



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 4760 Introduced on January 13, 2026
Subject: Abortion-Inducing Drugs
Requestor: House Judiciary
RFA Analyst(s): Boggs
Impact Date: January 21, 2026

Fiscal Impact Summary

This bill prohibits any person from knowingly causing an abortion by means of delivering, dispensing, distributing, or providing a pregnant woman with an abortion-inducing drug. This bill defines abortion-inducing drug as any drug or chemical, or any combination of drugs or chemicals, or any other substance when used with the intent to cause an abortion. Under this bill, abortion-inducing drug does not mean a contraceptive, an emergency contraceptive, or the use of methotrexate to treat an ectopic pregnancy.

Any person who knowingly performs an abortion by means of an abortion-inducing drug is guilty of a felony and, upon conviction, must be imprisoned for not more than five years, or fined not more than \$50,000, or both. Additionally, any person who knowingly performs an abortion by means of an abortion-inducing drug that results in the death or the substantial and irreversible impairment of a major bodily function, not including psychological or emotional conditions, of the pregnant woman is guilty of a felony and, upon conviction, must be imprisoned for not more than ten years, or fined not more than \$75,000, or both. Further, any person who knowingly performs an abortion by means of an abortion-inducing drug that results in the death or the substantial and irreversible impairment of a major bodily function, not including psychological or emotional conditions, of a pregnant woman under the age of eighteen is guilty of a felony and, upon conviction, must be imprisoned for not more than fifty years, or fined not more than \$100,000, or both.

This bill states that any person or entity that manufactures, mails, distributes, transports, delivers, or provides an abortion-inducing drug is subject to strict liability for damages from the harm caused to the mother or unborn child. Additionally, this bill adds Mifepristone and Misoprostol to the list of Schedule IV controlled substances. Further, this bill makes it unlawful for any person to knowingly or intentionally possess mifepristone or misoprostol, unless such substance was obtained pursuant to a valid prescription or order from a practitioner. A person who violates this is guilty of a felony and, upon conviction, must be imprisoned for not more than five years, or fined not more than \$5,000, or both.

This bill creates several new felony and misdemeanor offenses as well as civil actions. As these are new offenses, there is no data to determine the number of new cases that may be heard in circuit court.

This bill may result in an increase in the number of civil or criminal cases and potentially the number of incarcerations, due to the newly created offenses, which may increase the workload of the court system and the Commission of Indigent Defense (CID), the Department of Probation, Parole and Pardon Services (PPP), the Commission on Prosecution Coordination (CPC), and the Department of Corrections (Corrections). The potential increase in expenses for each agency will depend upon the increase in the number of cases and number of incarcerations. These agencies anticipate that the potential increase in caseload can be managed within existing appropriations. Judicial anticipates that the potential impact of the caseload in circuit court can be managed within existing appropriations. However, if the bill has an unanticipated impact on caseloads or downstream expenses, these agencies will request an increase in General Fund appropriations. For information, according to Corrections, in FY 2024- 25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

Under this bill, the Board of Pharmacy (BOP), within the Department of Labor, Licensing, and Regulation (LLR), is required to notify all pharmacists in South Carolina about the provisions of this law and that lawful prescriptions for mifepristone and misoprostol may be filled. Additionally, this bill requires the Department of Public Health (DPH) to notify all healthcare practitioners and providers in South Carolina about the provisions of this law and that mifepristone and misoprostol may be prescribed and administered in accordance with this act.

This bill will have no expenditure impact for the Public Employee Benefit Authority (PEBA) as the agency anticipates this bill will have no impact on the State Health Plan (SHP). Additionally, this bill will have no expenditure impact for the South Carolina Law Enforcement Division (SLED), the Office of the Attorney General, the Department of Health and Human Services (DHHS), or LLR as each agency anticipates any additional responsibilities due to this bill can be managed with existing staff and appropriations. This bill will have no expenditure impact for the University of South Carolina (USC) School of Medicine since the university does not render medical care through the School of Medicine.

The State Fiscal Accountability Authority (SFAA) indicates that the Insurance Reserve Fund's (IRF) Medical Professional policy excludes damages arising from the criminal act of an insured. Under this bill, anyone performing an abortion by means of an abortion-inducing drug is guilty of a felony. Therefore, these violations would have minimal impact to the IRF. However, SFAA notes this bill may create an increased exposure for DPH in the event the agency fails to notify all required parties and concerns for an increase in exposure to pharmacies. The agency is unable to quantify a fiscal impact related to these exposures at this time. Therefore, the fiscal impact on SFAA and the IRF is undetermined depending upon the number of insurance claims that may arise due to this bill.

The expenditure impact of this bill on the Medical University of South Carolina (MUSC) and DPH is pending, contingent upon a response from the agencies.

