

# **DRAFT PROPOSED REVISED TEXT TO H3568** **( with new language in red, but without deletions from original H3568 )**

South Carolina General Assembly  
124th Session, 2021-2022

**H. 3568**

## **STATUS INFORMATION**

General Bill

Sponsors: ~~Reps. Magnuson, Trantham, Burns, Jones, Morgan, Chumley, Long, May, B. Cox, Haddon, Thayer, Bennett, Dabney, McCabe, Oremus, McGarry, Taylor, Daning, V.S. Moss, Pope, Forrest, Hill, J.E. Johnson and M.M. Smith~~

Document Path: ~~F:\council\bill\cc\15902vr21.docx~~

Companion/Similar bill(s): ~~381~~

Introduced in the House on ~~January 12, 2021~~

Currently residing in the House Committee on **Judiciary**

Summary: Personhood Act of SC

## **HISTORY OF LEGISLATIVE ACTIONS**

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
<del>12/16/2020</del>	<del>House</del>	<del>Prefiled</del>
<del>12/16/2020</del>	<del>House</del>	<del>Referred to Committee on <b>Judiciary</b></del>
<del>1/12/2021</del>	<del>House</del>	<del>Introduced and read first time (<a href="#">House Journal page 241</a>)</del>
<del>1/12/2021</del>	<del>House</del>	<del>Referred to Committee on <b>Judiciary</b> (<a href="#">House Journal page 241</a>)</del>
<del>3/24/2021</del>	<del>House</del>	<del>Member(s) request name added as sponsor: Hill</del>
<del>4/27/2021</del>	<del>House</del>	<del>Member(s) request name added as sponsor: J.E.Johnson</del>
<del>5/11/2021</del>	<del>House</del>	<del>Member(s) request name added as sponsor: M.M.Smith</del>

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## **VERSIONS OF THIS BILL**

[12/16/2020](#)

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**A BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 1, TITLE 1 SO AS TO ENACT THE “PERSONHOOD ACT OF SOUTH CAROLINA”; **TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY; TO ACKNOWLEDGE AND MEMORIALIZE THAT THE RIGHT TO LIFE FOR EACH BORN AND PREBORN HUMAN BEING IS INHERENT AND UNALIENABLE BEGINNING AT FERTILIZATION; TO DEFINE THE WORDS ‘PERSON’, ‘HUMAN’, AND ‘HUMAN BEING’ TO MEAN A NATURAL PERSON CREATED IN THE IMAGE OF GOD, AT ANY STAGE OF BIOLOGICAL DEVELOPMENT, BEGINNING AT FERTILIZATION, TO ACKNOWLEDGE AND MEMORIALIZE THAT EACH AND EVERY HUMAN BEING IS A PERSON BEGINNING AT FERTILIZATION AND THAT NO PERSON SHALL BE DEPRIVED OF LIFE WITHOUT DUE PROCESS OF LAW NOR DENIED THE EQUAL PROTECTION OF THE LAWS, RIGHTS GUARANTEED BY SECTION 3, ARTICLE I OF THE CONSTITUTION OF THIS STATE; TO REPEAL CHAPTER 41, TITLE 44, RELATING TO “ABORTIONS”; TO PROHIBIT ALLOCATION OF PUBLIC FUNDS, ALLOCATION OF PERSONNEL OR PROPERTY, OR IMPLEMENTATION BY ANY OFFICIAL, OF THIS STATE, OR ANY POLITICAL SUBDIVISION OF THIS STATE, TO IMPLEMENTATION OR ENFORCEMENT OF ANY FEDERAL LAW, TREATY, EXECUTIVE ORDER, RULE, OR REGULATION DETERMINED BY THE ATTORNEY GENERAL TO PURPORT TO COMPEL LEGISLATIVE OR EXECUTIVE ACTION PURSUANT TO SECTION 1-1-380.(A); TO APPLY CERTAIN SECTIONS TO CHAPTER 3, TITLE 16 OF THE 1976 CODE; AND FOR OTHER PURPOSES.**

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Whereas, the General Assembly, under Section 1A, Article III, of the Constitution of the State of South Carolina, 1895, is empowered to assemble to make new laws, as the common good may require; and

Whereas, Section 3, Article I of the Constitution of the State of South Carolina, 1895, guarantees that no person may be deprived of life, liberty, or property without due process of law or be denied the equal protection of the laws; and

Whereas, the General Assembly, in the exercise of its constitutional powers and in carrying out its duties and responsibilities under the law, finds it necessary and proper to ensure that the rights of its citizens extend to each newly born and preborn human being. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Article 5

Personhood Act of South Carolina

Section 1-1-310. This article may be cited as the ‘Personhood Act of South Carolina’.

Section 1-1-320. The General Assembly finds as follows regarding the sanctity of life:

(A) The General Assembly acknowledges that the July 4, 1776 Declaration of Independence is one of the Organic Laws of the United States of America found in the United States Code.

(B) The General Assembly acknowledges that all persons are endowed by their Creator with certain unalienable rights, **the foremost of which is the right to life.**

(C) The General Assembly acknowledges that personhood is God-given, as all men are created in the image of God.

1 (D) The General Assembly finds that the Preamble to the  
2 Constitution of the State of South Carolina contains the sovereign  
3 peoples' acknowledgment of God as the source of constitutional  
4 liberty, saying: 'We the people of the State of South Carolina, in  
5 Convention assembled, grateful to God for our liberties, do ordain  
6 and establish this Constitution for the preservation and perpetuation  
7 of the same'.

