



# South Carolina | RANKING: 21

South Carolina maintains a number of life-affirming laws including comprehensive informed consent requirements and health and safety standards for abortion clinic. In 2014, South Carolina built on previous protections, adopting measures requiring abortion providers to report providers who have hospital admitting privileges and to report abortion complications. However, like many other states, South Carolina has not taken action on human cloning, destructive embryo research, or fetal experimentation.

## » ABORTION

- South Carolina prohibits partial-birth abortion.
- South Carolina prohibits abortions after 24 weeks gestation unless the attending physician and another independent physician certify in writing that the abortion is necessary to preserve the woman's life or health. If both physicians certify the abortion is necessary to preserve the woman's mental health, an independent psychiatrist must also certify that the abortion is necessary.
- A physician may not perform an abortion on a woman until 24 hours after she is informed of the probable gestational age of her unborn child, the abortion procedure to be used, and the availability of state-prepared, written materials describing fetal development, listing agencies offering alternatives to abortion, and describing available medical assistance benefits.
- South Carolina requires that a woman be offered an ultrasound and the opportunity to view the image prior to abortion.
- A physician may not perform an abortion on an unemancipated minor under the age of 17 without the informed, written consent of one parent, a grandparent, or any other person who has standing in *loco parentis*, unless there is a medical emergency, the minor is a victim of incest, or the minor obtains a court order.
- South Carolina has enacted comprehensive health and safety regulations for abortion clinics. These regulations are based on national abortion industry standards and cover such areas as clinic administration, physical plant, sanitation standards, patient care, post-operative recovery, and proper maintenance of patient records.
- Only a physician licensed to practice medicine in South Carolina may perform an abortion. Additionally, abortion providers must maintain hospital admitting privileges.
- The state has an enforceable abortion reporting law, but does not require the reporting of information to the Centers for Disease Control (CDC). The law pertains to both

surgical and nonsurgical abortions. In 2014, the state added provisions requiring abortion providers to report whether providers have hospital admitting privileges and to report abortion complications.

- South Carolina follows the federal standard for Medicaid funding for abortions, permitting the use of federal or state matching Medicaid funds for abortions necessary to preserve the life of the woman or when the pregnancy is the result of rape or incest.
- State law provides that no state funds may be expended to perform abortions, except those authorized by Medicaid under federal law. Further, the state maintains the following funding restrictions: money appropriated to the Adolescent Pregnancy Prevention Initiative may not be used for transportation to or from abortion services; state funds appropriated for family planning may not be used to pay for an abortion; the South Carolina Department of Health and Environmental Control and its employees may not provide referral services or counseling for abortion; and funds appropriated under the South Carolina Birth Defects Program may not be used to counsel or refer women for abortions.
- South Carolina prohibits health plans offered through the state's health insurance Exchanges required under the federal healthcare law from including abortion coverage.
- State taxpayer funds appropriated to the State Health Insurance Plan may not be used to pay for an abortion except in cases of rape or incest, or to preserve a woman's life.

#### » **LEGAL RECOGNITION AND PROTECTION OF UNBORN AND NEWLY BORN**

- The *Unborn Victims of Violence Act* provides that the killing of an unborn child at any stage of gestation may be prosecuted as homicide. It also criminalizes a nonfatal assault on an unborn child.
- The state allows a wrongful death (civil) action when a viable unborn child is killed through a negligent or criminal act.
- South Carolina law protects infants who survive abortions.
- South Carolina has a "Baby Moses" law, establishing a safe haven for mothers to legally leave their infants at designated places and ensuring that the infants receive appropriate care and protection.
- The state defines substance abuse during pregnancy as "child abuse" under civil child-welfare statutes.

#### » **BIOETHICS LAWS**

- South Carolina does not prohibit human cloning, destructive embryo research, or fetal experimentation, nor does it promote ethical forms of research.
- South Carolina does not regulate the provision of assisted reproductive technologies or human egg harvesting.

**» END OF LIFE LAWS**

- Under South Carolina law, assisted suicide is a felony.

**» HEALTHCARE FREEDOM OF CONSCIENCE*****Participation in Abortion***

- A physician, nurse, technician, or other employee of a hospital, clinic, or physician who objects in writing is not required to recommend, perform, or assist in the performance of an abortion.
- A healthcare provider's conscientious objection to performing or assisting in abortions may not be the basis for liability or discrimination. A person discriminated against in employment may bring a civil action for damages and reinstatement.
- Except in an emergency, a private or nongovernmental hospital or clinic is not required to permit the use of its facilities for the performance of an abortion or to admit a woman for an abortion.
- A hospital's refusal to perform or to permit the performance of abortions within its facility may not be the basis for civil liability.

***Participation in Research Harmful to Human Life***

- South Carolina currently provides no protection for the rights of healthcare providers who conscientiously object to participation in human cloning, destructive embryo research, and other forms of medical research, which violate a provider's moral or religious belief.

**» WHAT HAPPENED IN 2014**

- South Carolina adopted a measure requiring abortion providers to report whether they have hospital admitting privileges and to report abortion complications.
- It adopted a budget bill that continues a long-standing provision that prohibits the state employees' health plan from covering abortion except when necessary to save the woman's life or in cases of rape or incest.
- South Carolina considered legislation limiting abortion at 5 months (i.e., 20 weeks) pregnancy and delineating qualifications for individual abortion providers.
- South Carolina introduced a *Pregnant Woman's Protection Act* that included AUL-drafted legislative findings.
- The state considered legislation promoting ethical forms of research.
- South Carolina considered legislation related to pain management and palliative care.

# RECOMMENDATIONS

for SOUTH CAROLINA

## WOMEN'S PROTECTION PROJECT PRIORITIES

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- Women's Health Defense Act (5 month abortion limitation)
- Abortion Patients' Enhanced Safety Act
- Abortion-Inducing Drugs Safety Act
- Parental Involvement Enhancement Act
- Child Protection Act
- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws

## ADDITIONAL PRIORITIES

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### ***Abortion***

- Defunding the Abortion Industry and Advancing Women's Health Act
- Coercive Abuse Against Mothers Prevention Act
- Prenatal Nondiscrimination Act

### ***Legal Recognition and Protection for the Unborn***

- Unborn Wrongful Death Act (for a pre-viable child)
- Born-Alive Infant Protection Act
- Pregnant Woman's Protection Act

### ***Bioethics***

- Human Cloning Prohibition Act
- Destructive Embryo Research Act
- Prohibition on Public Funding of Human Cloning and Destructive Embryo Research Act

### ***Healthcare Freedom of Conscience***

- Healthcare Freedom of Conscience Act