

SOUTH CAROLINA
SENATE AMENDMENT

AMENDMENT NO. _____

Ken Moffitt
March 21, 2024

| ADOPTED | TABLED | CARRIED OVER | FAILED | RECONSIDERED |
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Clerk of the Senate

ADOPTION NO. _____

BILL NO: S. 975

(Reference is to the original version)

The Committee on Medical Affairs proposes the following amendment (SR-975.KM0021S):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

SECTION 1. This act may be cited as the “Medical Freedom Act.”

SECTION 2. Chapter 17, Title 16 of the S.C. Code is amended by adding:

Section 16-17-780.(A) For purposes of this section:

(1) “Novel vaccine” means a vaccine, as defined in section 44-4-130, which has obtained Emergency Use Authorization, or which has otherwise not been approved by the U.S. Food and Drug Administration, or which has been licensed for use for less than ten years; and

(2) “Gene therapy” means any product that mediates its effects by transcription or translation of transferred genetic material or by integrating into the host genome and that are administered as nucleic acids, viruses, or genetically engineered microorganisms.

(3) “Indemnified product” means any product, including, but not limited to, a covered countermeasure, for which the manufacturers and distributors are shielded from direct civil or criminal liability to consumers for personal injuries and damages resulting from the use of the product as determined by state or federal law.

(B) It is unlawful for any person, partnership, for-profit or non-profit corporation, limited liability corporation, colleges, schools, or the State and its political subdivisions and their agents that employ one or more employees to mandate employees, contractors, students, patrons, customers, clients, or guests to receive a novel vaccine, indemnified product, or gene therapy described in this section as a precondition for employment, entry into buildings and grounds, attendance, participation, or purchase or receipt of any products and services offered.

(C) A person who violates the provisions of this section:

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year, or both;

(2) for a second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned for not more than three years or both; and

(3) for a third or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

SECTION 3. Chapter 1, Title 41 of the S.C. Code is amended by adding:

Section 41-1-55. (A) As used in this section:

(1) “Agent” means any former supervisor or the employer's designee.

(2) “Employer” means any person, partnership, for-profit or non-profit corporation, limited

liability corporation, or the State and its political subdivisions and their agents that employ one or more employees.

(3) “Employee” means any person employed by an employer.

(4) “Gene therapy” means any product that mediates its effects by transcription or translation of transferred genetic material or by integrating into the host genome and that are administered as nucleic acids, viruses, or genetically engineered microorganisms.

(5) “Novel vaccine” means a vaccine which has obtained emergency use authorization, which has otherwise not been approved by the U.S. Food and Drug Administration, or which has been licensed for use for less than ten years; and

(6) “Vaccine” means a suspension of attenuated or killed microorganisms, or of antigenic proteins derived from them, that is administered for prevention, amelioration, or treatment of infectious diseases.

(7) “Indemnified product” means any product, including, but not limited to, a covered countermeasure, for which the manufacturers and distributors are shielded from direct civil or criminal liability to consumers for personal injuries and damages resulting from the use of the product as determined by state or federal law.

(B) Employers are prohibited from taking any adverse pre-employment or employment action, including, but not limited to, discrimination, termination, suspension, involuntary reassignment, unpaid leave, demotion, harassment, coercion, or retaliation against an individual who declines to receive a novel vaccine, indemnified product, or gene therapy as defined in this section.

(C) No employer may require their employees to receive any vaccine which is not mandated for employment by the Department of Public Health.

(D) If an employer violates the provisions of this section, an aggrieved employee shall have the right to apply for and receive unemployment benefits subject to the benefit amounts, duration, and requirements provided in Article 1, Chapter 35, Title 41, as well as back pay, front pay, lost wages, consequential damages, emotional damages, court and litigation costs, and attorney fees.

(E) If an employer willfully or maliciously discriminates or commits a violation of this section,

they shall also be liable to the employee or prospective employee for punitive damages in the treble amount of the actual damages awarded.