8 (E) **The General Assembly acknowledges that the State of**  
9 **South Carolina has a God-ordained and constitutional duty to**  
10 **establish justice and protect the right to life of human beings,**  
11 **the first and primary end of civil government.**

12 (F) The General Assembly **acknowledges** that a human being is  
13 a **natural** person **beginning** at fertilization.

14  
15 Section 1-1-330. (A) The right to life for each born and preborn  
16 human being **is inherent and unalienable beginning** at  
17 fertilization.

18 (B) **As used in this chapter:**

19 (1) **The words 'person', 'human', and 'human being', mean a**  
20 **natural person created in the image of God, at any stage of**  
21 **biological development, beginning at fertilization.**

22 (2) **'Fertilization' means the union of a human spermatozoon**  
23 **with a human ovum.**

24 (3) **'Conception' means fertilization.**

25 (C) **Each and every human being is a person beginning at**  
26 **fertilization. No** person shall be deprived of life without due  
27 process of law nor denied the equal protection of the laws, **rights**  
28 **guaranteed by Section 3, Article I, of the Constitution of this**  
29 **State.**

30  
31 Section 1-1-340. (A) Nothing in this article shall be construed to  
32 prohibit a licensed physician from performing a medical procedure  
33 or providing medical treatment designed or intended to prevent the  
34 death of a pregnant woman, **including delivering the child**  
35 **prematurely if necessarily concomitant with the lifesaving**  
36 **intervention. The physician shall act in accordance with the**  
37 **standard of care, insofar as Section 1-1-330(A), (B), or (C) are**  
38 **not violated,** to preserve both the life of the mother and the life of  
39 the preborn human being. Under such circumstances, the accidental  
40 or unintentional injury or death to the preborn human being is not a  
41 violation of this article. The provisions of this section must not be  
42 construed to authorize the intentional killing of a preborn human  
43 being.

1 (B) Nothing in this article shall be construed to prohibit  
2 contraception. As used in this subsection, ‘contraception’ is defined  
3 as the prevention of fertilization.

4 (C) Nothing in this article shall be construed to prohibit in vitro  
5 fertilization **procedures** or assisted reproductive technology  
6 **procedures, which do not violate Section 1-1-330(A), (B), or (C).**  
7 The authority to regulate in vitro fertilization **procedures** and  
8 assisted reproductive technology procedures is reserved by the  
9 Legislature.

10  
11 Section 1-1-350. This article is enacted pursuant to the power  
12 reserved to this State under the Tenth Amendment of the United  
13 States Constitution.

14  
15 **Section 1-1-360. (A) Chapter 41 of Title 44 of the 1976 Code**  
16 **is repealed.**

17 **(B) Section 38-71-238(B) of the 1976 Code is repealed. Amend**  
18 **section title to conform. Renumber subsection to conform.**

19  
20 **Section 1-1-370. The provisions of this act supercede the**  
21 **following: (A) Section 1-13-30(I) of the 1976 Code;**  
22 **(B) Section 14-8-200(b)(7) of the 1976 Code;**  
23 **(C) Section 16-3-1083 of the 1976 Code; and**  
24 **(D) Any provision of the 1976 Code that could otherwise be**  
25 **construed to violate Section 1-1-330(A), (B), or (C).**

26  
27 **Section 1-1-380. (A) The State of South Carolina, and its**  
28 **political subdivisions, cannot be compelled by the federal**  
29 **government to take any legislative or executive action to**  
30 **implement or enforce a federal law, treaty, executive order, rule,**  
31 **or regulation related to a person’s right to life enshrined in the**  
32 **Fifth and Fourteenth Amendments to the United States**  
33 **Constitution, or in Article I, Section 3 of the Constitution of this**  
34 **State, that violates the right of persons to not be deprived of life**  
35 **without due process of law, or that violates the right of persons**  
36 **to not be denied the equal protection of the laws, as provided in**  
37 **this chapter.**

38 **(B) Any federal law, treaty, executive order, rule, or**  
39 **regulation related to a person’s right to life enshrined in the**  
40 **Fifth and Fourteenth Amendments to the United States**  
41 **Constitution, or in Article I, Section 3 of the Constitution of this**  
42 **State, must be evaluated by the Attorney General. The Attorney**  
43 **General shall issue a written opinion of whether the law, treaty,**

1 executive order, rule, or regulation purports to compel  
2 legislative or executive action prohibited pursuant to subsection  
3 (A).

4 (C) If the Attorney General renders an opinion that a federal  
5 law, treaty, executive order, rule, or regulation purports to  
6 compel legislative or executive action prohibited pursuant to  
7 subsection (A), then:

8 (1) no public funds of this State, or any political subdivision of  
9 this State, shall be allocated for the implementation or  
10 enforcement of that federal law, treaty, executive order, rule, or  
11 regulation;

12 (2) no personnel or property of this State, or any political  
13 subdivision of this State, shall be allocated to the  
14 implementation or enforcement of that federal law, treaty,  
15 executive order, rule, or regulation; and

16 (3) no official, agent, or employee of the State of South Carolina,  
17 or any political subdivision of it, shall implement, attempt to  
18 implement, enforce, or attempt to enforce that federal law,  
19 treaty, executive order, rule, or regulation.

20

21 Section 1-1-390. The provisions, words, phrases and clauses  
22 of this act are declared to be inseverable.”

23

24 Section 1-1-400. Sections 1-1-310, 1-1-320, 1-1-330, 1-1-340,  
25 1-1-350, and 1-1-380 shall apply to Chapter 3, Title 16 of the  
26 1976 Code; subject only to the Constitution of the United States,  
27 and decisional interpretations thereof by the United States  
28 Supreme Court and specific provisions to the contrary in the  
29 statutes and Constitution of this State.

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

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