bamberg | Bauer | Beach |
| Burns | Chumley | Clyburn |
| Cobb-Hunter | B. J. Cox | Cromer |
| Dillard | Elliott | Gilliard |
| Haddon | Harris | Hosey |
| Howard | Jefferson | J. L. Johnson |
| S. Jones | W. Jones | Kilmartin |
| King | Lawson | Long |
| Lowe | Magnuson | May |
| McCabe | McDaniel | A. M. Morgan |
| T. A. Morgan | Nutt | O'Neal |
| Oremus | Pace | Rivers |
| Rose | Rutherford | Thigpen |
| Trantham | White | Whitmire |
| Williams | Willis |  |

**Total--44**

So, the amendment was tabled.

Rep. RUTHERFORD proposed the following Amendment No. 15 to H. 3774 (LC-3774.VR0036H), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting Section 44-41-810(8).

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

(A) A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman if there exists a fatal fetal anomaly that has been confirmed by two physicians in separate medical practices who specialize in obstetrics or the area of medicine in which the fatal fetal anomaly is diagnosed.

Renumber sections to conform.

Amend title to conform.

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

**LEAVE OF ABSENCE**

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

**SPEAKER *PRO TEMPORE* IN CHAIR**

Rep. BAUER spoke against the Bill.

Rep. THIGPEN proposed the following Amendment No. 22 to   
H. 3774 (LC-3774.VR0049H), which was tabled:

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

SECTION X. SECTION 1. (A) There is created a study committee to examine the regulation of abortion and whether or not to include an advisory referendum on the 2024 general election ballot

(B)(1) The study committee must be composed of seven members, consisting of:

(a) three members of the Senate, appointed by the President of the Senate;

(b) three members of the House of Representatives, appointed by the Speaker of the House of Representatives;

(c) one member designated by the Governor.

(2) A vacancy in the membership of the must be filled in the manner of original appointment.

(3) Members of the committee shall serve without per diem, mileage, or other compensation generally provided to members of boards and commissions.

(C) The Senate Medical Affairs Committee and the House Medical, Military, Public and Municipal Committee shall provide appropriate staffing for the study committee.

(D) The study committee shall provide a report with findings to the General Assembly by January 1, 2024. The study committee shall dissolve upon providing its report to the General Assembly or on January 1, 2024, whichever occurs first.[Enter Text]

Renumber sections to conform.

Amend title to conform.

Rep. BAUER explained the amendment.

Rep. MAGNUSON moved to table the amendment.

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

Yeas 82; Nays 31

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Ballentine | Bannister |
| Beach | Blackwell | Bradley |
| Brewer | Brittain | Burns |
| Bustos | Calhoon | Chapman |
| Chumley | Connell | B. J. Cox |
| B. L. Cox | Crawford | Cromer |
| Davis | Elliott | Erickson |
| Felder | Forrest | Gagnon |
| Gatch | Gibson | Gilliam |
| Guest | Guffey | Hager |
| Hardee | Harris | Hayes |
| Herbkersman | Hewitt | Hiott |
| Hixon | Hyde | J. E. Johnson |
| S. Jones | Jordan | Kilmartin |
| Landing | Lawson | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | B. Newton | W. Newton |
| Nutt | O'Neal | Oremus |
| Pace | Pedalino | Pope |
| Robbins | Sandifer | Schuessler |
| Sessions | G. M. Smith | M. M. Smith |
| Taylor | Thayer | Trantham |
| Vaughan | West | White |
| Whitmire | Willis | Wooten |
| Yow |  |  |

**Total--82**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Alexander | Anderson | Bamberg |
| Bauer | Bernstein | Clyburn |
| Cobb-Hunter | Dillard | Garvin |
| Gilliard | Haddon | Hosey |
| Howard | Jefferson | J. L. Johnson |
| W. Jones | King | Kirby |
| McDaniel | J. Moore | Ott |
| Pendarvis | Rivers | Rose |
| Rutherford | Stavrinakis | Tedder |
| Weeks | Wetmore | Wheeler |
| Williams |  |  |

**Total--31**

So, the amendment was tabled.

Rep. BAMBERG spoke against the Bill.

**POINT OF ORDER**

Rep. KING raised the Point of Order that H. 3774 did not have a fiscal impact attached and was required to have one.

Rep. HART argued in favor of the point.

Rep. BAMBERG argued in favor of the point.

Rep. KING argued in favor of the point

Rep. WILLIAMS argued in favor of the point.

Rep. HIOTT argued that the Bill had a fiscal impact statement and that he had a copy to present to the desk.

Rep. THIGPEN argued that the fiscal impact was not attached to the Bill.

