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LWVSC Testimony, H.3537, SC Prenatal Protection Act

This bill is yet another in a continuing effort to define a fertilized egg as a legal “person.” It would allow homicide charges, even the death penalty, for all those involved in abortion and abortion care including pregnant persons.

The national position of the League of Women Voters with respect to reproductive choice is as follows:

The League of Women Voters believes public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices.

This bill is not consistent with that standard. It should not be surprising that in our pluralistic society a belief in early “personhood” that underlies extreme abortion bans is not supported by most South Carolinians. Winthrop Poll results in 2023 show that only 37% of South Carolinians support the existing ban on most abortions after development of a “heartbeat” while 43% said they oppose it.¹ However, this is now enshrined in Section 44-41-640 of the South Carolina code. If H.3537 is adopted the prohibition on abortion would begin even earlier, at fertilization of an ovum by a sperm.

The language of this bill asserts that it would protect pregnant persons. It does not. The bill would make demands of pregnant persons that are not found in our social ethics and laws for anyone but pregnant girls and women. Supporters of H.3537 are effectively making a claim that girls and women have an obligation to give up bodily autonomy when their body is needed to sustain another, even an embryo or pre-viability fetus that many South Carolinians do not consider a person.

The pregnant person would be identified as a criminal unless an abortion was undertaken under compulsion, and everyone involved would be subject to criminal penalties except in cases of life-threatening emergencies for the mother, spontaneous miscarriages, and unintentional medical error.

The bill also would provide a major obstacle to common forms of birth control, to the use of IVF by those wishing to start a family, and to important medical research.

We respectfully ask that this subcommittee reject this bill and not forward it with a favorable recommendation.

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¹ Winthrop University. “May 2023 Winthrop Poll Results.” <https://www.winthrop.edu/winthroppoll/2023-may-winthroppoll-results.aspx>