



# SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

## STATEMENT OF ESTIMATED FISCAL IMPACT

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<b>Bill Number:</b>	S. 0323	Introduced on February 6, 2025
<b>Subject:</b>	Unborn Child Protection Act	
<b>Requestor:</b>	Senate Medical Affairs	
<b>RFA Analyst(s):</b>	Boggs, Bryant, and Welsh	
<b>Impact Date:</b>	September 23, 2025	

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### Fiscal Impact Summary

This bill prohibits a person from performing an abortion, except in a medical emergency to prevent the death or irreversible impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions. This prohibition includes administering, prescribing, delivering, or selling any medicine, drug, or other substance with the specific intent to cause an abortion. This bill also specifies that it is unlawful to knowingly and intentionally manufacture an abortifacient or to knowingly or intentionally possess for sale or distribution, distribute, offer for sale, sell, or advertise the sale or distribution of an abortifacient with the intended use to induce an abortion. Abortifacient is defined as mifepristone, misoprostol, or any other chemical or drug dispensed with the intent of causing an abortion.

Currently, a person is prohibited from performing an abortion if a fetal heartbeat has been detected unless there is a medical emergency to save the life of the mother or to prevent serious risk of substantial and irrevocable harm of a major body function of the mother, not including psychological or emotional conditions. Additionally, currently an abortion is allowed in the case of rape or incest if the probable gestational age of the unborn child is no more than twelve weeks or if there is a fatal fetal anomaly present.

This bill also states that a physician or any other professionally licensed person who is indicted for an intentional, knowing, or reckless violation of the prohibition on abortion, shall have his license suspended by the State Board of Medical Examiners (BME), within the Department of Labor, Licensing and Regulation (LLR). The suspension shall remain in place until the charges against the physician are dismissed, or the physician is acquitted, convicted, pleads guilty, or pleads nolo contendere. If the charges are dismissed, or the physician is acquitted, then the physician's license may be reinstated by the board upon application by the physician. The fiscal impact for BME, within LLR, is undetermined as BME is unable to predict the volume and complexity of the additional oversight functions required by this bill.

The Medical University of South Carolina (MUSC) anticipates this bill will increase expenses by \$460,000 annually, beginning in FY 2025-26 due to this bill. MUSC reports that external legal expenses related to the review and defense of its physicians will total \$50,000 annually. MUSC also anticipates costs to train the out-of-state residents will total \$410,000 annually, including \$75,000 in transportation and housing costs, \$35,000 in simulation equipment, and \$300,000 for

fees to train residents out-of-state. The institution indicates that additional General Fund appropriations will be requested to cover these expenses.

Currently, an abortion performed in this State must be reported by the performing physician to the State Registrar within the Department of Public Health (DPH), within seven days after the abortion is performed. This bill adds that DPH must annually compile a public report providing statistics for the previous calendar year from the information submitted by physicians and statistics for prior calendar years with any updated information for calendar years that was submitted after the compilation of statistics for that year. DPH is still working to collect information to determine the impact of this bill, and therefore, the fiscal impact for DPH is pending.

Further, this bill makes it unlawful to knowingly or intentionally aid, abet, or conspire with another person to violate the provisions of this bill. This includes, but is not limited to, knowingly and intentionally providing information by phone and internet regarding self-administered abortions or means to obtain an abortion, hosting or providing access to an internet website to a pregnant woman who is a resident of South Carolina that provides information on how to obtain an abortion, offering or providing abortion doula services, and providing a referral to an abortion provider. Further, this bill makes it unlawful to knowingly or intentionally use force, or the threat of force, to injure or intimidate a pregnant woman to coerce an abortion or to recruit, harbor, or transport a pregnant minor who resides in this State to another state to have an abortion or to obtain an abortifacient.

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). Judicial anticipates that the potential impact of the caseload in circuit court can be managed within existing appropriations. Additionally, 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. 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 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded.

Further, this bill allows the Attorney General, a solicitor acting within his respective circuit, the father of the unborn child, a maternal or paternal grandparent of the unborn child, and a parent or legal guardian of a pregnant minor to bring a civil action against a person who violates, attempts to violate, or threatens to violate a provision of this bill no later than six years after the alleged violation. If the plaintiff proves that the defendant violated, attempted to violate, or threatened to

violate a provision of this bill, the court shall award damages of \$10,000 for each violation in addition to injunctive relief, compensatory damages, punitive damages, and reasonable attorney's fees and court costs. The Office of the Attorney General is still working to collect information to determine the impact of this bill, and therefore, the fiscal impact for this agency is pending.