SECTION 4. Section 40-43-86(E) of the S.C. Code is amended to read:

(E)(1) A prescription drug order shall contain at a minimum, the:

~~(1)~~(a) full name and address of the patient;

~~(2)~~(b) name, address, telephone number, and degree classification of the prescriber; license number, and Drug Enforcement Agency registration number of the prescribing practitioner where required by law;

~~(3)~~(c) date of issuance;

~~(4)~~(d) name, strength, dosage form, and quantity of drug prescribed;

~~(5)~~(e) directions for use;

~~(6)~~(f) number of refills authorized. No prescription marked “PRN” or any other unspecified number of refills may be refilled more than two years beyond the date it was originally written. ~~Nothing in this subsection abridges the right of a pharmacist to refuse to fill or refill a prescription;~~ and

~~(7)~~(g) a written order signed by the prescriber, which shall bear the name of the patient; name, strength, and quantity of the drug or device prescribed; directions for use; date of issue; and, either rubber stamped, typed, printed by hand, or typeset, the name, address, telephone number, and degree classification of the prescriber; and, if a controlled substance is prescribed, the prescriber's federal registration number;

~~(8)~~(h) only one drug and set of instructions for each blank, if preprinted;

~~(9)~~(i) a chart order is exempt from the requirements of this subsection.

(2) A pharmacist may refuse to fill or refill a prescription when:

(a) a contradiction is detected in the patient’s records;

(b) patterns of narcotic abuse are observed in the patient’s records;

(c) the order is not complete or unclear; or

(d) the pharmacist objects to filling the prescription for religious, moral, or ethical reasons pursuant to the Medical Ethics and Diversity Act, Title 44, Chapter 139. Nothing in this subsection allows pharmacists to deny “right to try” prescriptions as defined in Section 44-137-10.

SECTION 5. Section 44-1-100 of the S.C. Code is amended to read:

Section 44-1-100. All sheriffs and constables in the several counties of this State and police officers and health officers of cities and towns ~~must~~may aid and assist the Director of the Department of Public Health and Environmental Control and ~~must~~may carry out and obey his orders, or those of the Department of Public Health and Environmental Control, to enforce and carry out any and all restrictive measures and quarantine regulations that may be prescribed. ~~During during~~ a state of public health emergency, as defined in Section 44-4-130, ~~the director may request assistance in enforcing orders issued pursuant to this chapter and pursuant to Chapter 4, Title 44, from the public safety authority, as defined in Section 44-4-130, other state law enforcement authorities, and local law enforcement. The public safety authority may request assistance from the South Carolina National Guard in enforcing orders made pursuant to this chapter or pursuant to Chapter 4, Title 44.~~

SECTION 6. Section 44-4-130 of the S.C. Code is amended to read:

Section 44-4-130. As used in the chapter:

(A) “Biological agent” means a microorganism, virus, infectious substance, naturally occurring or bioengineered product, or other biological material that could cause death, disease, or other harm to a human, an animal, a plant, or another living organism.

(B) “Bioterrorism” means the intentional use or threatened use of a biological agent to harm or endanger members of the public.

(C) “Chemical agent” means a poisonous chemical agent that has the capacity to cause death, disease, or other harm to a human, an animal, a plant, or another living organism.

(D) “Chemical terrorism” means the intentional use or threatened use of a chemical agent to harm or endanger members of the public.

(E) “Chain of custody” means the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition of the specimens and providing for accountability at each stage of collecting, handling, testing, storing, and transporting the specimens and reporting test results.

(F) ~~“Commissioner”~~ “Director” means the ~~Commissioner~~ Director of the Department of Public Health and Environmental Control.

(G) “Contagious disease” is an infectious disease that can be transmitted from person to person, animal to person, or insect to person.

(H) “Coroners, medical examiners, and funeral directors” have the same meanings as provided in Sections 17-5-5 and 40-19-10, respectively.

(I) ~~“DHEC”~~ “Department” means the Department of Public Health and Environmental Control, or any person authorized to act on behalf of the Department of Public Health and Environmental Control.

(J) “Facility” means any real property, building, structure, or other improvement to real property or any motor vehicle, rolling stock, aircraft, watercraft, or other means of transportation.

