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Summary: Pregnancy CARE Act

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3504_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “PREGNANCY CENTER AUTONOMY AND RIGHTS OF EXPRESSION (CARE) ACT” BY ADDING CHAPTER 141 TO TITLE 44 SO AS TO PROVIDE PREGNANCY CENTERS CERTAIN PROTECTIONS FROM GOVERNMENT REGULATION TO ENSURE THEIR ABILITY TO PROVIDE SERVICES CONSISTENT WITH THEIR LIFE‑AFFIRMING OPERATING PRINCIPLES; TO CREATE A PRIVATE RIGHT OF ACTION FOR EQUITABLE RELIEF AND MONETARY DAMAGES FOR VIOLATION OF A PROVISION OF THE CHAPTER; AND FOR OTHER PURPOSES.

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

SECTION 1. This act may be cited as the “Pregnancy Center Autonomy and Rights of Expression (CARE) Act.”

SECTION 2. The General Assembly finds all of the following:

 (1) The life‑affirming impact of pregnancy centers on the women, men, children, and the communities they serve is considerable and growing.

 (2) Pregnancy centers serve women in South Carolina and across the United States with integrity and compassion.

 (3) Pregnancy centers provide comprehensive care to women and men facing unexpected pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs.

 (4) Pregnancy centers offer women free, confidential, and compassionate services, which can include pregnancy tests, peer counseling, twenty‑four‑hour telephone hotlines, childbirth and parenting classes, referrals to community healthcare, adoption referrals, and other support services.

 (5) Many medical pregnancy centers offer ultrasounds and other medical services.

 (6) Pregnancy centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn children.

 (7) Pregnancy centers provide important support and resources for women who choose childbirth over abortion.

SECTION 3. Title 44 of the S.C. Code is amended by adding:

CHAPTER 141

Pregnancy Center Autonomy and Rights of Expression (CARE) Act

 Section 44‑141‑10. As used in this chapter:

 (1)(a) “Abortion” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman and for the purpose of ensuring the death of her unborn child. Such use, prescription, or means is not an “abortion” if done with the intent to:

 (i) save the life or preserve the health of the unborn child;

 (ii) remove a dead unborn child caused by miscarriage;

 (iii) remove an ectopic pregnancy; or

 (iv) perform a pre‑viability separation procedure when such procedure is, in reasonable medical judgement, necessary to save or preserve the life of the pregnant woman.

 (b) For the purposes of this definition:

 (i) “Miscarriage” means a spontaneous loss of the unborn child.

 (ii) “Ectopic pregnancy” means the state of carrying an unborn child outside of the uterine cavity.

 (iii) “Pre‑viability separation procedure” means a medical procedure performed by a physician to remove an unborn child from his or her mother’s uterine cavity before that stage of fetal development when, in the reasonable medical judgement of the physician based on the particular facts of the case before him or her and in light of the most advanced medical technology and information available to him or her, there is a reasonable likelihood of sustained survival of the unborn child outside the body of his or her mother, with or without artificial support. The term does not include an “abortion” as defined in subitem (a).

 (2) “Abortion‑inducing drug” means any medicine, drug, or any other substance prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman and for the purpose of ensuring the death of the unborn child, and includes the off‑label use of drugs known to have abortion‑inducing properties, which are prescribed specifically with the intent of causing an abortion. This definition does not apply to drugs that may be known to cause an abortion, but which are prescribed for other medical indications.

 (3) “Contraception” means the use of any natural or artificial means to prevent the fertilization of a human ovum.

 (4) “Pregnancy center” means a private nonprofit organization that promotes childbirth and alternatives to abortion and provides women, children, and families with resources, counseling, classes, referrals, and/or information related to pregnancy, childbearing, adoption, and parenting. A “medical pregnancy center” may also provide medical testing, counseling, and care related to pregnancy.

 Section 44‑141‑20. The State of South Carolina and any of its state, county, city, or municipal officials, political subdivisions, or agencies shall not, through the adoption or enactment of any law, ordinance, policy, or similar measure:

 (1) require a pregnancy center to offer or perform abortions;

 (2) require a pregnancy center to offer, provide, or distribute abortion‑inducing drugs or contraception;

 (3) require a pregnancy center to refer for abortion, an abortion‑inducing drug, or contraception;

 (4) require a pregnancy center to counsel in favor of abortion, abortion‑inducing drugs, or contraception;

 (5) require a pregnancy center to post any advertisement, sign, flyer, or similar material that promotes or provides any information that promotes or provides information about obtaining an abortion, abortion‑inducing drugs, or contraception;

 (6) prohibit a pregnancy center from providing information, care, counseling, classes, or other services related to pregnancy, childbirth, or parenting because the pregnancy center does not perform, refer, or counsel in favor of abortion, abortion‑inducing drugs, or contraception;

 (7) prohibit a pregnancy center from providing pre‑ and post‑natal resources such as diapers, baby clothes, baby furniture, formula, and similar items because the pregnancy center does not perform, refer, or counsel in favor of abortion, abortion‑inducing drugs, or contraception;

 (8) prohibit a medical pregnancy center from providing medical testing, counseling, and care related to pregnancy or childbirth because the pregnancy center does not perform, refer, or counsel in favor of abortion, abortion‑inducing drugs, or contraception;

 (9) prohibit a medical pregnancy center from counseling a woman on any pregnancy‑related care or treatment, including care or treatment that may reverse the effects of abortion‑inducing drugs; or

 (10) interfere with the pregnancy center’s staffing or hiring decisions by requiring it to interview, hire, or continue to employ any person who does not affirm the center’s mission statement or agree to comply with the center’s operating procedures.

 Section 44‑141‑30. A pregnancy center or any party aggrieved by any violation of this chapter may commence a civil action for damages, declaratory relief, injunctive relief, and other appropriate relief. A prevailing party shall be entitled, upon the finding of a violation, to recover threefold his, her, or its actual damages sustained. Recovery shall not be less than ten thousand dollars, along with the costs of the action and reasonable attorney’s fees. Such damages shall be cumulative and in no way limited by any other remedies which may be available under any other federal, state, or municipal law.

SECTION 4. The General Assembly by joint resolution, may appoint one or more of its members to intervene as a matter of right in any case in which the constitutionality or enforceability of this chapter is challenged.

SECTION 5. 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 6. This act takes effect upon approval by the Governor.

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