**South Carolina General Assembly**

125th Session, 2023-2024

**A161, R184, S455**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Verdin

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Introduced in the Senate on January 26, 2023

Introduced in the House on March 15, 2023

Currently residing in the Senate

Governor's Action: May 20, 2024, Signed

Summary: Bloodborne Disease

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/26/2023 Senate Introduced and read first time (Senate Journal‑page 2)

 1/26/2023 Senate Referred to Committee on **Medical Affairs** (Senate Journal‑page 2)

 3/2/2023 Senate Committee report: Favorable **Medical Affairs** (Senate Journal‑page 15)

 3/9/2023 Senate Read second time (Senate Journal‑page 32)

 3/9/2023 Senate Roll call Ayes-38 Nays-0 (Senate Journal‑page 32)

 3/14/2023 Senate Read third time and sent to House (Senate Journal‑page 16)

 3/15/2023 House Introduced and read first time (House Journal‑page 11)

 3/15/2023 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 11)

 4/25/2024 House Committee report: Favorable **Medical, Military, Public and Municipal Affairs** (House Journal‑page 23)

 5/2/2024 House Debate adjourned until Tues., 5-7-24 (House Journal‑page 32)

 5/7/2024 House Requests for debate-Rep(s). MM Smith, Hiott, Carter, Davis, B Newton, Sessions, Guffey, McCravy, West, Hewitt, Anderson, Long (House Journal‑page 110)

 5/8/2024 House Read second time (House Journal‑page 244)

 5/8/2024 House Roll call Yeas-109 Nays-0 (House Journal‑page 244)

 5/9/2024 House Read third time and enrolled (House Journal‑page 87)

 5/15/2024 Ratified R 184

 5/20/2024 Signed By Governor

 5/29/2024 Effective date 05/20/24

 5/29/2024 Act No. 161

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=455&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/26/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/455_20230126.docx)

[03/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/455_20230302.docx)

[04/25/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/455_20240425.docx)

**NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.**

(A161, R184, S455)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44‑29‑230, RELATING TO TESTING REQUIRED WHEN A HEALTH CARE WORKER IS EXPOSED TO BLOODBORNE DISEASE, SO AS TO REPLACE REFERENCES TO PHYSICIAN WITH HEALTH CARE PROFESSIONALS, TO INCLUDE DENTISTS IN THE DEFINITION OF HEALTH CARE PROFESSIONALS, AND TO ADD HEPATITIS C TO THE LIST OF BLOODBORNE DISEASES.

Be it enacted by the General Assembly of the State of South Carolina:

Testing for bloodborne diseases

SECTION 1. Section 44‑29‑230 of the S.C. Code is amended to read:

 Section 44‑29‑230. (A) While working with a person or a person's blood or body fluids, if a health care worker or emergency response employee is involved in an incident resulting in possible exposure to bloodborne diseases, and a health care professional based on reasonable medical judgment has cause to believe that the incident may pose a significant risk to the health care worker or emergency response employee, the health care professional may require the person, the health care worker, or the emergency response employee to be tested without his consent.

 (B) The test results must be given to the health care professional who shall report the results and assure the provision of post‑test counseling to the health care worker or emergency response employee, and the person who is tested. The test results also shall be reported to the Department of Health and Environmental Control in a manner prescribed by law.

 (C) No physician, hospital, or other health care provider may be held liable for conducting the test or the reporting of test results under this section.

 (D) For purposes of this section:

 (1) “Person” means a patient at a health care facility or health care professional’s office, an inmate at a state or local correctional facility, an individual under arrest, or an individual in the custody of or being treated by a health care worker or an emergency response employee.

 (2) “Emergency response employee” means firefighters, law enforcement officers, paramedics, emergency medical technicians, medical residents, medical trainees, trainees of an emergency response employee as defined herein, and other persons, including employees of legally organized and recognized volunteer organizations without regard to whether these employees receive compensation, who in the course of their professional duties respond to emergencies.

 (3) “Bloodborne diseases” means Hepatitis B, Hepatitis C, or Human Immunodeficiency Virus infection, including Acquired Immunodeficiency Syndrome.

 (4) “Significant risk” means a finding of facts relating to a human exposure to an etiologic agent for a particular disease, based on reasonable medical judgments given the state of medical knowledge, about the:

 (a) nature of the risk;

 (b) duration of the risk;

 (c) severity of the risk;

 (d) probabilities the disease will be transmitted and will cause varying degrees of harm.

 (5) “Health care professional” means a physician, a dentist, an epidemiologist, or infection control practitioner.

 (6) “Health care worker” means a person licensed as a health care provider under Title 40, a person registered under the laws of this State to provide health care services, an employee of a health care facility as defined in Section 44‑7‑130(10), or an employee in a health care professional’s office.

 (E) The cost of any test conducted under this section must be paid by the:

 (1) person being tested;

 (2) State in the case of indigents; or

 (3) public or private entity employing the health care worker or emergency response employee if the cost is not paid pursuant to subitems (1) and (2) above.

Time effective

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2024.

Approved the 20th day of May, 2024.

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