

Executive Order No. 2018-21

WHEREAS, the preservation of life is the ultimate right to be protected and necessarily includes the life of unborn children; and

WHEREAS, the State of South Carolina has a strong culture and longstanding tradition of protecting and defending the life and liberty of unborn children; and

WHEREAS, the State also recognizes that the availability of women's health and family planning services is important in providing for healthy families and children; and

WHEREAS, the South Carolina Department of Health and Human Services ("DHHS") expends taxpayer dollars to pay for health care services, including family planning services; and

WHEREAS, the General Assembly has expressed, in section 43-5-1185 of the South Carolina Code of Laws, as amended, that "State funds appropriated for family planning must not be used to pay for an abortion"; and

WHEREAS, the payment of taxpayer funds to abortion clinics, for any purpose, results in the subsidy of abortion and the denial of the right to life; and

WHEREAS, abortion clinics' primary focus on denying the right to life is contrary to and conflicts with the State's obligation to protect and preserve that right; and

WHEREAS, on August 24, 2017, the undersigned issued Executive Order 2017-15 directing DHHS to pursue all available methods and to take all necessary actions to exclude abortion clinics from receiving taxpayer funds for any purpose, including but not limited to seeking any and all requisite waivers from the Centers for Medicare and Medicaid Services ("CMS"); and

WHEREAS, DHHS subsequently submitted and is negotiating with CMS regarding such a mandatory waiver; and

WHEREAS, on July 5, 2018, because CMS had not yet approved the requisite mandatory waiver, the undersigned issued Veto No. 42, which nullified the Family Planning appropriation in DHHS's budget; and

WHEREAS, although the State should not contract with abortion clinics for family planning services, the State also should not deny South Carolinians access to necessary medical care and important women's health and family planning services, which are provided by a variety of other non-governmental entities and governmental agencies; and

WHEREAS, Proviso 33.16 of the Fiscal Year 2018–19 General Appropriations Act grants DHHS broad authority to carry forward and expend funds for the purpose of operating the Medicaid program, to include family planning services.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby direct DHHS to exercise the authority granted in Proviso 33.16 of the Fiscal Year 2018–19 General Appropriations Act to expend such appropriated and carry-forward funds as necessary to continue the Family Planning program.

FURTHER, I hereby direct DHHS to deem abortion clinics, as defined by section 44-41-75 of the South Carolina Code of Laws, as amended, and any affiliated physicians or professional medical practices, as identified and defined by Executive Order 2017-15, that are enrolled in the Medicaid program as

unqualified to provide family planning services and, therefore, to immediately terminate them upon due notice and deny any future such provider enrollment applications for the same.

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 13th DAY OF JULY,
2018.**

**HENRY MCMASTER
Governor**