



Written by [Luis Miguel](#) on February 17, 2023

Pro-life Movement Gains Ground in South Carolina and Kentucky

The right to life continues.

The pro-abortion lobby has sought to stem the tide of pro-life policy that has risen throughout the country since the U.S. Supreme Court's overturning of *Roe v. Wade*. But in two states, those anti-life efforts appear to be running into brick walls.

In South Carolina, the abortion lobby gained a momentary victory when the state's Supreme Court in January struck down a six-week abortion ban, which was already on the books at the time the Supreme Court killed *Roe* and thus went into effect upon that decision.



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But the author of the January ruling and the deciding vote, former Justice Kaye Hearn, has now retired and since been replaced. Thus, Republicans in the South Carolina Legislature see an opening to pass new pro-life legislation.

Accordingly, on Wednesday, the state House of Representatives [passed a bill](#) prohibiting abortion from the moment of conception. The vote was mostly along party lines, 83-31.

The vote took place a week after the South Carolina Senate passed a bill that bans abortion after heart activity can be detected, which occurs around six weeks.

To become law, the two chambers must reconcile their proposals. While the two versions differ as to when protection of the unborn would begin, they both include exceptions for rape, incest, a fatal fetal anomaly, and cases in which the pregnancy poses a danger to the life of the mother.

The Associated Press noted of the new House bill's contents:

Contrary to Senate Republicans' insistence otherwise, Smith said the House version is the only proposal that could withstand legal scrutiny.

... The bill explicitly states that it does not criminalize patients who receive an abortion. But the proposal allows the patient, a minor's legal guardians, a solicitor or the state's attorney general to sue others who illegally end a pregnancy. Plaintiffs could receive damages of \$10,000 for each violation.

Under the proposal, a biological father must begin child support payments from the date of conception and cover half of all pregnancy expenses. If the child is conceived through rape or incest, the offender would also fund any resulting mental health counseling.

Furthermore, the bill establishes that doctors who perform abortions on pregnancies stemming from rape or incest have to report the allegation to the local sheriff within 24 hours from the abortion.



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Senate Majority Leader Shane Massey (R) claims that the House bill does not have enough support within the Senate to pass as it stands.

Still, the House version has the support of prominent pro-life groups, such as the Susan B. Anthony List.

“Under pro-life champion Governor Henry McMaster, who has prioritized safeguarding life from day one, South Carolinians are leading the way and we are very hopeful that strong pro-life protections will make it into law as soon as this year,” said the group’s regional director, Caitlin Connors, in a press release.

Kentucky is also a battleground in the abortion fight. There, pro-abortion groups attempted to have the state Supreme Court block two abortion restrictions, but the high court on Thursday [shot these requests down](#).

In the lawsuit to which the Supreme Court responded, abortion providers targeted an abortion-banning “trigger” law that was passed in 2019 and made enforceable after the overturning of *Roe*. A six-week heartbeat ban that was previously blocked by a federal court was also targeted by the lawsuit.

Originally, a circuit court judge placed a temporary injunction on these policies. But an appeals court stayed the injunction, and now the Supreme Court has declined to reinstate it.

As *The Hill* notes, Justice Debra Lambert wrote in her opinion that the abortion clinics do not have the standing to challenge the statutes in question on their patients’ behalf.

Nevertheless, she did not dismiss the possibility that patients may sue on their own behalf, and said it remains an unsettled question “whether the right to abortion exists by implication under the Kentucky Constitution.”

“This opinion does not in any way determine whether the Kentucky Constitution protects or does not protect the right to receive an abortion,” Lambert wrote for the Supreme Court majority. “Nothing in this opinion shall be construed to prevent an appropriate party from filing suit at a later date.”

Kentuckians were presented in the recent November election with a ballot measure that would have clearly established that there is no right to an abortion under the state constitution, but the electorate voted down the measure.

Democrat-run states are going the opposite direction. Minnesota Gov. Tim Walz (D) recently [signed into law](#) the most radical abortion bill in the nation.

“Every individual who becomes pregnant has a fundamental right to continue the pregnancy and give birth, or obtain an abortion, and to make autonomous decisions about how to exercise this fundamental right,” the bill states.

The overturning of *Roe v. Wade* did not end the abortion fight, but rather opened it up to 50 different fronts across the country — as the Constitution intended.



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