(L) “Gene therapy” means any product that mediates its effects by transcription or translation of transferred genetic material or by integrating into the host genome and that are administered as nucleic acids, viruses, or genetically engineered microorganisms.

~~(K)~~(M) “Health care facility” means any nonfederal institution, building, or agency or portion thereof, whether public or private (for-profit or nonprofit) that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any

person or persons. This includes, but is not limited to, ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices, hospitals, infirmaries, intermediate care facilities, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, skilled nursing facilities, and adult daycare centers. The term also includes, but is not limited to, the following related property when used for or in connection with the foregoing: laboratories, research facilities, pharmacies, laundry facilities, health personnel training and lodging facilities, and patient, guest, and health personnel food service facilities, and offices and office buildings for persons engaged in health care professions or services.

~~(L)~~(N) “Health care provider” means any person or entity who provides health care services including, but not limited to, hospitals, medical clinics and offices, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, firefighters who provide emergency medical care, emergency medical or laboratory technicians, and ambulance and emergency medical workers. This includes out-of-state medical laboratories, provided that such laboratories have agreed to the reporting requirements of South Carolina. Results must be reported by the laboratory that performs the test, but an in-state laboratory that sends specimens to an out-of-state laboratory is also responsible for reporting results.

~~(M)~~(O) “Infectious disease” is a disease caused by a living organism or virus. An infectious disease may, or may not, be transmissible from person to person, animal to person, or insect to person.

~~(N)~~(P) “Isolation” and “quarantine” mean the compulsory physical separation (including the restriction of movement or confinement) of individuals and/or groups believed to have been exposed to or known to have been infected with a contagious disease from individuals who are believed not to have been exposed or infected, in order to prevent or limit the transmission of the disease to others; if the context so requires, “quarantine” means compulsory physical separation, including restriction of movement, of populations or groups of healthy people who have been

potentially exposed to a contagious disease, or to efforts to segregate these persons within specified geographic areas. “Isolation” means the separation and confinement of individuals known or suspected (via signs, symptoms, or laboratory criteria) to be infected with a contagious disease to prevent them from transmitting disease to others.

~~(P)~~(Q) “Protected health information” means any information, whether oral, written, electronic, visual, pictorial, physical, or any other form, that relates to an individual's past, present, or future physical or mental health status, condition, treatment, service, products purchased, or provision of care, and that reveals the identity of the individual whose health care is the subject of the information, or where there is a reasonable basis to believe such information could be utilized (either alone or with other information that is, or reasonably should be known to be, available to predictable recipients of such information) to reveal the identity of that individual.

~~(P)~~(R) “Public health emergency” means the occurrence or imminent risk of a qualifying health condition.

~~(Q)~~(S) “Public safety authority” means the Department of Public Safety, the State Law Enforcement Division, or designated persons authorized to act on behalf of the Department of Public Safety, the State Law Enforcement Division including, but not limited to, local governmental agencies that act principally to protect or preserve the public safety, or full-time commissioned law enforcement persons.

~~(R)~~(T) “Qualifying health condition” means:

—~~(1) a natural disaster; or~~

—~~(2) an illness or health condition that may be caused by terrorism, epidemic or pandemic disease, or a novel infectious agent or biological or chemical agent and that poses a substantial risk of a significant number of human fatalities, widespread illness, or serious economic impact to the agricultural sector, including food supply. or incidents of permanent or long-term disability.~~

~~(S)~~(U) “Radioactive material” means a radioactive substance that has the capacity to cause bodily injury or death to a human, an animal, a plant, or another living organism.

~~(T)~~(V) “Radiological terrorism” means the intentional use or threatened use of a radioactive material to harm or endanger members of the public.

~~(U)~~(W) “Specimens” include, but are not limited to, blood, sputum, urine, stool, other bodily fluids, wastes, tissues, and cultures necessary to perform required tests, and environmental samples or other samples needed to diagnose potential chemical, biological, or radiological contamination.

