**A** **BILL**

TO AMEND SECTION 44‑6‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PREPARATION OF A STATE PLAN BY THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO AS TO PROHIBIT THE DEPARTMENT FROM CONTRACTING WITH ENTITIES THAT PERFORM OR PROMOTE ABORTIONS WITH EXCEPTIONS.

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

SECTION 1. Section 44‑6‑70 of the 1976 Code is amended to read:

“Section 44‑6‑70. (A) A state plan must be prepared by the department for each program assigned to it and the department must also prepare resource allocation recommendations based on such plans. The resource allocation recommendations must be approved pursuant to state and federal law. The state plans must address state policy and priority areas of service with specific attention to the following objectives:

~~(a)~~(1) Prevention measures as addressed in health and human services programs.

~~(b)~~(2) Achievement of a balanced health care delivery system assuring that regulations, coverage, and reimbursement policies assure that while the most appropriate care is given, tailored to the client’s needs, it is delivered in the most cost‑effective manner.

~~(c)~~(3) Simplification of paperwork requirements.

~~(d)~~(4) Achievement of optimum cost effectiveness in administration and delivery of services provided quality of care is assured.

~~(e)~~(5) Improvement of effectiveness of third party reimbursement efforts.

~~(f)~~(6) Assurance of maximum utilization of private and nonprofit providers in administration and service delivery systems, provided quality of care is assured.

~~(g)~~(7) Encouragement of structured volunteer programs in administration and service delivery.

(B)(1) Sections of a state plan submitted to the Centers for Medicare and Medicaid Services pursuant to subsection (A) relating to the provision of women’s health services must, where applicable and allowable by federal law and regulation:

(a) prohibit the department’s use of financial or other resources for the promotion or performance of abortions;

(b) prohibit contracting with entities that promote abortions;

(c) prohibit the enrollment of providers that perform abortions and are licensed by the State as an abortion clinic pursuant to Section 44‑41‑75, either by stated exclusion or by the exclusionary effect of state plan waiver provisions, into any program administered by the department; and

(d) extend such contracting and provider enrollment prohibitions as detailed in subitems (a), (b), and (c) to entities under contract with the department in order that contractors may not subcontract with an otherwise prohibited provider or promoter of abortions.

(2) The limitations established pursuant to this subsection do not apply to abortions where the woman’s medical condition is one which, in reasonable medical judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of the woman’s death or for which a delay will create serious risk of substantial and irreversible physical impairment of major bodily function, not including psychological or emotional conditions. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.”

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

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