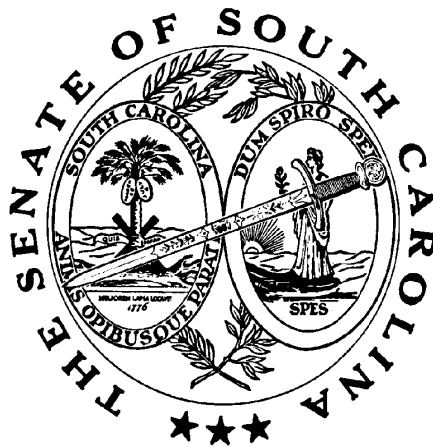


NO. 17

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

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TUESDAY, FEBRUARY 7, 2023

**Tuesday, February 7, 2023**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Isaiah 9:2

The prophet Isaiah reminds us that: "The people who walked in darkness have seen a great light; those who lived in a land of deep darkness -- on them light has shined."

Bow with me, if you will: Glorious God, during this still fresh year of 2023 we continue to find ourselves unsettled by dark moods and feelings, by powers seemingly beyond our control. In the face of such apparent realities, dear Lord, we ask that You by Your grace -- here in this Black History Month -- guide these women and men in the Senate of South Carolina as they in turn lead the people of our State into the steady and bold light of promise and of hopefulness. Truly, allow these servants to bring about a genuinely bright future for every woman, man, and child in this State, and to You be the glory. All this we pray in Your loving name, dear Lord. Amen.

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

**Point of Quorum**

At 12:06 P.M., Senator CROMER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator CROMER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Cash	Climer	Corbin
Cromer	Davis	Fanning
Gambrell	Garrett	Goldfinch
Grooms	Gustafson	Hembree
Hutto	Jackson	<i>Johnson, Michael</i>

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Kimbrell	Loftis	Martin
Peeler	Reichenbach	Rice
Sabb	Scott	Senn
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointment**

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

John B. Cook, 247 Goucher Green Bethel Road, Gaffney, SC 29340-5908

**REGULATION WITHDRAWN**

The following was received:

Document No. 5169

Agency: Department of Consumer Affairs

Chapter: 28

Statutory Authority: 1976 Code Sections 37-2-307(E), 37-6-104, and 37-6-506

SUBJECT: Motor Vehicle Closing Fees

Received by President of the Senate January 10, 2023

Referred to Committee on Banking and Insurance

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn February 6, 2023

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 5109

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Section 63-11-30

SUBJECT: Licensure of Residential Group Care Facilities for Children

Received by President of the Senate January 10, 2023

Referred to Committee on Family and Veterans' Services

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Legislative Review Expiration May 10, 2023  
Withdrawn and Resubmitted February 6, 2023

Document No. 5110

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Section 43-1-80

SUBJECT: Licensure of Family Foster Homes and Approval of  
Adoptive Homes for Children in Foster Care

Received by President of the Senate January 10, 2023

Referred to Committee on Family and Veterans' Services

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted February 6, 2023

**Leave of Absence**

On motion of Senator GROOMS, at 12:09 P.M., Senator CAMPSEN  
was granted a leave of absence until 1:00 P.M.

**Leave of Absence**

On motion of Senator SABB, at 3:35 P.M., Senator HARPOOTLIAN  
was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator SABB, at 3:35 P.M., Senator SCOTT was  
granted a leave of absence for today.

**Leave of Absence**

On motion of Senator SABB, at 3:35 P.M., Senator ALLEN was  
granted a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

- S. 1 Sens. Bennett and Climer
- S. 109 Sen. Corbin
- S. 153 Sen. Climer
- S. 259 Sen. Sabb
- S. 474 Sens. Kimbrell and Adams
- S. 483 Sens. Goldfinch, Reichenbach, Verdin, Davis, Rice, M.  
Johnson, Hutto and Loftis

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**RECALLED**

S. 471 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE MAY 1-7, 2023, AS "TARDIVE DYSKINESIA AWARENESS WEEK" IN SOUTH CAROLINA.

Senator SHEALY asked unanimous consent to make a motion to recall the Senate Resolution from the Committee on Medical Affairs.

