

*A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA PRO BIRTH ACCOUNTABILITY ACT" BY ADDING ARTICLE 6 TO CHAPTER 41, TITLE 44 SO AS TO REQUIRE COMPENSATION OF CERTAIN WOMEN GIVING BIRTH TO A CHILD WHO BUT FOR A FETAL HEARTBEAT LAW COULD CHOOSE TO TERMINATE THE PREGNANCY, AND FOR OTHER PURPOSES.*

Whereas, from a medical perspective, there is no dispute that a six-week old embryo cannot exist outside of the womb of a pregnant woman; and

Whereas, under a proposed law prohibiting abortion upon detection of a fetal heartbeat, the development of an unborn embryo is deemed governmentally more important than the life and rights of the pregnant woman; and

Whereas, if enacted, the fetal heartbeat law will force a pregnant woman who, could have otherwise elected an abortion, to act as a gestational surrogate for the State of South Carolina, which cannot itself physically conceive or carry a child; and

Whereas, as a matter of constitutional law, a state may not force a citizen to serve in any capacity without fair payment or to take a citizen's property without just compensation; and

Whereas, in the surrogacy market, a woman's uterus is not unlike rental property, as a commissioning couple agrees to pay a gestational surrogate certain compensation for carrying a fetus to term and giving birth to a child; and

Whereas, just as South Carolina may not constitutionally use a citizen's rental property without just compensation, it may not constitutionally require a woman to incubate a child without appropriate compensation. Now, therefore,

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

**SECTION 1.**

This act may be known and cited as the "South Carolina Pro Birth Accountability Act".