

South Carolina State Senate
Senate Committee on Medical Affairs
Senate Bill 1373

August 17, 2022

Dear State Senate Committee on Medical Affairs,

We write to express our opposition to Senate Bill 1373, which would make it more difficult for women and all pregnant people to access factual information online about safe reproductive health services. The legislation also violates the First Amendment by authorizing South Carolina's government to censor speech online.

Online services and broadband providers will be unable to accurately distinguish between information that Senate Bill 1373 would make illegal and information about other reproductive health services. As a result, holding online services criminally liable for hosting information and education online that could help improve access to factually correct information and education about reproductive health services will force online services and broadband providers to censor any information that could be related to reproductive health.

This, in turn, could lead to greater rates of unintended pregnancies and maternal mortality, as well as rates of sexually transmitted diseases as people can't access information about reproductive and sexual health.¹

It is already especially difficult for underserved racial and ethnic minority people to access and use reproductive health services as needed.² Pregnant people who already have challenges accessing health care may especially depend on the Internet to find and receive accurate information about reproductive health.

As drafted, the legislation imposes such strict criminal liability on online services for publishing information in this category that these prohibitions may lead to

¹ Sutton, M. Y., Anachebe, N. F., Lee, R., & Skanes, H. (2021). Racial and Ethnic Disparities in Reproductive Health Services and Outcomes, 2020. *Obstetrics and gynecology*, 137(2), 225–233. <https://doi.org/10.1097/AOG.0000000000004224>

²SisterSong, National Latina Institute for Reproductive Health, Center for Reproductive Rights, *Reproductive Justice: Racial and Gender Discrimination in U.S. Health Care*, 2014, https://reproductiverights.org/wp-content/uploads/2020/12/CERD_Shadow_US_6.30.14_Web.pdf

services censoring direct messages between patients and caregivers on how to obtain safe care. It may also force services to block or censor telemedicine counseling services in which medical professionals advise pregnant people on a variety of reproductive health services, including but not limited to legal abortions.

Finally, by giving the state authority to censor a wide array of information online, this legislation is also in clear violation of the First Amendment, infringing the rights of individuals to communicate freely online – and the rights of online platforms to host that speech.

In conclusion, we urge you to reject this legislation because it will make it harder to find safe, reliable reproductive health care information online; poses serious risks to those who already face challenges in accessing health care; and violates the U.S. Constitution by inviting the state of South Carolina to censor speech online.

Sincerely,

Advocates for Youth
Center for Democracy & Technology
Chamber of Progress
EducateUS
Electronic Frontier Foundation
LGBT Tech
National Women's Law Center
PEN America
SIECUS: Sex Ed for Social Change