RFA contacted all forty-six counties and the Municipal Association of South Carolina (MASC) regarding this legislation and received responses from the counties of Charleston, Dorchester, Florence, Horry, Lancaster, and MASC. The counties of Dorchester, Florence, Horry, and

Lancaster indicate that the bill will have no expenditure impact. Charleston County expresses concern that new civil causes of action and potential litigation risks for county-employed medical personnel, such as emergency medical services and detention center medical staff, could result in external legal defense costs. MASC indicates that the fiscal impact to municipalities is likely minimal.

This bill may result in a change in the fines and fees collected in court due to an increase in the caseload in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in a change to General Fund, Other Funds, and local revenue due to the change in fines and fees collections in court.

Explanation of Fiscal Impact

Introduced on January 13, 2026

State Expenditure

This bill prohibits any person from knowingly causing an abortion by means of delivering, dispensing, distributing, or providing a pregnant woman with an abortion-inducing drug. This bill defines abortion-inducing drug as any drug or chemical, or any combination of drugs or chemicals, or any other substance when used with the intent to cause an abortion. Under this bill, abortion-inducing drug does not mean a contraceptive, an emergency contraceptive, or the use of methotrexate to treat an ectopic pregnancy.

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This bill states that any person or entity that manufactures, mails, distributes, transports, delivers, or provides an abortion-inducing drug is subject to strict liability for damages from the harm caused to the mother or unborn child. Additionally, this bill adds Mifepristone and Misoprostol to the list of Schedule IV controlled substances. Further, this bill makes it unlawful for any person to knowingly or intentionally possess mifepristone or misoprostol, unless such substance was obtained pursuant to a valid prescription or order from a practitioner. A person who violates this is guilty of a felony and, upon conviction, must be imprisoned for not more than five years, or fined not more than \$5,000, or both.

This bill creates several new felony and misdemeanor offenses as well as civil actions. As these are new offenses, there is no data to determine the number of new cases that may be heard in circuit court.

This bill may result in an increase in the number of civil or criminal cases and potentially the number of incarcerations, due to the newly created offenses, which may increase the workload of the court system and CID, PPP, CPC, and Corrections. The potential increase in expenses for each agency will depend upon the increase in the number of cases and number of incarcerations. These agencies anticipate that the potential increase in caseload can be managed within existing appropriations. Judicial anticipates that the potential impact of the caseload in circuit court can be managed within existing appropriations. However, if the bill has an unanticipated impact on caseloads or downstream expenses, these agencies will request an increase in General Fund appropriations. For information, according to Corrections, in FY 2024- 25, the annual total cost per inmate was \$37,503, of which \$35,696 was state funded.

Under this bill, BOP, within LLR, is required to notify all pharmacists in South Carolina about the provisions of this law and that lawful prescriptions for mifepristone and misoprostol may be filled. Additionally, this bill requires DPH to notify all healthcare practitioners and providers in South Carolina about the provisions of this law and that mifepristone and misoprostol may be prescribed and administered in accordance with this act.

This bill will have no expenditure impact for PEBA as the agency anticipates this bill will have no impact on SHP. Additionally, this bill will have no expenditure impact for SLED, the Office of the Attorney General, DHHS, or LLR as each agency anticipates any additional responsibilities due to this bill can be managed with existing staff and appropriations. This bill will have no expenditure impact for the USC School of Medicine since the university does not render medical care through the School of Medicine.

SFAA indicates that IRF's Medical Professional policy excludes damages arising from the criminal act of an insured. Under this bill, anyone performing an abortion by means of an abortion-inducing drug is guilty of a felony. Therefore, these violations would have minimal impact to the IRF. However, SFAA notes this bill may create an increased exposure for DPH in the event the agency fails to notify all required parties and concerns for an increase in exposure to pharmacies. The agency is unable to quantify a fiscal impact related to these exposures at this time. Therefore, the fiscal impact on SFAA and the IRF is undetermined depending upon the number of insurance claims that may arise due to this bill.

The expenditure impact of this bill on MUSC and DPH is pending, contingent upon a response from the agencies.

State Revenue

This bill may result in a change in the fines and fees collected in court due to an increase in the caseload in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in a change to General Fund and Other Funds revenue due to the change in fines and fees collections in court.

Local Expenditure

RFA contacted all forty-six counties and MASC regarding this legislation and received responses from the counties of Charleston, Dorchester, Florence, Horry, Lancaster, and MASC. The counties of Dorchester, Florence, Horry, and Lancaster indicate that the bill will have no expenditure impact. Charleston County expresses concern that new civil causes of action and potential litigation risks for county-employed medical personnel, such as emergency medical services and detention center medical staff, could result in external legal defense costs. MASC indicates that the fiscal impact to municipalities is likely minimal, as municipal courts do not have jurisdiction over the crimes or civil causes of action established by this bill because the punishments exceed the jurisdictional scope. Additionally, because the Attorney General's Office and solicitors have prosecutorial responsibilities, MASC anticipates that municipal law enforcement officers will likely refer any suspected offenses to their attention for investigation.

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Frank A. Rainwater, Executive Director