

The Supreme Court of South Carolina

Planned Parenthood South Atlantic, on behalf of itself, its patients, and its physicians and staff; Katherine Farris, M.D., on behalf of herself and her patients; Greenville Women's Clinic, on behalf of itself, its patients, and its physicians and staff; and Terry L. Buffkin, M.D., on behalf of himself and his patients, Petitioners,

v.

State of South Carolina; Alan Wilson, in his official capacity as Attorney General of South Carolina; Edward Simmer, in his official capacity as Director of the South Carolina Department of Health and Environmental Control; Anne G. Cook, in her official capacity as President of the South Carolina Board of Medical Examiners; Stephen I. Schabel, in his official capacity as Vice President of the South Carolina Board of Medical Examiners; Ronald Januchowski, in his official capacity as Secretary of the South Carolina Board of Medical Examiners; George S. Dilts, in his official capacity as a Member of the South Carolina Board of Medical Examiners; Dion Franga, in his official capacity as a Member of the South Carolina Board of Medical Examiners; Richard Howell, in his official capacity as a Member of the South Carolina Board of Medical Examiners; Robert Kosciusko, in his official capacity as a Member of the South Carolina Board of Medical Examiners; Theresa Mills-Floyd, in her official capacity as a Member of the South Carolina Board of Medical Examiners; Jennifer R. Root, in her official capacity as a Member of the South Carolina Board of Medical Examiners; Christopher C. Wright, in his official capacity as a Member of the South Carolina Board of Medical Examiners; Samuel H. McNutt, in his official capacity as Chairperson of the South Carolina Board of Nursing; Sallie Beth Todd, in her official capacity as

Vice Chairperson of the South Carolina Board of Nursing; Tamara Day, in her official capacity as Secretary of the South Carolina Board of Nursing; Jonella Davis, in her official capacity as a Member of the South Carolina Board of Nursing; Kelli Garber, in her official capacity as a Member of the South Carolina Board of Nursing; Lindsey K. Mitcham, in her official capacity as a Member of the South Carolina Board of Nursing; Rebecca Morrison, in her official capacity as a Member of the South Carolina Board of Nursing; Kay Swisher, in her official capacity as a Member of the South Carolina Board of Nursing; Robert J. Wolff, in his official capacity as a Member of the South Carolina Board of Nursing; Scarlett A. Wilson, in her official capacity as Solicitor for South Carolina's 9th Judicial Circuit; Byron E. Gipson, in his official capacity as Solicitor for South Carolina's 5th Judicial Circuit; and William Walter Wilkins III, in his official capacity as Solicitor for South Carolina's 13th Judicial, Respondents,

and

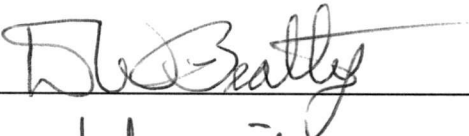
Henry McMaster, in his official capacity as Governor of the State of South Carolina; Thomas C. Alexander, in his official capacity as President of the South Carolina Senate; and G. Murrell Smith Jr., in his official capacity as Speaker of the South Carolina House of Representatives, Respondents-Intervenors.

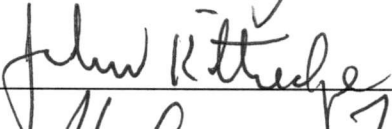
Appellate Case No. 2023-001449

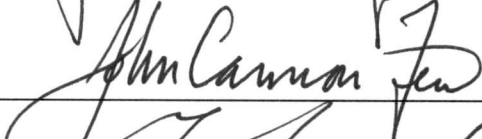
ORDER


Petitioners have filed a petition for original jurisdiction asking the Court to determine the meaning of the term "fetal heartbeat" as used in the 2023 version of


the Fetal Heartbeat and Protection from Abortion Act (the Act).¹ Petitioners further ask the Court to enjoin the enforcement of the Act. We deny the request for injunctive relief. The petition for original jurisdiction is otherwise denied without prejudice to Petitioners' right to file an as-applied action in the circuit court.


_____ C.J.


_____ J.


_____ J.


_____ J.


_____ J.

Columbia, South Carolina
November 14, 2023

cc:

M. Malissa Burnette, Esquire
Kathleen McColl McDaniel, Esquire
Robert E. Horner, Esquire
Erin G. Baldwin, Esquire
Amanda Kurzen Dudgeon, Esquire
William Marshall Taylor Jr., Esquire
Ashley Caroline Biggers, Esquire
Jacquelyn S. Dickman, Esquire
Robert D. Cook, Esquire
J. Emory Smith Jr., Esquire
Thomas Tyler Hydrick, Esquire
Joseph David Spate, Esquire
Catherine Peyton Humphreville, Esquire

¹ Act No. 70, 2023 S.C. Acts ---, *codified at* S.C. Code Ann. §§ 44-41-610 to -740 (West 2023).

Caroline Sacerdote, Esquire
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Jasmine Yunus, Esquire
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