COMMITTEE REPORT

March 30, 2022

**H. 4568**

Introduced by Reps. Oremus, McCravy, Allison, Bailey, Bennett, Bryant, Burns, Chumley, B. Cox, Dabney, Erickson, Gagnon, Gilliam, Haddon, Hayes, Hiott, Hixon, Huggins, Hyde, J.E. Johnson, Jordan, Long, Lucas, Magnuson, Martin, May, McCabe, McGarry, T. Moore, Morgan, D.C. Moss, V.S. Moss, Nutt, G.R. Smith, M.M. Smith, Stringer, Thayer, Trantham, West, Willis, Wooten, Forrest, Taylor and Caskey

S. Printed 3/30/22--H.

Read the first time January 11, 2022.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4568) to amend the Code of Laws of South Carolina, 1976, by adding Section 44‑41‑90 so as to require the disclosure of medical information to persons who may, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

CHRIS MURPHY for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑41‑90 SO AS TO REQUIRE THE DISCLOSURE OF MEDICAL INFORMATION TO PERSONS WHO MAY RECEIVE A CHEMICALLY INDUCED ABORTION, WITH EXCEPTIONS.

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

SECTION 1. Article 1, Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Section 44‑41‑90. (A) When mifepristone is administered, dispensed, or otherwise provided to a pregnant woman by a physician or any person acting under the physician’s direction, whether in a licensed clinic, private medical office, or any other facility, the physician or the person acting under the physician’s direction shall provide the disclosure statement set forth in subsection (B) to the pregnant woman. The disclosure statement may be provided by doing any of the following:

(1) stapling the disclosure statement to a bag, envelope, or other package that contains misoprostol for the pregnant woman to self‑administer at home;

(2) attaching the disclosure statement to a written prescription for misoprostol provided by the physician or the person acting under the physician’s direction; or

(3) attaching the disclosure statement to the patient’s discharge instructions if the prescription for misoprostol is sent directly to a pharmacy.

(B) The disclosure statement required by this section must contain all of the following text:

‘PLEASE READ BEFORE TAKING SECOND PILL

Research has indicated that the first pill provided, identified as mifepristone, is not always effective in ending a pregnancy. If after taking the first pill you regret your decision, please consult a physician or health care provider immediately to determine if there are options available to assist you in continuing your pregnancy. Medication is also available by prescription to help restore progesterone and potentially strengthen the pregnancy if you and your physician make that decision.’

(C)(1) Nothing in this section may be construed as creating or recognizing a right to abortion.

(2) Nothing in this section may be construed as requiring the disclosure statement to be provided to a woman facing a spontaneous miscarriage as defined in Section 44‑41‑610.

(3) Nothing in this section may be construed as requiring a pharmacy or any entity other than the facility where the abortion is administered to provide the disclosure statement.

(D) As used in this section:

(1) ‘Abortion pill’ means the use of mifepristone or misoprostol to induce chemical abortion.

(2) ‘Mifepristone’ means a synthetic steroid that inhibits the action of progesterone, given orally in early pregnancy to induce a chemical abortion. Mifepristone is the first drug used in a two‑drug process to induce a chemical abortion.

(3) ‘Misoprostol’ means a synthetic prostaglandin E1 analogue that is used to induce a chemical abortion. Misoprostol is the second drug used in a two‑drug process to induce a chemical abortion.”

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

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