The Senate Resolution was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

**RECALLED AND ADOPTED**

H. 3767 -- Reps. King, B.J. Cox and Cobb-Hunter: A CONCURRENT RESOLUTION TO COMMEND THE OUTSTANDING STUDENTS AND LEADERS OF THE UNITED STATES ARMY JUNIOR RESERVE OFFICERS' TRAINING CORPS IN SOUTH CAROLINA SCHOOLS, AND DECLARE APRIL 27, 2023, AS JROTC DAY AT THE SOUTH CAROLINA STATE HOUSE.

Senator HEMBREE asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Education.

The Concurrent Resolution was recalled from the Committee on Education.

Senator HEMBREE asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Concurrent Resolution. The question then was the adoption of the Concurrent Resolution.

On motion of Senator HEMBREE, the Concurrent Resolution was adopted and ordered sent to the House.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 493 -- Senators Setzler, Massey and Young: A SENATE RESOLUTION TO CONGRATULATE THE HONORABLE KATHY RAWLS, AIKEN COUNTY COUNCIL MEMBER, UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER MORE THAN THIRTY YEARS OF DEDICATED SERVICE,

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AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0259km-hw23.docx : 088e9a54-ae00-4ce9-83db-7b32861e497f

The Senate Resolution was adopted.

S. 494 -- Senator Verdin: A SENATE RESOLUTION TO CONGRATULATE JAMES HAROLD "JIMMY" DAVIS, JR. UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS FORTY-THREE YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

sr-0258km-vc23.docx : b8a89984-ee05-479f-8881-ae6ab122286d

The Senate Resolution was adopted.

S. 495 -- Senator Kimpson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME S-81 (SYCAMORE AVENUE) FROM S-6 (MAGNOLIA ROAD) TO S-522 (5TH AVENUE) IN CHARLESTON COUNTY "ANNETTE AND JAMES SMALLS ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0248km-vc23.docx : 9d68328e-baec-46c6-9f9a-349137eab363

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

**RECALLED AND ADOPTED**

S. 496 -- Senators McElveen, ADAMS, ALEXANDER, ALLEN, BENNETT, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GARRETT, GOLDFINCH, GROOMS, GUSTAFSON, HARPOOTLIAN, HEMBREE, HUTTO, JACKSON, KEVIN JOHNSON, MICHAEL JOHNSON, KIMBRELL, KIMPSON, LOFTIS, MALLOY, MARTIN, MASSEY, MATTHEWS, McLEOD, PEELER, RANKIN, REICHENBACH, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, STEPHENS, TALLEY, TURNER, VERDIN, WILLIAMS and YOUNG: A CONCURRENT RESOLUTION TO RECOGNIZE FEBRUARY 16, 2023, AS "WORLD CHOLANGIOCARCINOMA AWARENESS DAY" IN SOUTH CAROLINA.

sr-0242km-vc23.docx : 47c3f2cb-7bc0-4926-98b9-e51f61c0cea6

The Concurrent Resolution was introduced and referred to the Committee on Medical Affairs.

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Senator McELVEEN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

The Concurrent Resolution was recalled from the Committee on Medical Affairs.

Senator McELVEEN asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Concurrent Resolution. The question then was the adoption of the Concurrent Resolution.

On motion of Senator McELVEEN, the Resolution was adopted and ordered sent to the House.

S. 497 -- Senators Jackson, Scott and McLeod: A SENATE RESOLUTION TO CONGRATULATE THE BENEDICT COLLEGE FOOTBALL TEAM AND COACHES FOR WINNING THE 2022 SOUTHERN INTERCOLLEGIATE ATHLETIC CONFERENCE CHAMPIONSHIP TITLE, TO RECOGNIZE THE TEAM'S NUMEROUS ACCOMPLISHMENTS DURING THE SEASON, AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN THE DAYS TO COME.

lc-0217sa-rm23.docx : 8c3fbc50-115e-4843-8865-b1542fa90a4d

The Senate Resolution was adopted.