~~(V)~~(X) “Tests” include, but are not limited to, any diagnostic or investigative analyses necessary to prevent the spread of disease or protect the public's health, safety, and welfare.

~~(W)~~(Y) “Trial court” is the circuit court for the county in which the isolation or quarantine is to occur or to the circuit court for the county in which a public health emergency has been declared. If that court is unable to function because of the isolation, quarantine, or public health emergency, the trial court is a circuit court designated by the Chief Justice upon petition and proper showing by the Department of Health and Environmental Control.

(Z) “Vaccine” means a suspension of attenuated or killed microorganisms, or of antigenic proteins derived from them, that is administered for prevention, amelioration, or treatment of infectious diseases.

SECTION 7. Section 44-4-510 of the S.C. Code is amended to read:

Section 44-4-510. (A)(1) During a state of public health emergency, ~~DHEC~~the department may perform voluntary physical examinations or tests as necessary for the diagnosis or treatment of individuals.

(2) ~~DHEC~~The department may isolate or quarantine, pursuant to the sections of this act and its existing powers under Section 44-1-140, any symptomatic person whose refusal of physical examination or testing results in uncertainty regarding whether he or she has been exposed to or is infected with a~~the~~ contagious disease for which the public health emergency has been declared~~or possibly contagious disease or otherwise poses a danger to public health.~~

(B)(1) Physical examinations or tests may be performed by any qualified person authorized to do so by ~~DHEC~~the department.

(2) Physical examinations or tests must not be reasonably likely to result in serious harm to the affected individual.

SECTION 8. Section 44-4-520 of the S.C. Code is amended to read:

Section 44-4-520. (A) During a state of public health emergency, ~~DHEC~~the department may exercise the following emergency powers, in addition to its existing powers, over persons as necessary to address the public health emergency:

(1) to vaccinate persons as protection against infectious disease and to prevent the spread of contagious ~~or possibly contagious~~ disease;

(2) to treat persons exposed to or infected with disease; and

(3) to ~~prevent the spread of contagious or possibly contagious disease, DHEC may~~ isolate or quarantine, pursuant to the applicable sections of this act, symptomatic persons or persons exposed to the disease who are unable or unwilling for any reason (including, but not limited to, health, religion, or conscience) to undergo vaccination or treatment pursuant to this section.

(B) Vaccinations or treatment, or both, must be provided only to those individuals who agree provide informed consent to the vaccinations or treatment, or both.

(C)(1) ~~Vaccination~~ Vaccinations may be performed by any qualified person authorized by ~~DHEC~~the department.

(2) To be administered pursuant to this section, a vaccine must not be such as is reasonably likely to lead to serious harm to the affected individual.

(D)(1) Treatment must be administered by any qualified person authorized to do so by ~~DHEC~~the department.

(2) Treatment must not be such as is reasonably likely to lead to serious harm to the affected individual.

(E) For purposes of this section, “informed consent” means a written document that is signed and dated by an individual; or if the individual is a minor, by a parent or legal guardian; or if the individual is incapacitated or without sufficient mental capacity, by a designated health care agent pursuant to a health care power of attorney, that at a minimum includes:

(1) an explanation of the vaccine or treatment that is written in language that understandable to the average lay person;

(2) a description of the potentially best and worst outcomes resulting from vaccine or treatment, along with a realistic description of the most likely outcome; and

(3) contain language that clearly indicates that the individual agrees to the administration of the vaccine or treatment, that the individual has had time to thoughtfully consider whether to provide consent, and that the individual is providing consent free from coercion.

SECTION 9. Section 44-4-530 of the S.C. Code is amended to read:

Section 44-4-530. (A) During a public health emergency, ~~DHEC~~the department may isolate or quarantine an individual or groups of individuals who have been diagnosed with or exposed to the contagious disease for which the public health emergency was declared. This includes individuals or groups who have not been ~~vaccinated,~~ treated, tested, or examined pursuant to Sections 44-4-510 and 44-4-520. ~~DHEC~~The department may also establish and maintain places of isolation and quarantine, ~~and~~ set rules, and make orders.

