



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** H. 3020 Amended by the House of Representatives on April 24, 2019  
**Author:** McCravy  
**Subject:** SC Fetal Heartbeat Protection from Abortion Act  
**Requestor:** Senate Medical Affairs  
**RFA Analyst(s):** Griffith and Gardner  
**Impact Date:** June 7, 2019

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### **Fiscal Impact Summary**

This bill will have no expenditure impact on the General Fund, Federal Funds, or Other Funds because any additional expenses relating to the promulgation of the bill can be managed within existing appropriations of the Department of Health and Environmental Control (DHEC), the Commission on Prosecution Coordination, the Commission on Indigent Defense, and the Judicial Department.

### **Explanation of Fiscal Impact**

#### **Amended by the House of Representatives on April 24, 2019**

##### **State Expenditure**

This bill requires an abortion provider to test for a detectable fetal heartbeat before performing an abortion. If a fetal heartbeat is detected, an abortion will be prohibited unless a medical emergency exists, and the physician intending to perform the abortion must inform the pregnant woman in writing of the following:

- 1.) that a fetal heartbeat has been detected and
- 2.) the statistical probability of bringing the human fetus to term based on the gestational age of the fetus.

Exemptions include a physician who performs a medical procedure that is intended to prevent the death of the pregnant woman or to prevent a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman, or that is intended to terminate a pregnancy that resulted from rape or incest. In the case of a medical emergency, the physician must make written notations of both the belief that a medical emergency necessitating an abortion existed and the pregnant woman's medical condition that exempted her from the abortion ban.

**Department of Health and Environmental Control.** The bill allows DHEC to promulgate regulations that specify the statistical probability of bringing an unborn human individual possessing a detectable heartbeat to term based on its gestational age. The agency indicates that any additional expenditures relating to promulgating regulations can be managed within its existing appropriations. Therefore, there is no impact to the General Fund, Federal Funds, or Other Funds.

**Commission on Prosecution Coordination.** The agency reports the implementation of this bill will be handled by the agency's existing personnel, and they do not expect any additional

expenditure to the General Fund, Federal Funds, or Other Funds. However, if the number of prosecutions resulting from the proposed legislation as amended is substantial, additional state funding may be necessary to support an additional prosecutor and related expert witness costs for some or all circuit solicitors.

**Commission on Indigent Defense.** The agency reports the implementation of this bill will be handled by the agency's existing personnel and will not result in any expenditure to the General Fund, Federal Funds, or Other Funds.

**Judicial Department.** The bill would permit the Attorney General to bring a civil action under certain circumstances and would create a new civil cause of action for certain women who have an abortion. The felonies created by this bill would be heard in general sessions court, and the civil actions in the court of common pleas. Since this bill would create new criminal offenses and new civil causes of action, there is no data upon which to predict the impact on the caseload in circuit court. The Judicial Department anticipates that any impact to the General Fund from the increased caseload would be managed within its existing appropriations.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

**Amended by House Judiciary on April 5, 2019**

**State Expenditure**

This bill requires an abortion provider to test for a detectable fetal heartbeat before performing an abortion. If a fetal heartbeat is detected, an abortion will be prohibited unless a medical emergency exists, and the physician intending to perform the abortion must inform the pregnant woman in writing of the following:

- 1.) that a fetal heartbeat has been detected and
- 2.) the statistical probability of bringing the human fetus to term based on the gestational age of the fetus.

Exemptions include a physician who performs a medical procedure that is intended to prevent the death of the pregnant woman or to prevent a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman, or that is intended to terminate a pregnancy that resulted from rape or incest.

**Department of Health and Environmental Control.** The bill allows DHEC to promulgate regulations that specify the statistical probability of bringing an unborn human individual possessing a detectable heartbeat to term based on its gestational age. The agency indicates that any additional expenditures relating to promulgating regulations can be managed within its existing appropriations. Therefore, there is no impact to the General Fund, Federal Funds, or Other Funds.

**Commission on Prosecution Coordination.** The agency reports the implementation of this bill will be handled by the agency's existing personnel, and they do not expect any additional expenditure to the General Fund, Federal Funds, or Other Funds. However, if the number of prosecutions resulting from the proposed legislation as amended is substantial, additional state funding may be necessary to support an additional prosecutor and related expert witness costs for some or all circuit solicitors.

**Commission on Indigent Defense.** The agency reports the implementation of this bill will be handled by the agency's existing personnel and will not result in any expenditure to the General Fund, Federal Funds, or Other Funds.

**Judicial Department.** The bill would permit the Attorney General to bring a civil action under certain circumstances and would create a new civil cause of action for certain women who have an abortion. The felonies created by this bill would be heard in general sessions court, and the civil actions in the court of common pleas. Since this bill would create new criminal offenses and new civil causes of action, there is no data upon which to predict the impact on the caseload in circuit court. The Judicial Department anticipates that any impact to the General Fund from the increased caseload would be managed within its existing appropriations.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

**Introduced on January 8, 2019**

**State Expenditure**

This bill requires an abortion provider to test for a detectable fetal heartbeat before performing an abortion. If a fetal heartbeat is detected, an abortion will be prohibited unless a medical emergency exists, and the physician intending to perform the abortion must inform the pregnant woman in writing of the following:

- 1.) that a fetal heartbeat has been detected and
- 2.) the statistical probability of bringing the human fetus to term based on the gestational age of the fetus.

**Department of Health and Environmental Control.** The bill allows DHEC to promulgate regulations that specify the statistical probability of bringing an unborn human individual possessing a detectable heartbeat to term based on its gestational age. The agency indicates that any additional expenditures relating to promulgating regulations can be managed within its existing appropriations. Therefore, there is no impact to the General Fund, Federal Funds, or Other Funds.

**Commission on Prosecution Coordination.** The agency reports the implementation of this bill will be handled by the agency's existing personnel and will not result in any expenditure to the General Fund, Federal Funds, or Other Funds.

**Commission on Indigent Defense.** The agency reports the implementation of this bill will be handled by the agency's existing personnel and will not result in any expenditure to the General Fund, Federal Funds, or Other Funds.

**Judicial Department.** The bill would permit the Attorney General to bring a civil action under certain circumstances and would create a new civil cause of action for certain women who have an abortion. The felonies created by this bill would be heard in general sessions court, and the civil actions in the court of common pleas. Since this bill would create new criminal offenses and new civil causes of action, there is no data upon which to predict the impact on the caseload in circuit court. The Judicial Department anticipates that any impact to the General Fund from the increased caseload would be managed within its existing appropriations.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director