H. 3875 -- Reps. Thayer, Beach, Chapman, Cromer, Gagnon and West: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF THE HONORABLE RICHARD A. SHIRLEY, THE FORMER MAYOR OF THE CITY OF ANDERSON, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LOVING FAMILY AND HIS MANY FRIENDS.

lc-0167ph-gm23.docx : f061bb8d-125a-4fe0-9ebd-7cbdd5d89092

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

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**HOUSE CONCURRENCE**

S. 319 -- Senators Williams and Reichenbach: TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SC-51, PAMPLICO HIGHWAY, BETWEEN FLOWERS ROAD AND WILLARD HENRY ROAD IN FLORENCE COUNTY "SGT. ROBERT A. MOBLEY HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

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

**CARRIED OVER**

S. 304 -- Senators Turner, Climer and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FROM TWENTY-FIVE DOLLARS TO ONE HUNDRED DOLLARS AND TO PROVIDE THAT SEVENTY-FIVE DOLLARS FROM EACH FINE COLLECTED MUST BE CREDITED TO THE HIGHWAY PATROL.

On motion of Senator SENN, the Bill was carried over.

**CARRIED OVER**

S. 361 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-5-1630, RELATING TO THE EXTENSION OF CONSTRUCTION CONTRACTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION IS NOT REQUIRED TO PROVIDE PREAPPROVAL OF CONSTRUCTION CONTRACT EXTENSIONS AND TO PROVIDE THAT THE COMMISSION MUST RATIFY EXTENSIONS AT THE NEXT COMMISSION MEETING.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

On motion of Senator BENNETT, the Bill was carried over.



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**CARRIED OVER**

S. 363 -- Senators Rankin, Grooms and Verdin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-4445, RELATING TO THE RESTRICTION OF ELEVATING OR LOWERING A MOTOR VEHICLE; SO AS TO PROHIBIT MOTOR VEHICLE MODIFICATIONS THAT RESULT IN THE MOTOR VEHICLE'S FRONT FENDER BEING RAISED FOUR OR MORE INCHES ABOVE THE HEIGHT OF THE REAR FENDER, TO PROVIDE FOR THE MANNER OF MEASURING THE HEIGHT OF THE FRONT FENDER IN RELATION TO THE REAR FENDER, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

The Senate proceeded to the consideration of the Bill.

Senator RICE explained the Bill.

On motion of Senator MALLOY, the Bill was carried over.

**AMENDED, OBJECTION**

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (SMIN-375.MW0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-5-1538(F) and inserting:

(F) The driver of a vehicle shall ensure that the vehicle is kept under control when approaching or passing an emergency scene or authorized emergency vehicle stopped on or near the right-of-way of a street or highway with emergency lights flashing. The exercise of control

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required for a driver to comply with this section is that control possible and necessary by the driver to prevent causing a collision, to prevent causing injury to persons or property, and to avoid interference with the performance of emergency duties by emergency personnel.

Amend the bill further, SECTION 1, by striking Section 56-5-1538(I) and inserting:

(I) The driver of a vehicle shall ensure that the vehicle is kept under control when approaching or passing a motor vehicle stopped on or near the right-of-way of a street or highway when the stopped vehicle is displaying flashing hazard lights. The exercise of control required for a driver to comply with this section is that control possible and necessary by the driver to prevent causing a collision or to prevent causing injury to persons or property.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT spoke on the Bill.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator CORBIN objected to further consideration of the Bill.

### **OBJECTION**

S. 165 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING SECTION 40-1-77 SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

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Senator JACKSON objected to consideration of the Bill.

**AMENDED, CARRIED OVER**

S. 1 -- Senators Alexander, Turner, Senn, Young, Gustafson, Peeler, Setzler, Rankin, Adams, Bennett and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-3-80 SO AS TO CREATE THE OFFENSE OF DRUG-INDUCED HOMICIDE, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROHIBIT AN AFFIRMATIVE DEFENSE; BY AMENDING SECTION 16-1-10, RELATING TO A LIST OF EXCEPTIONS FOR FELONIES AND MISDEMEANORS, SO AS TO ADD DRUG-INDUCED HOMICIDE; AND BY AMENDING SECTION 44-53-190, RELATING TO SCHEDULE I DRUGS, SO AS TO ADD FENTANYL-RELATED SUBSTANCES.

The Senate proceeded to the consideration of the Bill.

Senators HUTTO and CROMER proposed the following amendment (SJ-1.PB0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-3-80 and inserting:

Section 16-3-80. (A) A person who unlawfully delivers, dispenses, or otherwise provides fentanyl or a fentanyl-related substance as defined in Section 44-53-190(B) and Section 44-53-210(c)(6) to another person, in violation of the provisions of Section 44-53-370, commits the felony offense of fentanyl-induced homicide if the proximate cause of the death of any other person is the injection, inhalation, absorption, or ingestion of any amount of the fentanyl or fentanyl-related substance that was unlawfully delivered, dispensed, or otherwise provided.

