**A** **BILL**

TO AMEND CHAPTER 41, TITLE 44 OF THE 1976 CODE, RELATING TO ABORTIONS, TO ENACT THE “SOUTH CAROLINA HUMAN HEARTBEAT PROTECTION ACT”, BY ADDING SECTION 44-41-25 TO PROVIDE THAT PHYSICIANS OR ALLIED HEALTH PROFESSIONALS MUST CONDUCT A FETAL HEARTBEAT ABDOMINAL ULTRASOUND TEST PRIOR TO PERFORMING OR INDUCING AN ABORTION, TO PROHIBIT ABORTIONS WHEN A FETAL HEARTBEAT IS DETECTED, TO PROVIDE FOR INFORMATION TO BE GIVEN TO THE WOMAN, TO PROVIDE FOR REGULATIONS OF THE ULTRASOUND PROCEDURE AND STATISTICAL PROBABILITIES OF BRINGING A FETUS TO TERM, TO PROVIDE FOR EXEMPTIONS, TO DEFINE MEDICAL EMERGENCY FOR THE PURPOSES OF THE SECTION, AND TO PROVIDE FOR PENALTIES.

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

SECTION 1. This act may be referred to and cited as “The South Carolina Human Heartbeat Protection Act.”

SECTION 2. Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Section 44‑41‑25. Effective July 1, 2013, the provisions contained in this section shall govern the time period during which an abortion may be legally performed.

(A)(1)(a) A physician who is to perform or induce an abortion, or an allied health professional working in conjunction with the physician, must conduct an abdominal ultrasound test to determine whether the embryo or fetus has a detectable heartbeat.

(b) A fetal heartbeat abdominal ultrasound test is not required in the case of an emergency.

(2) If a fetal heartbeat is detected during the ultrasound test, the person performing the test shall inform the pregnant woman in writing:

(a) that a fetal heartbeat was detected;

(b) the statistical probability of bringing the fetus to term based upon his gestational age; and

(c) that an abortion is prohibited pursuant to this code section.

(B)(1) An abortion may not be performed or induced on a woman if the abdominal ultrasound test performed pursuant to subsection (A) detects a heartbeat and the pregnancy is in any week following the twelfth week of pregnancy commencing with conception rather than computed on the basis of the menstrual cycle.

(2) A violation of this section, as determined by the State Board of Medical Examiners, shall result in the revocation of the medical license of the physician performing or inducing the abortion. The penalty provided in this item is in addition to any other penalties provided by law.

(C) The State Board of Medical Examiners shall promulgate regulations:

(1) establishing standard medical practice for testing to detect a fetal heartbeat using an abdominal ultrasound;

(2) defining, based upon available medical evidence, the statistical probability of bringing a fetus to term based upon the gestational age of the fetus possessing a detectible heartbeat;

(3) defining the term ‘highly lethal fetal condition or abnormality’.

(D) It is not a violation of this section if an abortion is performed or induced:

(1) to preserve the life or health of the woman;

(2) when a fetal heartbeat was not detected by the abdominal ultrasound test;

(3) when the pregnancy results from rape or incest; or

(4) when there is a medical emergency.

(E) The provisions contained in this section do not:

(1) subject a woman upon whom an abortion is performed or attempted to be performed to any criminal prosecution or civil penalty; or

(2) prohibit the sale, use, prescription, or administration of a measure, drug, or chemical designed for contraceptive purposes.

(F) For the purposes of this section, ‘medical emergency’ means:

(1) a condition which, on the basis of the physician’s good faith judgment, so complicates a pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function; or

(2) a highly lethal fetal disorder or abnormality as defined pursuant to subsection (C).”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

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