



Written by [Annalisa Pesek](#) on February 21, 2021

As Planned Parenthood Sues, Judge Orders Stay on South Carolina Bill Banning Abortions

The Left persists with its vicious attacks on innocent human life, as harmful government policies continue to enable the annihilation of millions of children in the womb every year.

A day after the South Carolina Senate passed the [South Carolina Fetal Heartbeat and Protection from Abortion Act](#), a sweeping measure that prohibits most abortions in the state, U.S. District Judge Mary Geiger Lewis placed a temporary 14-day stay on the order. Judge Lewis sided with Planned Parenthood in a [lawsuit](#) filed by the organization on Thursday, February 18, the same day the bill was approved by South Carolina Republican Governor Henry McMaster after it passed the state House by a vote of 74-39.



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

PLANNED PARENTHOOD SOUTH
ATLANTIC, *et al.*,

Plaintiffs,

v.

ALAN WILSON, in his official capacity as
Attorney General of South Carolina, *et al.*,

Defendants.

Civil Action No.: 3:21-00508-MGL

TEMPORARY RESTRAINING ORDER

Plaintiffs have moved for an order temporarily restraining Defendants, their employees, agents, successors, and all others acting in concert or participating with them, from enforcing SC Fetal Heartbeat Protection from Abortion Act (“the Act”), signed into law by Governor Henry McMaster on February 18, 2021. The Act provides that “no person shall perform, induce, or attempt to perform or induce an abortion” where the “fetal heartbeat has been detected.” S.C. Code Ann. § 44-41-680(A). It defines “fetal heartbeat” to include any “cardiac activity, or the steady and repetitive rhythmic contraction of the fetal heart, within the gestational sac.” *Id.* § 44-41-610(3). The Act also includes new ultrasound, mandatory disclosure, recordkeeping, reporting, and written notice requirements that are closely intertwined with the operation of the prohibition on abortion after detection of cardiac activity. *See, e.g.*, S.C. Code Ann. §§ 44-41-640, -650; *id.* § 44-41-460(A); *id.* § 44-41-330(A)(1)(b); *id.* § 44-41-60.

Judge Lewis argued that “the law would prevent [Planned Parenthood](#)’s patients from obtaining an abortion before fetus viability as guaranteed by the 14th Amendment.”

According to the [World Health Organization](#), fetal viability is possible as early as 20 weeks of gestation, provided there is top-quality medical care for the baby. This is often used as a sort of “cutoff” in pro-abortion arguments, i.e., the baby is not really considered “alive” before the point of fetal viability, and



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thus should be able to be aborted. Yet medical research used to support the South Carolina bill found that “a fetal heartbeat begins at a biologically identifiable moment in time, normally when the fetal heart is formed in the gestational sac,” which occurs as early as [eight weeks](#) after conception, and as early as five weeks according to some studies.

To justify the 14-day restraining order, Judge Lewis referenced the 14th Amendment, likely addressing the clause speaking to “[equal protection of the laws](#).” Lewis’s ruling, according to [UPI](#), seeks to “permit some 75 patients with scheduled abortions over the next three days to undergo the procedures, including at least three whose pregnancies were within days of the second trimester, at which point the procedure would be illegal under the new law.”

As [previously reported](#) by *The New American*, the new fetal-heartbeat law will protect the health of the pregnant woman as well as the civil rights of the unborn by requiring physicians to perform an ultrasound on a woman seeking an abortion. If a fetal heartbeat is detected, the abortion cannot be performed.

According to the bill, abortionists found violating the law will face felony charges, as well as up to \$10,000 in fines and two years in prison. Exceptions will be made in the cases of pregnancies resulting from rape or incest, or if the mother’s life is endangered by the pregnancy.

Responding to the lawsuit, Governor McMaster [tweeted](#), “We will defend this law every step of the way. No lawsuit can weaken our resolve to fight for life.”

Conversely, Planned Parenthood South Atlantic President Jenny Black praised Lewis’s blocking of the ban, [tweeting](#), “Abortion is legal in South Carolina. We will never stop fighting.”

Indeed, such a stark contrast between the way the Left and Right view the value of human life signals a call to battle for both sides. Pro-lifers should be encouraged by and show support for the actions of governors such as McMaster, who is not backing down in his determination to protect the most vulnerable: a child in the womb.



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