(B) A person convicted of a fentanyl-induced homicide pursuant to the provisions of this section must be imprisoned not more than thirty years.

© It is not a defense pursuant to this section that a decedent contributed to his own death by his purposeful, knowing, reckless, or negligent injection, inhalation, absorption, or ingestion of the controlled substance or by his consenting to the administration of the controlled substance by another person.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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On motion of Senator MALLOY, the Bill was carried over.

**OBJECTION**

S. 36 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

Senator MALLOY objected to consideration of the Bill.

**Point of Personal Privilege**

Senator MATTHEWS rose for a Point of Personal Privilege.

**Point of Order**

Senator CASH raised a Point of Order that the remarks were not in order pursuant to Rule 13.

The PRESIDENT took the point of order under advisement.

**RECESS**

At 1:03 P.M., on motion of Senator MALLOY, the Senate recessed from business not to exceed 2 minutes.

At 1:07 P.M., the Senate resumed.

Senator MATTHEWS resumed speaking.

**Remarks to be Printed**

On motion of Senator WILLIAMS, with unanimous consent, the remarks of Senator MATTHEWS, when reduced to writing and made available to the Desk, would be printed in the Journal.

**CARRIED OVER**

S. 153 -- Senators Young, Gustafson, Senn, Rankin, Adams and Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS, BY AMENDING SECTIONS 44-53-190(B) AND 44-53-370(E), RELATING TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, TO ADD AN OFFENSE FOR "TRAFFICKING IN FENTANYL", TO DEFINE NECESSARY TERMS AND PROVIDE PENALTIES; AND BY AMENDING SECTION 44-53-370(D) TO PROVIDE FOR PRESUMPTIVE

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**WEIGHTS FOR POSSESSION WITH INTENT TO DISTRIBUTE FENTANYL OR FENTANYL-RELATED SUBSTANCES.**

On motion of Senator HEMBREE, the Bill was carried over.

**OBJECTION**

S. 33 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-21-107 SO AS TO PROVIDE THAT OWNERS OF WATERCRAFT OF MORE THAN SEVENTY HORSEPOWER MUST CARRY LIABILITY INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS OF COVERAGE PER OCCURRENCE, TO PROVIDE PENALTIES, AND TO PROVIDE FOR THE COLLECTION OF FINES; BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS; AND BY AMENDING SECTIONS 50-23-20 AND 50-23-35, BOTH RELATING TO WATERCRAFT TITLES, SO AS TO PROVIDE FOR THE DUAL TITLING OF A WATERCRAFT AND OUTBOARD MOTOR.

Senator M. JOHNSON objected to the consideration of the Bill.

**OBJECTION**

S. 96 -- Senators Campsen, Davis, McElveen and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

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The Senate proceeded to the consideration of the Bill.

Senator CAMPSSEN explained the Bill.

Senator SENN objected to the consideration of the Bill.

**OBJECTION**

S. 120 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING

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INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE  
PLANNING OR EXECUTION OF A DEATH SENTENCE.

Senator MATTHEWS objected to the consideration of the Bill.

**OBJECTION**

S. 488 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO USE OF ELECTRIC-ASSISTED BICYCLES (E-BIKES) IN CERTAIN AREAS OF SCDNR-OWNED AND SCDNR-MANAGED LANDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5166, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator CAMPSSEN objected to the consideration of the Resolution.

**OBJECTION**

S. 489 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5172, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

Senator CAMPSSEN objected to the consideration of the Resolution.

**OBJECTION**

S. 474 -- Senators Grooms, Massey, Kimbrell and Adams: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY; TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41,

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TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

Senator MASSEY objected to the consideration of the Bill.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 1:13 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

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

**CARRIED OVER**

S. 375 -- Senators Grooms, Verdin and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO PROVIDE THAT A DRIVER SHALL ENSURE THAT HIS VEHICLE IS KEPT UNDER CONTROL WHEN APPROACHING OR PASSING A MOTOR VEHICLE STOPPED ON OR NEAR THE RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE THAT A PERSON DRIVING A VEHICLE APPROACHING A STATIONARY VEHICLE DISPLAYING FLASHING HAZARD LIGHTS SHALL SLOW DOWN, YIELD THE RIGHT-OF-WAY, AND MAINTAIN A SAFE SPEED IF CHANGING LANES IS UNSAFE; AND TO PROVIDE PENALTIES.

