

South Carolina General Assembly
124th Session, 2021-2022

S. 381 - Revision of Code Title, Preamble, Section 1-1-320, and adding Sections 2, 4, 5 from S.988

STATUS INFORMATION

General Bill

~~Sponsors: Senators Cash and Rice~~

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~~Companion/Similar bill(s): 3568~~

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

~~Currently residing in the Senate Committee on **Judiciary**~~

Summary: Personhood Act of SC

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/9/2020	Senate	Prefiled
12/9/2020	Senate	Referred to Committee on Judiciary
1/12/2021	Senate	Introduced and read first time (Senate Journal page 292)
1/12/2021	Senate	Referred to Committee on Judiciary (Senate Journal page 292)

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VERSIONS OF THIS BILL

[12/9/2020](#)

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A BILL

TO ENACT THE PERSONHOOD ACT OF SOUTH CAROLINA;
TO AMEND ARTICLE 1, CHAPTER 3, TITLE 16 OF THE 1976
CODE, RELATING TO CRIMES AND OFFENSES AGAINST
THE PERSON, BY ADDING TO ARTICLE 1 THAT THE RIGHT
TO LIFE FOR EACH BORN AND PREBORN HUMAN BEING
IS INHERENT AND UNALIENABLE BEGINNING AT
FERTILIZATION, AND 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 ARTICLE I, SECTION 3
OF THE CONSTITUTION OF THIS STATE; AND FOR OTHER
PURPOSES.

Whereas, the General Assembly, under Article III, Section 1A 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, Article I, Section 3 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 SECTION 1. This act must be known and may be cited as the
2 “Personhood Act of South Carolina”.

3
4 SECTION 2. Chapter 1, Title 1 of the 1976 Code is amended by
5 adding:

6
7 “ARTICLE 5

8
9 Personhood

10
11 Section 16-3-100. The General Assembly finds as follows
12 regarding the sanctity of life:

13 (1) The General Assembly acknowledges that the July 4, 1776
14 Declaration of Independence is one of the organic laws of the United
15 States of America found in the United States Code.

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

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

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

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

29
30 Section 16-3-110. (A) The right to life for each born and preborn
31 human being is inherent and unalienable beginning at fertilization.

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

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

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

38 (3) ‘Conception’ means fertilization.

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

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2 Section 16-3-120. (A) Nothing in this article shall be construed
3 to prohibit a licensed physician from performing a medical
4 procedure or providing medical treatment designed or intended to
5 prevent the death of a pregnant woman. However, a physician shall
6 make reasonable medical efforts under the circumstances to
7 preserve both the life of the mother and the life of the preborn human
8 being in a manner consistent with accepted medical standards.
9 Under such circumstances, the accidental or unintentional injury to
10 or death of the preborn human being is not a violation of this article.
11 A physician's understanding of a risk of death for a pregnant woman
12 must not be based on a diagnosis or claim of a mental or emotional
13 condition of the pregnant woman or a diagnosis or claim that the
14 pregnant woman will purposefully engage in conduct that she
15 intends to result in her death. The provisions of this section must not
16 be construed to authorize the intentional killing of a preborn human
17 being.

18 (B) Nothing in this article shall be construed to prohibit
19 contraception. As used in this subsection, 'contraception' is defined
20 as the prevention of fertilization.

21 (C) Nothing in this article shall be construed to prohibit in vitro
22 fertilization or assisted reproductive technology. The authority to
23 regulate in vitro fertilization and assisted reproductive technology
24 procedures is reserved by the Legislature.

25

26 Section 16-3-130. This article is enacted pursuant to the power
27 reserved to this State under the Tenth Amendment to the United
28 States Constitution."

29

30 SECTION 3. Chapter 41, Title 44 of the 1976 Code, relating to
31 abortions, is repealed.

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33 SECTION 4. The provisions contained in SECTIONS 2 and 3 shall
34 take effect upon the certification by the Attorney General to the
35 Governor, the President of the Senate, and the Speaker of the House
36 of Representatives that:

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

41 (2) an amendment to the United States Constitution has been
42 adopted that has the effect of acknowledging that the State of South

1 Carolina has the authority to regulate abortion to the extent set forth
2 in this act; or

3 (3) the United States Congress has enacted a law that has the
4 effect of acknowledging that the State of South Carolina has the
5 authority to regulate abortion to the extent set forth in this act.

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

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10 SECTION 6. This act takes effect upon approval by the Governor.

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