**South Carolina General Assembly**

119th Session, 2011-2012

**A174, R200, S1149**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen, Campbell, Massey, Shoopman, Bright, Gregory, Alexander, Peeler, Grooms, Bryant, S. Martin, Davis, Knotts, L. Martin, Rose, Hayes and Thomas

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Introduced in the Senate on January 26, 2012

Introduced in the House on April 19, 2012

Last Amended on April 12, 2012

Passed by the General Assembly on May 17, 2012

Governor's Action: May 25, 2012, Signed

Summary: Born Alive Infant Protection Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/26/2012 Senate Introduced and read first time ([Senate Journal‑page 3](file:///h:\sj%20archive\2012\01-26-12.docx))

1/26/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 3](file:///h:\sj%20archive\2012\01-26-12.docx))

2/6/2012 Senate Referred to Subcommittee: Knotts (ch), Hutto, Malloy, Campsen, Shoopman

3/14/2012 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 18](file:///h:\sj%20archive\2012\03-14-12.docx))

3/29/2012 Senate Special order, set for March 29, 2012 ([Senate Journal‑page 46](file:///h:\sj%20archive\2012\03-29-12.docx))

4/12/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 50](file:///h:\sj%20archive\2012\04-12-12.docx))

4/12/2012 Senate Read second time ([Senate Journal‑page 50](file:///h:\sj%20archive\2012\04-12-12.docx))

4/12/2012 Senate Roll call Ayes‑27 Nays‑3 ([Senate Journal‑page 50](file:///h:\sj%20archive\2012\04-12-12.docx))

4/18/2012 Senate Read third time and sent to House ([Senate Journal‑page 54](file:///h:\sj%20archive\2012\04-18-12.docx))

4/19/2012 House Introduced and read first time ([House Journal‑page 14](file:///h:\hj%20archive\2012\04-19-12.docx))

4/19/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 14](file:///h:\hj%20archive\2012\04-19-12.docx))

5/15/2012 House Committee report: Favorable **Judiciary** ([House Journal‑page 28](file:///h:\hj%20archive\2012\05-15-12.docx))

5/16/2012 House Read second time ([House Journal‑page 17](file:///h:\hj%20archive\2012\05-16-12.docx))

5/16/2012 House Roll call Yeas‑107 Nays‑0 ([House Journal‑page 17](file:///h:\hj%20archive\2012\05-16-12.docx))

5/17/2012 House Read third time and enrolled ([House Journal‑page 13](file:///h:\hj%20archive\2012\05-17-12.docx))

5/23/2012 Ratified R 200

5/25/2012 Signed By Governor

5/31/2012 Effective date 05/25/12

6/1/2012 Act No. 174

**VERSIONS OF THIS BILL**

[1/26/2012](file:///p:\pprever\2011-12\1149_20120126.docx)

[3/14/2012](file:///p:\pprever\2011-12\1149_20120314.docx)

[4/12/2012](file:///p:\pprever\2011-12\1149_20120412.docx)

[5/15/2012](file:///p:\pprever\2011-12\1149_20120515.docx)

(A174, R200, S1149)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “BORN ALIVE INFANT PROTECTION ACT”; TO AMEND SECTION 2‑7‑30, RELATING TO CONSTRUCTION OF WORDS IN LEGISLATIVE ENACTMENTS, SO AS TO PROVIDE FOR CONSTRUCTION OF THE TERM “BORN ALIVE”.**

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

**Citation**

SECTION 1. This act may be referred to and cited as the “Born Alive Infant Protection Act”.

**Construction of words in legislative enactments, born alive**

SECTION 2. Section 2‑7‑30 of the 1976 Code is amended to read:

“Section 2‑7‑30. (A) The words ‘person’ and ‘party’ and any other word importing the singular number used in any act or joint resolution shall be held to include the plural and to include firms, companies, associations, and corporations and all words in the plural shall apply also to the singular in all cases in which the spirit and intent of the act or joint resolution may require it. All words in an act or joint resolution importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males. And all words importing the present tense shall apply to the future also.

(B)(1) In determining the meaning of any act or joint resolution of the General Assembly or in a regulation promulgated pursuant to Article 1, Chapter 23, Title 1, unless otherwise defined in the act, joint resolution, or regulation, the words ‘person’, ‘human being’, ‘child’, and ‘individual’ must include every infant member of the species homo sapiens who is born alive at any stage of development.

(2) As used in this subsection, the term ‘born alive’, with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(3) Nothing in this subsection may be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being born alive as defined in this subsection.”

**Severability clause**

SECTION 3. A provision of this act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event the provision shall be deemed severable here from and shall not affect the remainder hereof or the application of the provision to other persons not similarly situated or to other, dissimilar circumstances.

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 23rd day of May, 2012.

Approved the 25th day of May, 2012.

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