On motion of Senator MASSEY, the Bill was carried over.

**CARRIED OVER**

S. 165 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING TITLE 1, CHAPTER 40, RELATING TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, BY ADDING SECTION 40-1-75, SO AS TO PROVIDE THAT PROFESSIONAL BOARDS AND COMMISSIONS MAY NOT SOLELY DENY A LICENSE APPLICATION BASED UPON AN APPLICANT'S PRIOR CRIMINAL CONVICTION UNLESS THE CONVICTION IS FOR A CRIME THAT DIRECTLY RELATES TO THE DUTIES AND RESPONSIBILITIES FOR THE



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SPECIFIC OCCUPATION OR PROFESSIONAL LICENSE BEING SOUGHT; BY ADDING SECTION 40-1-77 SO AS TO PROVIDE FOR LICENSURE BY BOARDS AND COMMISSIONS FOR APPLICANTS WHO COMPLETE CERTAIN APPRENTICESHIP PROGRAMS; AND TO REPEAL SECTION 40-1-140, RELATING TO THE EFFECT OF PRIOR CONVICTIONS ON LICENSE APPLICATIONS FOR PROFESSIONS AND OCCUPATIONS.

On motion of Senator MASSEY, the Bill was carried over.

**CARRIED OVER**

S. 36 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING VARIOUS SECTIONS WITHIN CHAPTER 1, TITLE 56, TO RESTRUCTURE THE IGNITION INTERLOCK DEVICES PROGRAM. (ABBREVIATED TITLE)

On motion of Senator MASSEY, the Bill was carried over.

**CARRIED OVER**

S. 33 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-21-107 SO AS TO PROVIDE THAT OWNERS OF WATERCRAFT OF MORE THAN SEVENTY HORSEPOWER MUST CARRY LIABILITY INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS OF COVERAGE PER OCCURRENCE, TO PROVIDE PENALTIES, AND TO PROVIDE FOR THE COLLECTION OF FINES; BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS; AND BY AMENDING SECTIONS 50-23-20 AND 50-23-35, BOTH RELATING TO WATERCRAFT TITLES, SO AS TO PROVIDE FOR THE DUAL TITLING OF A WATERCRAFT AND OUTBOARD MOTOR.

On motion of Senator MASSEY, the Bill was carried over.

**CARRIED OVER**

S. 96 -- Senators Campsen, Davis, McElveen and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-10, RELATING TO DEFINITIONS FOR THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE THE DEFINITION OF PERSONAL WATERCRAFT; BY AMENDING SECTION 50-21-90, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES

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TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-95, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; TO REPEAL SECTION 50-21-870(A)(1), RELATING TO THE DEFINITION FOR THE TERM "PERSONAL WATERCRAFT"; AND TO REPEAL SECTION 50-21-870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

On motion of Senator MASSEY, the Bill was carried over.

**CARRIED OVER**

S. 120 -- Senator Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 24-3-580, RELATING TO THE DISCLOSURE OF THE IDENTITIES OF EXECUTION TEAM MEMBERS AND THE PENALTIES FOR THE UNLAWFUL DISCLOSURE, SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE CERTAIN INFORMATION PERTAINING TO THE IDENTITY OF PERSONS WHO PARTICIPATE IN THE PLANNING OR ADMINISTRATION OF AN EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL; TO MAKE TECHNICAL CHANGES; TO PROVIDE THE PURCHASE OR ACQUISITION OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE STATE PROCUREMENT CODE; TO PROVIDE THE OUT-OF-STATE ACQUISITION OF DRUGS INTENDED FOR USE FOR THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM ALL STATE LICENSING PROCESSES AND REQUIREMENTS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR ANY OTHER AGENCY, AS WELL AS REGULATIONS PROMULGATED BY THE BOARD OF PHARMACY; TO PROVIDE PHARMACIES OR PHARMACISTS THAT ARE INVOLVED IN THE SUPPLYING, MANUFACTURING, OR COMPOUNDING OF DRUGS INTENDED FOR USE IN THE ADMINISTRATION OF THE DEATH PENALTY ARE EXEMPT FROM CERTAIN LICENSING PROCESSES AND REQUIREMENTS OF THE DEPARTMENT OF LABOR,

