**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4718**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Stavrinakis and Wetmore

Companion/Similar bill(s): 45, 349

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Introduced in the House on January 9, 2024

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

Summary: Constitutional Amendment

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/14/2023 House Prefiled

 12/14/2023 House Referred to Committee on **Judiciary**

 1/9/2024 House Introduced and read first time (House Journal‑page 132)

 1/9/2024 House Referred to Committee on **Judiciary** (House Journal‑page 132)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4718&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4718_20231214.docx)

A joint Resolution

PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE’S CONSTITUTION, BY ADDING SECTION 26 SO AS TO CREATE A CONSTITUTIONAL RIGHT TO MAKE AND CARRY OUT ONE’S OWN REPRODUCTIVE DECISIONS, INCLUDING THE RIGHT TO AN ABORTION, WITH EXCEPTIONS, AND FOR OTHER PURPOSES.

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

SECTION 1. It is proposed that Article 1 of the Constitution of this State be amended by adding:

 Section 26. (A) Every individual has a fundamental right to reproductive freedom, which entails the right to make and effectuate decisions about all matters relating to pregnancy including, but not limited to, prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care. An individual’s right to reproductive freedom shall not be denied, burdened, nor infringed upon unless justified by a compelling state interest achieved by the least restrictive means. Notwithstanding the above, the State may regulate the provision of abortion care after fetal viability, provided that in no circumstance shall the State prohibit an abortion that, in the professional judgment of an attending health care professional, is medically indicated to protect the life or physical or mental health of the pregnant individual.

 (B) The State shall not discriminate in the protection or enforcement of this fundamental right.

 (C) The State shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes including, but not limited to, miscarriage, stillbirth, or abortion. Nor shall the State penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent.

 (D) For the purposes of this section:

 (1) “Compelling state interest” means a state interest with the limited purpose of protecting the health of an individual seeking care, consistent with accepted clinical standards of practice and evidence-based medicine, which does not infringe on that individual’s autonomous decision-making. (2) “Fetal viability” means the point in pregnancy when, in the professional judgment of an attending health care professional and based on the particular facts of the case, there is a significant likelihood of the fetus’s sustained survival outside the uterus without the application of extraordinary medical measures.

 (E) This section shall be self-executing. Any provision of this section held invalid shall be severable from the remaining portions of this section.

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Article 1 of the Constitution of this State, relating to the declaration of rights under the state’s constitution, be amended so as to provide every individual has a fundamental right to reproductive freedom, which entails the right to make and effectuate decisions about all matters relating to pregnancy including, but not limited to, prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care; that an individual’s right to reproductive freedom shall not be denied, burdened, nor infringed upon unless justified by a compelling state interest achieved by the least restrictive means; that notwithstanding the above, the State may regulate the provision of abortion care after fetal viability, provided that in no circumstance shall the State prohibit an abortion that, in the professional judgment of an attending health care professional, is medically indicated to protect the life or physical or mental health of the pregnant individual; that the State shall not discriminate in the protection or enforcement of this fundamental right; and that the State shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes including, but not limited to, miscarriage, stillbirth, or abortion, nor shall the State penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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