The SPEAKER *PRO TEMPORE* stated that Rule 5.13 required a fiscal impact statement, when mandated by the rule, to be attached to the Bill prior to the Bill receiving second reading.  He stated that a fiscal impact statement was prepared for the Bill, existed, was displayed on the on-line version of the Bill, and now, was attached to the Bill.  He stated that the requirements of the rule were met prior to the Bill receiving second reading, and he overruled the Point of Order.

Rep. BAMBERG continued speaking.

**LEAVE OF ABSENCE**

The SPEAKER *PRO TEMPORE* granted Rep. BERNSTEIN a temporary leave of absence.

Rep. JEFFERSON spoke against the Bill.

Rep. HOWARD spoke against the Bill.

Rep. RIVERS spoke against the Bill.

Rep. A. M. MORGAN spoke in favor of the Bill.

Rep. THIGPEN spoke against the Bill.

Rep. HARRIS spoke in favor of the Bill.

Rep. RUTHERFORD spoke against the Bill.

Rep. KING spoke against the Bill.

Rep. LANDING spoke in favor of the Bill.

Rep. MCCRAVY spoke in favor of the Bill.

The question recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 83; Nays 31

Those who voted in the affirmative are:

|  |  |  |
| --- | --- | --- |
| Bailey | Ballentine | Bannister |
| Beach | Blackwell | Bradley |
| Brewer | Brittain | Burns |
| Bustos | Chapman | Chumley |
| Connell | B. J. Cox | B. L. Cox |
| Crawford | Cromer | Davis |
| Elliott | Erickson | Felder |
| Forrest | Gagnon | Gatch |
| Gibson | Gilliam | Guest |
| Guffey | Haddon | Hager |
| Hardee | Hayes | Herbkersman |
| Hewitt | Hiott | Hixon |
| Hyde | J. E. Johnson | S. Jones |
| Jordan | Kilmartin | Landing |
| Lawson | Leber | Ligon |
| Long | Lowe | Magnuson |
| May | McCabe | McCravy |
| McGinnis | Mitchell | T. Moore |
| A. M. Morgan | T. A. Morgan | Moss |
| Murphy | Neese | B. Newton |
| W. Newton | Nutt | Oremus |
| Pace | Pedalino | Pope |
| Robbins | Sandifer | Schuessler |
| Sessions | G. M. Smith | M. M. Smith |
| Taylor | Thayer | Trantham |
| Vaughan | Weeks | West |
| White | Whitmire | Willis |
| Wooten | Yow |  |

**Total--83**

Those who voted in the negative are:

|  |  |  |
| --- | --- | --- |
| Anderson | Bamberg | Bauer |
| Carter | Clyburn | Cobb-Hunter |
| Dillard | Garvin | Gilliard |
| Henderson-Myers | Hosey | Howard |
| Jefferson | J. L. Johnson | W. Jones |
| King | Kirby | McDaniel |
| J. Moore | O'Neal | Ott |
| Pendarvis | Rivers | Rose |
| Rutherford | Stavrinakis | Tedder |
| Thigpen | Wetmore | Wheeler |
| Williams |  |  |

**Total--31**

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

**RECURRENCE TO THE MORNING HOUR**

Rep. HIXON moved that the House recur to the morning hour, which was agreed to.

**REPORT OF STANDING COMMITTEE**

Rep. MURPHY, from the Dorchester Delegation, submitted a favorable report on:

H. 3961 -- Reps. Murphy, Brewer, Gatch, Jefferson and Robbins: A BILL TO AMEND ACT 535 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF THE SEVEN MEMBERS OF THE BOARD OF TRUSTEES OF SUMMERVILLE SCHOOL DISTRICT 2 OF DORCHESTER COUNTY, SO AS TO CHANGE THE METHOD OF ELECTING FROM AT- LARGE TO SINGLE-MEMBER DISTRICTS, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, TO CHANGE THE CANDIDATE FILING METHOD, AND TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS.

Ordered for consideration tomorrow.

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

**RETURNED WITH CONCURRENCE**

The Senate returned to the House with concurrence the following:

H. 3820 -- Reps. Hyde, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Howard, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE GRATITUDE OF THE CITIZENS OF SOUTH CAROLINA FOR THE COMMITTED LABORS OF OUR WATER PROFESSIONALS, WHO SERVE AS GUARDIANS OF OUR WATER, AND TO DECLARE MONDAY, MARCH 6, 2023, AS "WATER PROFESSIONALS DAY" IN SOUTH CAROLINA.

**ADJOURNMENT**

At 5:02 p.m. the House, in accordance with the motion of Rep. S. JONES, adjourned in memory of Marvin Campbell Stewart, to meet at 10:00 a.m. tomorrow.

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