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LICENSING AND REGULATION; TO PROVIDE, UNDER CERTAIN CIRCUMSTANCES, NO GOVERNMENTAL AGENCY SHALL DISCLOSE IDENTIFYING INFORMATION OF MEMBERS OF EXECUTION TEAMS OR THE DETAILS REGARDING THE PROCUREMENT OF CERTAIN DRUGS USED IN THE ADMINISTRATION OF THE DEATH PENALTY; AND TO PROVIDE THE INTENT OF THIS SECTION IS TO ENSURE THE ABSOLUTE CONFIDENTIALITY OF IDENTIFYING INFORMATION OF PERSONS OR ENTITIES INVOLVED IN THE PLANNING OR EXECUTION OF A DEATH SENTENCE.

On motion of Senator MASSEY, the Bill was carried over.

**CARRIED OVER**

S. 488 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO USE OF ELECTRIC-ASSISTED BICYCLES (E-BIKES) IN CERTAIN AREAS OF SCDNR-OWNED AND SCDNR-MANAGED LANDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5166, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator MASSEY, the Resolution was carried over.

**CARRIED OVER**

S. 489 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 5172, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator MASSEY moved to carry over the Resolution.

Senator MATTHEWS moved to lay the motion to carry over the Resolution on the table.

The motion failed.

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On motion of Senator MASSEY, the Resolution was carried over.

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

S. 474 -- Senators Grooms, Massey, Kimbrell and Adams: A BILL TO AMEND ARTICLE 6, CHAPTER 41, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE FETAL HEARTBEAT AND PROTECTION FROM ABORTION ACT, SO AS TO PROVIDE THAT ABORTIONS MAY NOT BE PERFORMED IN THIS STATE AFTER A FETAL HEARTBEAT HAS BEEN DETECTED EXCEPT IN CASES OF RAPE OR INCEST DURING THE FIRST TWELVE WEEKS OF PREGNANCY, IN MEDICAL EMERGENCIES, OR IN LIGHT OF A FATAL FETAL ANOMALY; TO DEFINE NECESSARY TERMS; TO REPEAL SECTION 2 OF ACT 1 OF 2021; TO REPEAL SECTIONS 44-41-10 AND 44-41-20 OF THE S.C. CODE; AND TO REPEAL ARTICLE 5, CHAPTER 41, TITLE 44 OF THE S.C. CODE SUBJECT TO CERTAIN CONDITIONS.

The Senate proceeded to the consideration of the Bill.

**Point of Order**

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

Senator MASSEY spoke on the Bill.

Senator CASH proposed the following amendment (SR-474.KM0003S), which was proposed:

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 “Human Life Protection Act”.

SECTION 2. The General Assembly hereby finds that:

(1) Article I, Section 1 of the South Carolina Constitution recognizes that all political power is vested in the people of this State, and it has long been recognized that the will of the people is expressed in the legislative enactments of the people’s elected representatives.

(2) Article I, Section 3 of the South Carolina Constitution guarantees that no person shall be “deprived of life...without due process of law” and that the Fifth Amendment to the United States Constitution

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guarantees that no person shall be “deprived of life...without the due process of law.”

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

(4) South Carolina has a compelling interest in protecting the life of human beings at all stages of development and decline, and this right to life is superior to all other rights.

(5) Article I, Section 8 of the South Carolina Constitution provides that the legislative, executive, and judicial powers of the government “shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.”

(6) Article III, Section 1 of the South Carolina Constitution vests the “legislative power of this State” with the General Assembly.

(7) In Dobbs v. Jackson Women’s Health Organization, the United States Supreme Court held that the federal constitution does not provide a right to an abortion, and that the authority to regulate abortion must be returned to the people and their elected representatives.

(8) Pursuant to Article I, Section 1 of the South Carolina Constitution, the people of this State are exercising their political power through the General Assembly’s exercise of its Article III, Section 1 sole authority to legislate to secure the rights to life for unborn children as guaranteed by Article I, Section 3 of the South Carolina Constitution and the Fifth Amendment to the United States Constitution.

(9) Any attempt by a coequal branch of government to limit or prevent the General Assembly from exercising its Article I, Section 3 power is an unconstitutional usurpation of that power and is a violation of the separation of powers enshrined in Article I, Section 8 of the South Carolina Constitution and the United States Supreme Court’s holding in Dobbs v. Jackson Women’s Health Organization.

