**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3289**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Magnuson, Bennett, Burns, Chumley, Crawford, Hill, Long, Pope, G.R. Smith, Thayer, Toole, Morgan, Daning, V.S. Moss, Elliott, Trantham, Willis, B. Cox, Bryant, McCravy, Hiott, Huggins, Loftis, Stringer, Ligon, Gagnon, Yow, Hixon, Young and Jones

Document Path: l:\council\bills\cc\15392vr19.docx

Companion/Similar bill(s): 485, 3920

Introduced in the House on January 8, 2019

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

Summary: Personhood

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 158](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 159](file:///h:\hj\20190108.docx))

1/10/2019 House Member(s) request name added as sponsor: Daning

1/15/2019 House Member(s) request name added as sponsor: V.S.Moss, Elliott, Trantham, Willis

1/16/2019 House Member(s) request name added as sponsor: B.Cox, Bryant, McCravy

1/22/2019 House Member(s) request name added as sponsor: Hiott

1/23/2019 House Member(s) request name added as sponsor: Huggins

1/24/2019 House Member(s) request name added as sponsor: Loftis, Stringer, Ligon

1/30/2019 House Member(s) request name added as sponsor: Gagnon, Yow

2/6/2019 House Member(s) request name added as sponsor: Hixon

2/20/2019 House Member(s) request name added as sponsor: Young

5/7/2019 House Member(s) request name added as sponsor: Jones

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3289_20181218.docx)

**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 ESTABLISH THAT THE RIGHT TO LIFE FOR EACH BORN AND PREBORN HUMAN BEING VESTS AT FERTILIZATION AND THAT THE RIGHTS OF DUE PROCESS AND EQUAL PROTECTION, GUARANTEED BY SECTION 3, ARTICLE I OF THE CONSTITUTION OF THIS STATE VEST AT FERTILIZATION FOR EACH BORN AND PREBORN HUMAN BEING.

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 finds that the Preamble to the Constitution of the State of South Carolina contains the sovereign peoples’ acknowledgment of God as the source of constitutional liberty, saying: ‘We the people of the State of South Carolina, in Convention assembled, grateful to God for our liberties, do ordain and establish this Constitution for the preservation and perpetuation of the same’.

(D) The General Assembly acknowledges that personhood is God‑given rather than an endowment of the State. All human beings, regardless of race, sex, age, religion, or economic status, are created in the image of God and therefore have an equal right to life. (E) The General Assembly acknowledges that the State of South Carolina has an absolute duty to establish and enforce laws that protect all innocent persons, which is a primary responsibility of civil government.

(F) The General Assembly finds that a human being is a unique person, a distinct person, and the same person at every stage of biological life, with unique genetic information, from fertilization forward, and therefore asserts a compelling state interest in the protection of the rights to life, due process, and equal protection, from fertilization forward.

Section 1‑1‑330. (A) The right to life for each born and preborn human being vests at fertilization.

(B) The words ‘person’, ‘human’, and ‘human being’, mean a member of the species homo sapiens, at any stage of biological development.

(C) The rights guaranteed by Section 3, Article I, of the Constitution of this State, that no person shall be deprived of life without due process of law nor denied the equal protection of the laws, vest at fertilization for each born and preborn human being.

(D) This section shall apply to Section 24, Article I, of the Constitution of this State, as well as to Titles 16 and 44 of the 1976 Code.

Section 1‑1‑340. (A) Nothing in this article shall be construed to prohibit a licensed physician from performing a medical procedure or providing medical treatment designed or intended to prevent the death of a pregnant woman. However, the physician shall make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of the preborn human being in a manner consistent with accepted medical standards. Under such circumstances, the accidental or unintentional injury or death to the preborn human being is not a violation of this article. The threat of the death of a pregnant woman must not be based on a diagnosis or claim of a mental or emotional condition of the pregnant woman or a diagnosis or claim that the pregnant woman will purposefully engage in conduct that she intends to result in her death. The provisions of this section must not be construed to authorize the intentional killing of a preborn human being.

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

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

Section 1‑1‑350. This article is enacted pursuant to the power reserved to this State under the Tenth Amendment of the United States Constitution.”

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

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