(B) ~~DHEC~~The department must adhere to the following conditions and principles when isolating or quarantining individuals or groups of individuals:

(1) isolation and quarantine must be by the least restrictive means necessary to prevent the ~~spread~~transmission of a ~~the~~ contagious or ~~possibly contagious~~ disease to others and may include, but are not limited to, confinement to private homes or other private and public premises;

(2) individuals isolated because of objective evidence of infection or contagious disease must be confined separately from quarantined asymptomatic individuals;

(3) the health status of isolated and quarantined individuals must be monitored regularly to determine if they require isolation or quarantine;

(4) an asymptomatic quarantined individual must be confined for no more than five days;

~~(4)(5) if a quarantined individual becomes infected or is reasonably believed to be infected with a the contagious or possibly contagious disease, he or she must be promptly removed to isolation;~~

~~(5)(6) isolated and quarantined individuals must be immediately released when they pose no substantial risk of transmitting a have no more symptoms of the contagious or possibly contagious disease to others or within ten days of symptom onset, whichever is sooner;~~

~~(6)(7) the needs of persons isolated and quarantined must be addressed in a systematic and competent fashion including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication, and competent medical care;~~

~~(7)(8) premises used for isolation and quarantine must be maintained in a safe and hygienic manner and be designed to minimize the likelihood of further transmission of infection or other harms to persons isolated or quarantined; and~~

~~(8)(9) to the extent possible, cultural and religious beliefs must be considered in addressing the needs of the individuals and establishing and maintaining isolation and quarantine premises; and~~

(10) individuals who have recovered from the contagious disease must not be separated from quarantined or isolated family members.

(C) A person subject to isolation or quarantine must comply with ~~DHEC's~~ the department's rules and orders, and must not go beyond the isolation or quarantine premises. Failure to comply with these rules and orders constitutes a ~~felony~~ misdemeanor and, upon conviction, a person must be fined not more than ~~one thousand~~ two hundred dollars or imprisoned not more than thirty days;

~~or both.~~

(D)(1) ~~DHEC~~ The department may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.

~~—(2) No person, other than a person authorized by DHEC, shall enter isolation or quarantine premises. Failure to comply with this provision constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.~~

~~(3)(2)~~ A person entering an isolation or quarantine premises with or without authorization of ~~DHEC~~ from the department may be isolated or quarantined as provided for in this chapter.

~~(4)(3)~~ The public safety authority and other law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of an isolation or quarantine order after the order is given to the individual pursuant to Section 44-4-540(B)(3) ~~or after the individual is provided notice of the order. In a case where an individual is not the subject of an isolation or quarantine order under Section 44-4-540, law enforcement officers may provide written or verbal notice of the order.~~ Law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of isolation or quarantine ~~rules~~ orders after the ~~rules~~ orders are established and the individual is given written ~~or verbal~~ notice of the ~~rules~~ orders. An arrest warrant or an ~~additional~~ isolation or quarantine order is not required for arrest, isolation, or quarantine under Section 44-4-530(D)~~(4)(3)~~.

(E) An employer may not fire, demote, or otherwise discriminate against an employee complying with an isolation or quarantine order issued pursuant to Section 44-1-80, 44-1-110, 44-1-140, 44-4-520, 44-4-530, or 44-4-540; however, nothing in this section prohibits an employer from requiring an employee to use annual or sick leave to comply with such an order.

SECTION 10. Section 44-4-540 of the S.C. Code is amended to read:

Section 44-4-540. ~~(A) During a public health emergency, the isolation and quarantine of an individual or groups of individuals must be undertaken in accordance with the procedures provided in this section.~~

~~—(B)(1) DHEC may temporarily isolate or quarantine an individual or groups of individuals through an emergency order signed by the commissioner or his designee, if delay in imposing the isolation or quarantine would significantly jeopardize DHEC's ability to prevent or limit the transmission of a contagious or possibly contagious disease to others.~~

~~—(2) The emergency order must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a copy of Article V of this act and relevant definitions of this act.~~

