



Ad Hoc Committee Meeting
Tuesday, July 19, 2020
12:00 PM – Blatt 110

Opening Remarks

- Rep. McCravy, Chairman
 - Convened meeting
 - Recommendation for language inserted in H.5399 for addressing abortion after *Dobbs* decision
 - Bill has been carefully examined and wording is accurate, but nothing is perfect
 - Exhaustive research completed
 - Commend public for keeping testimony on July 7 civil and respectful
 - However, heard many misconceptions and misinformation concerning Fetal Heartbeat Bill
 - Summary
 - Primary thing this bill will do is end practice of abortion being used as birth control in our state
 - Bill will not endanger healthcare of women in any way
 - #1 misconception found repeated in the hearing
 - Neither law will prevent health care from being administered in life-threatening situations
 - Mother's health and life is a primary concern and is always protected
 - Want to avoid any possibility of confusion
 - Proposed bill gives specific examples of situations where the mother's life will be at risk and is non-exhaustive list of conditions that can threaten life or serious health of the mother
 - Presumed that you can have a potential life-threatening condition if you have an ectopic pregnancy
 - In case of miscarriage or severe pre-eclampsia
 - Maternal Trauma
 - Uterine rupture
 - Anytime a life in utero must be separated from mother to preserve her life or health the child may not be killed in womb before being separated unless there is no other way to save the mother
 - Nothing in current fetal heartbeat law or proposed bill interferes with access to contraception
 - Intent of legislature is to increase and expand access to contraception



- Assisted Reproductive Treatment (ART, IVF)
 - When practiced ethically, technologies exist
 - Proposed bill will preserve these practices in South Carolina so long as it complies with the ethical and medical standard
 - Prohibits outdated method of selective reduction
- Consequences of Violation of Law
 - Crime if law is violated
 - Pregnant women who receives illegal abortion is not subject to prosecution in this proposed bill
 - Seeks to err on side of mercy and understanding
 - Those who violate could also be civilly liable and medical practitioners could potentially lose their medical license
- No state law enforced in the United States that restricts the travel of citizens to other states
 - Such a law would be unconstitutional on its face
 - Proposed bill has no bill restricting travel of its citizens
 - Any doctor who illegally prescribes abortion medication in our state will be subject to criminal prosecution
- Victims of Sexual Assault
 - Women should receive all assistance and care
 - Perpetrator should be prosecuted to fullest extent of the law
 - Must consider life of innocent preborn child
 - Their lives matter and have a right to live as much as anyone else
- In summary, proposed bill bans practice of abortion as a birth control

Motion to adopt recommended draft. PASSED.

Member Discussion

- Rep. Micah Caskey
 - This is not a final product
 - Encourage anyone today to account for today's steps that we now have a working draft
 - Abortion where issues will not be reconciled
 - Own analysis for Three Ways to think about how we should frame abortion
 - Discussion begins moment sperm fertilizes egg
 - At moment of conception, zygote is protected
 - Draw lines after fertilization and before birth
 - Until the unborn is born, the mother can destroy the fetus at will
 - Abortion on pro-life side of debate is akin to intentional homicide



- Law must protect pre-born human being
- Believe bill is important for how we should address abortion
- Two principal concerns addressed in proposed legislation
 - Mother's right to self-preservation is maintained
 - Protect IVF
- Opportunities for improvement
 - Fetal anomalies for those who are disabled or physically challenged are not executed in the womb
 - Strengthen adoption laws in South Carolina and is more widely available
 - Need to address prenatal and postpartum care
- Rep. Crawford
 - All lives are equal, and abortion is a tragedy
 - Abortion is not healthcare or birth control and should not be used as such
 - Legislation will protect life of the mother and the life of the child
 - Want to expand adoption process
- Rep. Dillard
 - When Speaker gave this committee this charge, he asked us to look at what South Carolina look like after *Roe v. Wade* decision
 - Primarily outcome is draft legislation around who has rights over their body and what doctors can do
 - Constituents I have heard from do not support legislation over a women's rights
 - Will allow bill to continue process but hoping it would be more inclusive to repercussions
 - Are we prepared for those children? Other things need to be considered
 - Want state agencies front and center to get a handle on how to care for families
 - New baby has tremendous financial impact on a family and will have impact on services provided in the State
 - How to fund Medicaid when we have not expanded it
 - SNAP/WIC benefits need to be expanded to purchase items needed
 - Daycare facilities have not revived from the COVID-19 pandemic
 - Foster Care system inadequate to serve children we now have in foster care
 - Physician shortage in hospitals is possible for those who may leave state or never come to the state
 - Women make up 50% of workforce and restricted access to abortion will decrease their participation in the workforce



- Rep. Hayes
 - Need an easier process for families to adopt children
 - Don't want this to become a one-sided issue

- Rep. Henderson-Myers
 - Particular concern to me that we as politicians are using our own judgment to determine reproductive rights of women
 - Heard about repercussions of an abortion ban
 - Doctors are struggling to interpret six-week ban and to properly care for their patients
 - Medical malpractice insurance has doubled or even tripled since abortion ban has been put in place
 - Concerns from Doctors
 - As it pertains to IVF, if an egg is destroyed before impregnation, can doctor be charged with murder or sued by uncle of a sperm donor?
 - Not doctors, we are politicians
 - Why list any exceptions when all are not included?
 - Listing few conditions seems to confuse our doctors
 - Emergency medical condition is unworkable
 - Women are suffering now
 - Doctors are struggling to care for their patients now
 - 12 counties with no OB/GYN available
 - Immense shortage of specialty doctors
 - Students looking for assignments outside of the state
 - Politicians need to stay out of the medical room