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

### **Article 7**

#### **Human Life Protection Act**

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

(1) “Abortion” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn human being. Such use, prescription, or means is not an abortion if done with the intent to save

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the life or preserve the health of the unborn human being, or to remove a dead unborn human being.

(2) “Clinically diagnosable pregnancy” means the point in time when it is possible to determine that a woman is pregnant due to the detectable presence of human chorionic gonadotropin (hCG).

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

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

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

(6) “Selective reduction” means, in the context of assisted reproductive technology, a procedure to stop the development of one or more unborn children in utero.

(7) “Reasonable medical judgement” means a medical judgement that would be made by a reasonably prudent physician, knowledgeable about the case and treatment possibilities with respect to the medical condition involved.

(8) “Unborn child” means an individual organism of the species homo sapiens from conception until live birth.

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

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

Section 44-41-830. (A)(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

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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.

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(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 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.

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

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

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

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

(B) A pregnant woman upon whom an abortion has been performed, induced, or coerced in violation of this article may maintain an action against the person who violated this article for actual and punitive damages. In addition to all other damages, and separate and distinct from all other damages, a plaintiff is entitled to statutory damages of ten



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thousand dollars for each violation of this article to be imposed on each defendant found to have violated this article.

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

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

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

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

(4) the Attorney General.

(D) If a plaintiff prevails in an action initiated pursuant to this section the court shall award the plaintiff reasonable costs and attorney's fees.

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

(F) Under no circumstances may civil damages be awarded to a plaintiff if the pregnancy resulted from the plaintiff's criminal conduct.

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

Section 44-41-860. A pregnant woman upon whom an abortion is performed or induced in violation of this article may not be criminally prosecuted or found civilly liable for violating any of the provisions of this article or for attempting to commit, conspiring to commit, or acting complicity in committing a violation of any of the provisions for this article.

Section 44-41-870. In addition to any other penalties imposed by law, a physician or any other professionally licensed person who intentionally, knowingly, or recklessly violates the prohibition on abortion contained in this article commits an act of unprofessional conduct. A physician's license to practice in this State immediately shall be revoked by the State Board of Medical Examiners, after due process according to the board's rules and procedures. Any other licensed person's professional license shall be immediately revoked by the appropriate licensing board, after due process according to that board's rules and procedures. A complaint may originate by any person or by the board sua sponte. A licensing board acting pursuant to this section may assess costs of the investigation, fines, and other disciplinary actions as it may deem appropriate.

Section 44-41-880. In every civil or criminal proceeding or other action brought pursuant to this article, the court shall rule whether the

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

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

SECTION 4. Article 1, Chapter 41, Title 44 of the S.C. Code is amended by adding:

Section 44-41-90. (A) No funds appropriated by the State for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except as provided in Sections 44 41 830, 44-41-840, and 44-41-850.

(B) No funds appropriated or authorized by the State may be used by any political subdivision of the State to purchase fetal tissue obtained from an abortion or fetal remains, nor may any political subdivision of the State accept donated fetal remains.

(C) No state funds may, directly or indirectly, be utilized by Planned Parenthood for abortions, abortion services or procedures, or administrative functions related to abortions.

SECTION 5. Article 3, Chapter 17, Title 63 of the S.C. Code is amended by adding:

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Section 63-17-325. A biological father of a child has a duty to pay the mother of the child the following financial obligations beginning with the date of conception:

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

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

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

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

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

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

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

SECTION 6. Article 1, Chapter 71, Title 38 of the S.C. Code is amended by adding:

Section 38-71-146. All individual and group health insurance and health maintenance organization policies in this State shall include coverage for contraceptives. For purposes of this Section, "contraceptive" means any drug, device, or medication to prevent pregnancy. A contraceptive may prevent ovulation, fertilization, or implantation in the uterus. A contraceptive does not include any drug, device, or medication used with the intent of terminating a pregnancy of a woman known to be pregnant. This section does not apply if an individual or entity asserts a sincerely held religious belief regarding the use of contraception.

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SECTION 7. The Public Employee Benefit Authority and the State Health Plan shall cover prescribed contraceptives for dependents under the same terms and conditions that the Plan provides contraceptive coverage for employees and spouses. The State Health Plan shall not apply patient cost sharing provisions to covered contraceptives.