~~—(3) A copy of the emergency order must be given to the individual(s) or groups of individuals to be isolated or quarantined, or if impractical to be given to a group of individuals, it may be posted in a conspicuous place in the isolation or quarantine premises.~~

~~—(4) Within ten days after issuing the emergency order, DHEC must file a petition pursuant to subsection (C) of this section for a court order authorizing the continued isolation or quarantine of the isolated or quarantined individual or groups of individuals.~~

~~—(C)(1) DHEC may make a written petition to the trial court for an order authorizing the isolation or quarantine of an individual or groups of individuals.~~

~~—(2) A petition under subsection (C)(1) must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a statement of compliance with the conditions and principles for isolation or quarantine of Section 44-4-530(B); and (vi) a statement of the basis upon which isolation or quarantine is justified in compliance with this article. The petition must be accompanied by a sworn affidavit of DHEC attesting to the facts asserted in the petition,~~

~~together with any further information that may be relevant and material to the court's consideration.~~

~~—(3) Notice to individuals or groups of individuals identified in the petition must be accomplished within twenty-four hours in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.~~

~~—(4) A hearing must be held on any petition filed pursuant to this subsection within five days of filing of the petition. In extraordinary circumstances and for good cause shown, DHEC may apply to continue the hearing date on a petition filed pursuant to this section for up to ten days, which continuance the court may grant in its discretion giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence.~~

~~—(5)(a) The court must grant the petition if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to prevent or limit the transmission of a contagious or possibly contagious disease.~~

~~—(b) An order authorizing isolation or quarantine may do so for a period not to exceed thirty days.~~

~~—(c) The order must: (i) identify the isolated or quarantined individuals or groups of individuals by name or shared or similar characteristics or circumstances; (ii) specify factual findings warranting isolation or quarantine pursuant to this act; (iii) include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this act; and (iv) served on affected individuals or groups of individuals in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.~~

~~—(d) Prior to the expiration of an order issued pursuant to this item, DHEC may move to continue the isolation or quarantine for additional periods not to exceed thirty days each. The court must consider the motion in accordance with standards set forth in this item.~~

~~(D)(A)(1) An individual or group of individuals isolated or quarantined pursuant to this act may~~

apply to the trial court for an order to show cause why the individual or group of individuals should not be released. The court must rule on the application to show cause within forty-eight hours of its filing. If the court grants the application, the court must schedule a hearing on the order to show cause within twenty-four hours from issuance of the order to show cause. The issuance of the order to show cause does not stay or enjoin the isolation or quarantine order.

(2)(a) An individual or group of individuals isolated or quarantined pursuant to this act may request a hearing in the trial court for remedies regarding breaches to the conditions of isolation or quarantine. A request for a hearing does not stay or enjoin the isolation or quarantine order.

(b) Upon receipt of a request under this subsection ~~alleging extraordinary circumstances justifying the immediate granting of relief~~, the court must fix a date for hearing on the matters alleged not more than twenty-four hours from receipt of the request.

~~—(c) Otherwise, upon receipt of a request under this subsection, the court must fix a date for hearing on the matters alleged within five days from receipt of the request.~~

(3) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, ~~DHEC~~ the department may move the court to extend the time for a hearing up to forty-eight hours, which extension the court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of the necessary witnesses and evidence.

~~(E)~~(B) A record of the proceedings pursuant to this section must be made and retained. In the event that, given a state of public health emergency, parties cannot personally appear before the court, proceedings may be conducted by their authorized representatives and be held via any means that allow all parties to fully participate.

~~(F)~~(C) The court must appoint counsel to represent individuals or groups of individuals who are or who are about to be isolated or quarantined pursuant to the provisions of this act and who are not otherwise represented by counsel. Payment for these appointments must be made in accordance with other appointments for legal representation in actions arising outside of matters in this act, and is not the responsibility of any one state agency. Appointments last throughout the

duration of the isolation or quarantine of the individual or groups of individuals. ~~DHEC~~ The department must provide adequate means of communication between such individuals or groups of individuals and their counsel. Where necessary, additional counsel for ~~DHEC~~ the department from other state agencies or from private attorneys appointed to represent state agencies, must be appointed to provide adequate representation for the agency and to allow timely hearings of the petitions and motions specified in this section.