- Rep. Hiott
 - Issue everyone in S.C. has an opinion on
 - Rep. Dillard is right, this is not the final step
 - Rep. Henderson-Myers raised some excellent points
 - Assigned a job to get a document this committee believes is the best we can do to send it on to the Judiciary Committee
 - Must continue to follow that process
 - Believe it is a very good bill
 - 100% pro-life
 - Praying for Roe v. Wade to be overturned for 50 years
 - Huge opportunity for S.C. because for 50 years we have been killing the unborn
 - Over 5,000 abortions performed in S.C. last year
 - Supposed to speak for those who can't speak for themselves

- Rep. Johnson
 - Proud of what this bill does
 - Abortion as a form of birth control is wrong
 - This bill does not stop here



- Unborn should have opportunity to pursue life, liberty, and pursuit of happiness as stated in our constitution
- Rep. Magnuson
 - Vital issue of defending unborn life is being addressed
 - Draft still has unclear wording and deviates from legislation proposed by Right to Life
 - Suggest striking 2-year provision and increase abortion penalty to at least 10 years to parallel legislation in other states
 - Immunity clause does not create a balance between just punishment and mercy
 - If we prosecute someone for shooting a child in the face, then we should prosecute women for murdering their child in the womb
 - Father should not get off the hook
- Rep. Moore
 - Appreciate work put in to address personal concerns from constituents
 - Clients wanted to discuss concerns regarding proposed language in this bill
 - Primary concerns for me were protecting life of the mother
 - Agree there was much misconception surrounding the bill
- Rep. Oremus
 - Was pregnant at 16 years old and was faced with decision to abort or not
 - Very much aware of consequence of having unprotected sex
 - Need to have programs reach out to boys and girls concerning reproductive health
- Rep. Weeks
 - Not ready to embrace bill yet because need clarification
 - Must discuss intent and unintended
 - Wanted public hearings at various regions in the State
 - Consider yourself champions of the unborn also consider making yourself champion for the born
 - Support for women and individuals seems to wane after birth has taken place
 - This committee is saying too bad about the circumstances causing pregnancy because it is life
 - Real concern regarding this especially for pre-teens
 - Do not need the government to tell a person if they can or cannot make a decision for a medical decision
 - Should be between patient, partner, and God
 - Personal decision to make
- Rep. McCravy
 - Rep. Magnuson proposed amendment to change the language somewhat. Will take three minutes to give everyone chance to read it.
- Rep. Caskey



- I want to raise a procedural question as to the Ad Hoc committee. We do not have to put forth a written final amendment as Rule 2 requires us to only take up items in our agenda
- This agenda doesn't provide on its face for actually passing language, so we do not have the authority to take up any amendments
- I want to make sure we follow the rules.

- Rep. Weeks
 - I want to join in the point raised by Rep. Caskey. Any amendment should go to the Judiciary Committee for their consideration.

- Rep. McCravy
 - Will recess for five minutes to address issue
 - Committee Reconvened

- Rep. Magnuson
 - Make it a crime to procure if you intend to use those drugs for abortion
 - Penalty is same as for 1 ounce of marijuana

Q: (Rep. Weeks) Do you know if those drugs are used for things other than abortion?

A: (Rep. Magnuson) There are other things those drugs could be used for, but this is with the specific intent of causing or embedding an abortion. You would have to prove that a person has procured those drugs with the specific intent to cause an abortion.

Q: (Rep. Weeks) How do you determine the mens rea of this?

A: (Rep. Magnuson) It's something that would have to be dealt with in the court. You have to have the state of mind there in order to convict.

Q: (Rep. Henderson-Myers) Do you not feel this will violate inter-state commerce?

A: (Rep. Magnuson) We are dealing with individual in the state procuring within this state. This is the simplest way I configured this legislation.

C: (Rep. Henderson-Myers) I believe this will violate federal law.

C: (Rep. Oremus) This is not a consequence that would even make me bat an eye.

Q: (Rep. Hayes) If we know these drugs cause an abortion, would there be any reason for a woman to take them other than for an abortion?

A: (Rep. Magnuson) This is above my pay grade but some of these drugs would be related to hormonal things pregnancy women would have to take. Again, they would have to the specific intent.

Q: (Rep. Hayes) Is it the drug itself or the dosage?

A: (Rep. Magnuson) My understanding is that it's the drug itself and you still have to have the specific intent.

Q: (Rep. Johnson) I wish you would've contacted me before today and shared with me the intent of this. What you're proposing is not limited to just these medications specified, correct?

A: (Rep. Magnuson) Yes.



Q: (Rep. Johnson) What other medicines are you referring to in your amendment?

A: (Rep. Magnuson) So the reason I worded it that is because I know the creativity of the left and I know they would come up with more ways to do chemical abortions in the future. To my knowledge these are the only medications to do them today but this will help undermine an attempt to use other drugs in an attempt to have an abortion.

Q: (Rep. Johnson) I understand your intent for that. My pause in this comes with other substances. What about aspirin, can that thin the blood too much to cause it? I wasn't quite sure you're all including in this. We need to specify what we're doing.

Motion to table amendment. PASSED.

**Motion to recommend to Judiciary Committee. PASSED.
Roll Call Vote [9-3].**

Meeting adjourned.