This bill specifies that the President of the Senate, on behalf of the Senate, and the Speaker of the House of Representatives (House), on behalf of the House, have an unconditional right to intervene in a court action if a part to the court action challenges the constitutionality of this bill. Both the Senate and House anticipate being able to manage any responsibilities that may arise due to this bill with existing staff and appropriations.

This bill will have no expenditure impact for the Public Employee Benefit Authority (PEBA) or the State Fiscal Accountability Authority (SFAA) as both agencies anticipate this bill will have no impact on the State Health Plan (SHP) or the Insurance Reserve Fund (IRF). Additionally, this bill will have no expenditure impact for the University of South Carolina (UofSC) School of Medicine, the Department of Juvenile Justice (DJJ), the South Carolina Law Enforcement Division (SLED), the Department of Health and Human Services (DHHS), or the Department of Social Services (DSS), as each agency anticipates any additional responsibilities due to this bill can be managed with existing staff and appropriations.

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.

This bill requires school districts to include a presentation of a high-quality, computer-generated rendering or animation of at least three minutes in duration comparable in quality with the "Meet Baby Olivia" video developed by Live Action, a 501(c)(3) non-profit, in their comprehensive health education programs. The video must demonstrate the process of fertilization and stages of human development inside the uterus, noting significant markers in cell growth and organ development from fertilization until birth, noting significant markers in cell growth and organ development from fertilization until birth. The bill specifies that the Attorney General may bring a civil action for a writ of mandamus to compel a public school district to comply with this requirement. This section of the bill takes effect beginning with the 2026-27 school year.

The SC Department of Education (SCDE) surveyed the seventy-two regular school districts and three charter school districts and received responses from twenty-one districts. The expenditure impact of this bill varies by district and will depend upon whether the department provides the video or districts are required to purchase the video. Some districts may also need to develop a new curriculum, upgrade classroom technology, and provide training or professional development for instructors. Several districts also note the potential for legal costs.

RFA contacted all forty-six counties and the Municipal Association of South Carolina (MASC) regarding this legislation and received responses from Beaufort County, Dorchester County, Florence County, Horry County, and MASC. Beaufort and Florence Counties indicate that the bill will have no expenditure impact. Dorchester County anticipates that this bill may require additional staff and services in their health care contract for detention centers, as well as an increase in transportation costs for medical appointments. Horry County reports that this bill may increase expenses by an undetermined amount for additional resources to investigate an accusation. Horry County indicates that the cost of a single case can be absorbed by the county but notes that a large volume of cases may require the county to hire an additional detective. MASC indicates that the fiscal impact to municipalities is difficult to quantify but is likely minimal, as municipal courts do not have jurisdiction over the crimes or civil rights of action established by this bill because the punishments exceed the jurisdictional scope established by the General Assembly. 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.

## **Explanation of Fiscal Impact**

**Introduced on February 6, 2025**

### **State Expenditure**

This bill prohibits a person from performing an abortion, except in a medical emergency to prevent the death or irreversible impairment of a major bodily function of the pregnant woman, not including psychological or emotional conditions. This prohibition includes administering, prescribing, delivering, or selling any medicine, drug, or other substance with the specific intent to cause an abortion. This bill also specifies that it is unlawful to knowingly and intentionally manufacture an abortifacient or to knowingly or intentionally possess for sale or distribution, distribute, offer for sale, sell, or advertise the sale or distribution of an abortifacient with the intended use to induce an abortion. Abortifacient is defined as mifepristone, misoprostol, or any other chemical or drug dispensed with the intent of causing an abortion.

Currently, a person is prohibited from performing an abortion if a fetal heartbeat has been detected unless there is a medical emergency to save the life of the mother or to prevent serious risk of substantial and irrevocable harm of a major body function of the mother, not including psychological or emotional conditions. Additionally, currently an abortion is allowed in the case of rape or incest if the probable gestational age of the unborn child is no more than twelve weeks or if there is a fatal fetal anomaly present.

Further, this bill makes it unlawful to knowingly or intentionally aid, abet, or conspire with another person to violate the provisions of this bill. This includes, but is not limited to, knowingly and intentionally providing information by phone and internet regarding self-administered abortions or means to obtain an abortion, hosting or providing access to an internet website to a pregnant woman who is a resident of South Carolina that provides information on how to obtain an abortion, offering or providing abortion doula services, and providing a referral to an abortion provider. Further, this bill makes it unlawful to knowingly or intentionally use force, or the threat of force, to injure or intimidate a pregnant woman to coerce an abortion or to

recruit, harbor, or transport a pregnant minor who resides in this State to another state to have an abortion or to obtain an abortifacient.

