**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4088**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Magnuson, Jones, Long, Haddon, Morgan, May, Bennett, Nutt, Chumley, Burns, Elliott, B. Cox, Oremus, V.S. Moss, Crawford, Martin, Trantham, McCravy, McCabe, Dabney, Hiott, G.R. Smith, Thayer and Willis

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Introduced in the House on March 17, 2021

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

Summary: Abortion prohibition, rape and incest exceptions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/17/2021 House Introduced and read first time ([House Journal‑page 13](file:///h:\hj\20210317.docx))

3/17/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 13](file:///h:\hj\20210317.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4088&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/17/2021](file:///p:\pprever\2021-22\4088_20210317.docx)

**A** **BILL**

TO AMEND SECTION 44-41-680, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN ABORTION PROHIBITION EXCEPTIONS, SO AS TO ELIMINATE RAPE, INCEST, AND FETAL ANOMALY EXCEPTIONS.

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

SECTION 1. Section 44‑41‑680 of the 1976 Code, as added by Act 1 of 2021, is amended to read:

“Section 44‑41‑680. (A) Except as provided in ~~subsection (B)~~ Section 44‑41‑690, no person shall perform, induce, or attempt to perform or induce an abortion on a pregnant woman with the specific intent of causing or abetting the termination of the life of the human fetus the pregnant woman is carrying and whose fetal heartbeat has been detected in accordance with Section 44‑41‑630.

(B) ~~A physician may perform, induce, or attempt to perform or induce an abortion on a pregnant woman after a fetal heartbeat has been detected in accordance with Section 44‑41‑630 only if:~~

~~(1)~~ ~~the pregnancy is the result of rape, and the probable post‑fertilization age of the fetus is fewer than twenty weeks;~~

~~(2)~~ ~~the pregnancy is the result of incest, and the probable post‑fertilization age of the fetus is fewer than twenty weeks;~~

~~(3)~~ ~~the physician is acting in accordance with Section 44‑41‑690; or~~

~~(4)~~ ~~there exists a fetal anomaly, as defined in Section 44‑41‑430.~~

~~(C)~~ ~~A physician who performs or induces an abortion on a pregnant woman based on the exception in either subsection (B)(1) or (2) must report the allegation of rape or incest to the sheriff in the county in which the abortion was performed. The report must be made no later than twenty‑four hours after performing or inducing the abortion, may be made orally or otherwise, and shall include the name and contact information of the pregnant woman making the allegation. Prior to performing or inducing an abortion, a physician who performs or induces an abortion based upon an allegation of rape or incest must notify the pregnant woman that the physician will report the allegation of rape or incest to the sheriff. The physician shall make written notations in the pregnant woman’s medical records that the abortion was performed pursuant to the applicable exception, that the doctor timely notified the sheriff of the allegation of rape or incest, and that the woman was notified prior to the abortion that the physician would notify the sheriff of the allegation of rape or incest.~~

~~(D)~~ A person who violates subsection (A) is guilty of a felony and, upon conviction, must be fined ten thousand dollars, imprisoned not more than two years, or both.”

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

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