SECTION 8. Section 44-41-710 of the S.C. Code is amended to read:

~~Section 44-41-710. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article.~~ If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

SECTION 9. Section 44-41-480 of the S.C. Code is amended to read:

~~Section 44-41-480. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article.~~ If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.

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SECTION 10. Section 44-41-20 of the S.C. Code is repealed.

SECTION 11. Section 44-41-70(b) of the S.C. Code is amended to read:

(b) The department shall promulgate and enforce regulations for the licensing and certification of facilities other than hospitals as defined in Section 44-41-10(d) wherein abortions are to be performed ~~as provided for in Section 44-41-20(a) and (b).~~

SECTION 12. The President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives, on behalf of the House of Representatives have an unconditional right to intervene on behalf of their respective bodies in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges the constitutionality of this act. In a federal court action that challenges the constitutionality of this act the Legislature may seek to intervene, to file an amicus brief, or to present arguments in accordance with federal rules of procedure. Intervention by the Legislature pursuant to this provision does not limit the duty of the Attorney General to appear and prosecute legal actions or defend state agencies, officers or employees as otherwise provided. In any action in which the Legislature intervenes or participates, the Senate and the House of Representatives shall function independently from each other in the representation of their respective clients.

SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator SABB spoke on the amendment.

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**Remarks to be Printed**

On motion of Senator MATTHEWS, with unanimous consent, the remarks of Senator SABB, when reduced to writing and made available to the Desk, would be printed in the Journal.

Senator CASH explained the amendment.

Senator KIMBRELL spoke on the amendment.

Senator K. JOHNSON spoke on the amendment.

**Remarks to be Printed**

On motion of Senator STEPHENS, with unanimous consent, the remarks of Senator K. JOHNSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

Senator GROOMS spoke on the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

**Ayes 17; Nays 24**

**AYES**

Adams	Bennett	Campsen
Cromer	Davis	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Massey	Peeler
Rankin	Shealy	Talley
Turner	Young	

**Total--17**

**NAYS**

Alexander	Cash	Climer
Corbin	Fanning	Gambrell
Garrett	Goldfinch	Hutto
Jackson	<i>Johnson, Kevin</i>	Malloy
Martin	Matthews	McElveen
McLeod	Reichenbach	Rice
Sabb	Senn	Setzler
Stephens	Verdin	Williams

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**Total—24**

The Senate refused to lay the amendment on the table.

**Statement by Senators ADAMS, GROOMS,  
KIMBRELL, and M. JOHNSON**

Over the past two years the number of abortions have nearly doubled in our State. Abortions will continue to increase until the legislature takes actions to protect the lives of these precious unborn children.

In January, in a split 3 to 2 decision, the Supreme Court of South Carolina found the Fetal Heartbeat and Protection Act of 2021 to be in violation of the South Carolina Constitution. In response to this decision, S. 474, a Heartbeat Bill addressing the issues raised by the Court, was introduced. We must reestablish firm constitutional footing before considering further protections. This amendment is nearly identical to H. 3774, the Human Life Protection Act. While we support the legislation, we strongly agree believe that it should be debated as a stand-alone Bill and not in place of S. 474. There will be a time to debate H. 3774, but not while we consider this Bill. For these reasons, we voted to table this amendment.

**Statement by Senator MASSEY**

I agree with the statement above. However, I write separately to point out that despite comments to the contrary, Senator CASH's amendment does not include exceptions for rape, incest, and fatal fetal anomalies. I support a ban from conception with exceptions for rape and incest. I will not support a ban without exceptions for rape and incest.

**Statement by Senator YOUNG**

I voted to table the amendment because the Bill, as filed, has a better chance to pass the Senate this session.

At 3:41 P.M., debate was interrupted by adjournment.

**Motion Adopted**

On motion of Senator MASSEY, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 11:45 A.M. tomorrow for the purpose of attending the Joint Assembly, and the Senate will reconvene 1 hour after the conclusion of the Joint Assembly.

**TUESDAY, FEBRUARY 7, 2023**

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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

John B. Cook, 247 Goucher Green Bethel Road, Gaffney, SC 29340-5908

**Motion Adopted**

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

**ADJOURNMENT**

At 3:41 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:45 A.M.

\* \* \*



**TUESDAY, FEBRUARY 7, 2023**

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