~~—(G) In any proceedings brought pursuant to this section, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into groups of claims where:~~

~~—(1) the number of individuals involved or to be affected is so large as to render individual participation impractical;~~

~~—(2) there are questions of law or fact common to the individual claims or rights to be determined;~~

~~—(3) the group claims or rights to be determined are typical of the affected individuals' claims or rights; and~~

~~—(4) the entire group will be adequately represented in the consolidation.~~

~~—(H) Notwithstanding the provisions of subsection (A), prior to the Governor declaring a public health emergency, as defined in Section 44-4-130, the isolation and quarantine of an individual or groups of individuals pursuant to Section 44-1-80, 44-1-110, 44-1-140, 44-4-520, 44-4-530, or 44-4-540 must be undertaken in accordance with the procedures provided in this section.~~

SECTION 11. Section 44-4-570 of the S.C. Code is amended to read:

Section 44-4-570. (A) ~~DHEC~~ The department, in coordination with the appropriate licensing authority and the Department of Labor, Licensing and Regulation, may exercise, for

such period as the state of public health emergency exists, in addition to existing emergency powers, the following emergency powers regarding licensing of health personnel:

~~—(1) to require in-state health care providers to assist in the performance of vaccination, treatment, examination, or testing of any individual as a condition of licensure, authorization, or the ability to continue to function as a health care provider in this State;~~

(2)(1) to accept the volunteer services of in-state and out-of-state health care providers consistent with Title 8, Chapter 25, to appoint such in-state and out-of-state health care providers as emergency support function volunteers, and to prescribe the duties as may be reasonable and necessary for emergency response; and

(3)(2) to authorize the medical examiner or coroner to appoint and prescribe the duties of such emergency assistant medical examiners or coroners as may be required for the proper performance of the duties of the office.

(B)(1) The appointment of in-state and out-of-state health care providers pursuant to this section may be for a limited or unlimited time but must not exceed the termination of the state of public health emergency. DHEC may terminate the in-state and out-of-state appointments at any time or for any reason provided that any termination will not jeopardize the health, safety, and welfare of the people of this State.

(2) The appropriate licensing authority may waive any or all licensing requirements, permits, or fees required by law and applicable orders, rules, or regulations for health care providers from other jurisdictions to practice in this State.

(C)(1) Any health care provider appointed by the department pursuant to this section must not be held liable for any civil damages as a result of medical care or treatment including, but not limited to, trauma care and triage assessment, related to the appointment of the health care provider and the prescribed duties unless the damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of the patient.

(2) This subsection applies if the health care provider does not receive payment from the State

other than as allowed in Section 8-25-40 for the appointed services and prescribed duties. However, if the health care provider is an employee of the State, the health care provider may continue to receive compensation from the health care provider's employer. This subsection applies whether the health care provider was paid, should have been paid, or expected to be paid for the services at the time of rendering the services from sources including, but not limited to, Medicaid, Medicare, reimbursement under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 512, et seq., or private health insurance.

(D)(1) The appointment of emergency assistant medical examiners or coroners pursuant to this section may be for a limited or unlimited time, but must not exceed the termination of the state of public health emergency. The medical examiner or coroner may terminate the emergency appointments at any time or for any reason, if the termination will not impede the performance of the duties of the office.

(2) The medical examiner or coroner may waive any or all licensing requirements, permits, or fees required by law ~~and applicable orders, rules, or regulations~~ for the performance of these duties.

~~—(3) Any emergency assistant medical examiner or coroner appointed pursuant to this section is immune from civil liability for damages resulting from services relating to and performed during the period of appointment unless the damages result from providing, or failing to provide, services under circumstances demonstrating a reckless disregard for the consequences.~~

SECTION 12.If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 13. This act takes effect July 1, 2024.

Renumber sections to conform.

Amend title to conform.