

STATE LEGAL SNAPSHOT

South Carolina

Abortion law, status, and enforcement — one-page reference

As of Jul 12, 2026

Research completed Jul 12, 2026

Confidence: high



● Abortion is **banned after 6 weeks (last menstrual period)** — availability: **severely restricted**.

GESTATIONAL LIMIT	6 weeks	AVAILABLE	Severely restricted	✓ MOTHER EXEMPT	Yes	FETAL HOMICIDE LAW	Yes	PERSONHOOD LANGUAGE	Yes
TELEHEALTH	Not allowed	WAITING PERIOD	24 hours	✓ RAPE / INCEST EXCEPTION	Yes	PARENTAL INVOLVEMENT	Consent one parent		
SHIELD STATE	No	MEDICAID	Hyde only	CIVIL BOUNTY LAW	No	PENDING CHANGE	See below		

§ Jurisdiction overview

Abortion is legal until cardiac activity is detected—generally at about six weeks of pregnancy—and is prohibited thereafter with limited exceptions.

S.C. Code Ann. § 44-41-630(B) · S.C. Code Ann. § 44-41-610(6) · Planned Parenthood South Atlantic v. South Carolina, Op. No. 28280 (S.C. Sup. Ct. May 14, 2025)

☒ Fetal personhood & the internal contradiction

South Carolina's law embodies a deep internal contradiction. On one hand, § 44-41-610(14) defines the 'unborn child' as a human organism from the moment of conception, and § 44-41-610(11) defines a 'pregnant' person as carrying a 'living unborn child.' The fetal homicide statute (§ 16-3-1083) criminalizes the killing of an unborn child at any stage of development.

S.C. Code Ann. § 16-3-1083(C) · S.C. Code Ann. § 44-41-610(14) · S.C. Code Ann. § 44-41-610(11)

MINORS

A minor under 17 must obtain the written consent of one parent or legal guardian before an abortion, unless she obtains a judicial bypass or faces a medical emergency.

SPOUSAL / PATERNAL RIGHTS

South Carolina has no statute requiring the consent of or notice to a spouse or the father of the unborn child before an abortion.

☒ Penalties in effect

ACTOR	OFFENSE	PENALTY
Physician (abortion provider)	Performing or inducing an abortion after fetal heartbeat detection outside permitted exceptions (felony)	Up to 2 years imprisonment, \$10,000 fine, or both; mandatory license revocation; civil liability for actual damages, punitive damages, and \$10,000 statutory damages per violation
Other licensed professional (nurse, pharmacist, etc.)	Intentionally, knowingly, or recklessly violating the abortion prohibition (felony and unprofessional conduct)	Up to 2 years imprisonment, \$10,000 fine, or both; mandatory license revocation by appropriate licensing board
Pregnant woman	No criminal offense under the abortion chapter; expressly immune from prosecution and civil penalties under this article	None under the abortion chapter; theoretical exposure under other criminal statutes untested
Entity owning medical records	Failure to maintain required documentation for the statutory retention period	Up to \$50,000 fine (entity) or up to \$10,000 fine and up to 2 years imprisonment (individual owner)

☒ Recent changes

■ Feb 2026	South Carolina House passes H.
■ Jun 2025	U.S. Supreme Court decides Medina v.
■ May 2025	South Carolina Supreme Court issues final merits opinion in Planned Parenthood South Atlantic v. South Carolina (Op. No.

- Aug 2023

South Carolina Supreme Court vacates the preliminary injunction against the 2023 Act, allowing the six-week ban to take effect immediately.
- May 2023

South Carolina General Assembly passes and Governor signs 2023 Act No.
- Jan 2023

South Carolina Supreme Court strikes down the 2021 Fetal Heartbeat Act as violating Art. I, § 10 of the state constitution (right to privacy), in *Planned Parenthood South Atlantic v. State*.
- Jun 2022

U.S. Supreme Court issues *Dobbs v. Jackson Women's Health Organization*, overruling *Roe v. Wade* and *Casey*.

⌵ Pending changes to watch

Planned Parenthood South Atlantic v. South Carolina (further appeals or federal challenges)
Litigation · The South Carolina Supreme Court issued a final merits decision on May 14, 2025, upholding the law.
A successful federal challenge could block enforcement of the six-week ban or parts of it, particularly in medical-emergency scenarios or regarding medication abortion restrictions.

H. 4760 — Abortion-Inducing Drugs (mifepristone/misoprostol as Schedule IV controlled substances)
Legislation · Passed South Carolina House on February 3, 2026; pending in Senate.
If enacted, would classify mifepristone and misoprostol as Schedule IV controlled substances, making possession without a prescription a crime, imposing enhanced penalties for distribution, and further restricting medication abortion beyond the existing framework.

S. 323 — Unborn Child Protection Act (total ban)
Legislation · Introduced in 2025; pending in committee.
Would create a total abortion ban from fertilization with almost no exceptions; would delete the 'fetal heartbeat' provision; would make it a felony to provide information about obtaining an abortion via phone or internet; could expose pregnant women to prosecution in ways the current law does not.

⌵ Key authorities

Fetal Heartbeat and Protection from Abortion Act (2023 Act No. 70) S.C. Code Ann. §§ 44-41-610 through 44-41-700
This is the operative abortion ban in South Carolina: it prohibits abortion after cardiac activity is detected (~6 weeks), establishes ultrasound requirements, sets criminal and civil penalties, and carves out the exceptions for life/health, rape, incest, and fatal fetal anomaly.

Planned Parenthood South Atlantic v. South Carolina (May 14, 2025) Op. No. 28280 (S.C. Sup. Ct. 2025)
The most recent South Carolina Supreme Court decision affirming the constitutionality of the six-week ban and interpreting 'fetal heartbeat' as cardiac activity detectable at approximately six weeks.

Planned Parenthood South Atlantic v. State (January 2023) 435 S.C. 600, 892 S.E.2d 121 (2023)
The decision that first recognized a state constitutional privacy right encompassing abortion under Art.

South Carolina Constitution — Right to Privacy S.C. Const. art. I, § 10
The state constitutional privacy provision that was the basis for striking down the 2021 fetal heartbeat Act; subsequent litigation has tested the limits of this right and found the revised 2023 Act constitutional.

Pregnant woman non-prosecution provision S.C. Code Ann. § 44-41-670
Expressly exempts the pregnant woman from criminal and civil liability under the abortion chapter.

Generated from the structured legal focused deep-research record for SC (research completed 2026-07-12). This snapshot condenses a much larger sourced dataset — full citations, quoted statutory text, and plain-language explanations are in the full South Carolina survey. This document has not been reviewed by a lawyer and should not be used as legal advice.