

South Carolina General Assembly
124th Session, 2021-2022

H.3568 - Revision of Code Title, Preamble, Section 1-1-330, and adding Sections 3, 4, 5 from H.4830

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, M.M. Smith, McCravy and White~~

Document Path: I:\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>
12/16/2020	House	Prefiled
12/16/2020	House	Referred to Committee on Judiciary
1/12/2021	House	Introduced and read first time (House Journal page 241)
1/12/2021	House	Referred to Committee on Judiciary (House Journal page 241)
3/24/2021	House	Member(s) request name added as sponsor: Hill
4/27/2021	House	Member(s) request name added as sponsor: J.E.Johnson
5/11/2021	House	Member(s) request name added as sponsor: M.M.Smith
1/25/2022	House	Member(s) request name added as sponsor: McCravy
2/16/2022	House	Member(s) request name added as sponsor: White

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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 AMENDING ARTICLE 1 TO CHAPTER 3, TITLE 16 SO AS TO ENACT THE “PERSONHOOD ACT OF SOUTH CAROLINA”; TO ESTABLISH THAT THE RIGHT TO LIFE FOR EACH BORN AND PREBORN HUMAN BEING IS INHERENT AND UNALIENABLE BEGINNING AT FERTILIZATION; TO DEFINE ‘PERSON’, ‘HUMAN’, AND ‘HUMAN BEING’; AND TO AFFIRM 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; AND FOR OTHER PURPOSES.

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:

1
2 SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by
3 amending:

4
5 “Article 1

6
7 Personhood Act of South Carolina

8
9 Section 16-3-100. This article may be cited as the ‘Personhood
10 Act of South Carolina’.

11
12 Section 16-3-110. The General Assembly finds as follows
13 regarding the sanctity of life:

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

17 (B) The General Assembly acknowledges that all persons are
18 endowed by their Creator with certain unalienable rights.

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

21 (D) The General Assembly finds that the Preamble to the
22 Constitution of the State of South Carolina contains the sovereign
23 peoples’ acknowledgment of God as the source of constitutional
24 liberty, saying: ‘We the people of the State of South Carolina, in
25 Convention assembled, grateful to God for our liberties, do ordain
26 and establish this Constitution for the preservation and perpetuation
27 of the same’.

28 (E) The General Assembly finds that a human being is a person
29 at fertilization.

30
31 Section 16-3-120. (A) The right to life for each born and preborn
32 human being is inherent and unalienable beginning at fertilization.

33 (B) Definitions. As used in this chapter:

34 (1) The words ‘person’, ‘human’, and ‘human being’, mean a
35 natural person created in the image of God, at any stage of
36 development, beginning at fertilization.

37 (2) ‘Fertilization’ means the union of a human spermatozoon with
38 a human ovum.

39 (3) ‘Conception’ means fertilization.

40 (C) No person shall be deprived of life without due process of law
41 nor denied the equal protection of the laws, rights guaranteed by
42 Section 3, Article I of the Constitution of this State.

43

1 Section 16-3-130. (A) Nothing in this article shall be construed
2 to prohibit a licensed physician from performing a medical
3 procedure or providing medical treatment designed or intended to
4 prevent the death of a pregnant woman. However, the physician
5 shall make reasonable medical efforts under the circumstances to
6 preserve both the life of the mother and the life of the preborn human
7 being in a manner consistent with accepted medical standards.
8 Under such circumstances, the accidental or unintentional injury or
9 death to the preborn human being is not a violation of this article.
10 The threat of the death of a pregnant woman must not be based on a
11 diagnosis or claim of a mental or emotional condition of the
12 pregnant woman or a diagnosis or claim that the pregnant woman
13 will purposefully engage in conduct that she intends to result in her
14 death. The provisions of this section must not be construed to
15 authorize the intentional killing of a preborn human being.
16 (B) Nothing in this article shall be construed to prohibit
17 contraception. As used in this subsection, 'contraception' is defined
18 as the prevention of fertilization.
19 (C) Nothing in this article shall be construed to prohibit in vitro
20 fertilization or assisted reproductive technology. The authority to
21 regulate in vitro fertilization and assisted reproductive technology
22 procedures is reserved by the Legislature.

23
24 Section 16-3-140. This article is enacted pursuant to the power
25 reserved to this State under the Tenth Amendment of the United
26 States Constitution.”

27
28 SECTION 2. Chapter 41 of Title 44 of the 1976 Code is repealed.

29
30 SECTION 3. The provisions contained in SECTION 1 and 2 shall
31 take effect upon the certification by the Attorney General to the
32 Governor, the President of the Senate, and the Speaker of the House
33 of Representatives that:

34 (1) the United States Supreme Court has overruled, in whole or
35 in part, *Roe v. Wade*, 410 U.S. 113 (1973), that has the effect of
36 acknowledging that the State of South Carolina the authority to
37 regulate abortion to the extent set forth in this act;

38 (2) an amendment to the United States Constitution has been
39 adopted that has the effect of restoring or granting to the State of
40 South Carolina the authority to regulate abortion to the extent set
41 forth in this act; or

1 (3) the United States Congress has enacted a law that has the
2 effect of restoring or granting to the State of South Carolina the
3 authority to regulate abortion to the extent set forth in this act.

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5 SECTION 4. If any portion of this act is finally and constitutionally
6 adjudicated invalid, then the entire act is void.

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8 SECTION 5. This act takes effect upon approval by the Governor.

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