A person who violates one of the provisions of this bill is guilty of a felony and, upon conviction, must be imprisoned for not more than thirty years if the unborn child dies as a result of the violation or for not more than twenty-five years if the unborn child is born alive despite the violation.

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 CID, PPP, CPC, Corrections. Judicial anticipates that the potential impact of the caseload in circuit court can be managed within existing appropriations. Additionally, 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. 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 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded.

Additionally, this bill states that a physician or any other professionally licensed person who is indicted for an intentional, knowing, or reckless violation of the prohibition on abortion, shall have his license suspended by BME. The suspension shall remain in place until the charges against the physician are dismissed, or the physician is acquitted, convicted, pleads guilty, or pleads nolo contendere. If the charges are dismissed, or the physician is acquitted, then the physician's license may be reinstated by the board upon application by the physician.

This bill adds oversight functions to BME, within LLR, including monitoring, review, and potential enforcement actions for physicians alleged to be in violation of its provisions. LLR and BME are unable to predict the volume and complexity of these additional responsibilities. Therefore, the fiscal impact for BME, within LLR, is undetermined.

MUSC educates and employs physicians in the state who will be required to adhere to the requirements of this bill. MUSC reports that external legal expenses related to the review and defense of its physicians will total \$50,000 annually. Additionally, MUSC anticipates this bill will require some physician training activities to take place out-of-state or through simulations, resulting an annual expense of an estimated \$410,000. This includes \$75,000 in transportation and housing costs for out-of-state training, \$300,000 for fees for training residents out-of-state, and \$35,000 in simulation equipment. In total, this bill will increase expenses for MUSC by \$460,000 per year beginning in FY 2025-26. The institution indicates that additional General Fund appropriations will be requested to cover these expenses.

Currently, an abortion performed in this State must be reported by the performing physician to the State Registrar, DPH, within seven days after the abortion is performed. This bill adds that DPH must annually compile a public report providing statistics for the previous calendar year from the information submitted by physicians and statistics for prior calendar years with any

updated information for calendar years that was submitted after the compilation of statistics for that year. DPH is still working to collect information to determine the impact of this bill, and therefore, the fiscal impact for DPH is pending.

This bill also specifies that it is unlawful to knowingly and intentionally manufacture an abortifacient or to knowingly or intentionally possess for sale or distribution, distribute, offer for sale, sell, or advertise the sale or distribution of an abortifacient with the intended use to induce an abortion. The bill defines an abortifacient as mifepristone, misoprostol, or any other chemical or drug dispensed with the intent of causing an abortion. Further, this bill makes it unlawful to knowingly or intentionally aid, abet, or conspire with another person to violate the provisions of this bill. This includes, but is not limited to, knowingly and intentionally providing information by phone and internet regarding self-administered abortions or means to obtain an abortion, hosting or providing access to an internet website to a pregnant woman who is a resident of South Carolina that provides information on how to obtain an abortion, offering or providing abortion doula services, and providing a referral to an abortion provider. Further, this bill makes it unlawful to knowingly or intentionally use force, or the threat of force, to injure or intimidate a pregnant woman to coerce an abortion or to recruit, harbor, or transport a pregnant minor who resides in this State to another state to have an abortion or to obtain an abortifacient.

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This bill will have no expenditure impact for PEBA or SFAA as both agencies anticipate this bill will have no impact on the SHP or the IRF. Additionally, this bill will have no expenditure impact for UofSC School of Medicine, DJJ, SLED, DHHS, or DSS, as each agency anticipates any additional responsibilities due to this bill can be managed with existing staff and appropriations.

### **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**

This bill requires school districts to include a presentation of a high-quality, computer-generated rendering or animation of at least three minutes in duration in their comprehensive health education programs. SCDE surveyed the seventy-two regular school districts and three charter school districts and received responses from twenty-one districts. The expenditure impact of this bill varies by district and will depend upon whether the department provides the video or districts are required to purchase the video. Some districts may also need to develop a new curriculum, upgrade classroom technology, and provide training or professional development for instructors. Several districts also note the potential for legal costs.

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Frank A. Rainwater, Executive Director