Agency Name: Department of Health and Environmental Control

Statutory Authority: 44-1-110, 44-1-140, and 44-29-10 et seq.

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Document No. 4612

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

CHAPTER 61

Statutory Authority: 1976 Code Sections 44‑1‑110, 44‑1‑140 and 44‑29‑10 et seq.

61‑21. Sexually Transmitted Diseases

**Synopsis:**

The Department of Health and Environmental Control (Department) amends Regulation 61‑21, Sexually Transmitted Diseases. In the interest of supporting the Department’s goal of promoting and protecting the health of the public in a more efficient and effective manner, these amendments will update the language to be consistent with medically accurate terms and disease prevention methods.

A Notice of Drafting for these amendments was published in the *State Register* on April 24, 2015.

Section‑by‑Section Discussion of Amendments:

Statutory Authority for the regulation is added under the title of the regulation.

61‑21.B.

Revised to delete venereal in reference to sexually transmitted diseases and to define them as spread through person‑to‑person sexual contact and as identified annually in the DHEC List of Reportable Diseases.

61‑21.H.

Revised to specify the public school notification requirement as kindergarten through fifth grade.

61‑21.K(4)(c)

Revised to remove “nonoxynol‑9 and other chemical agents” as this is no longer recommended.

61‑21.L(3)

Revised to remove “nonoxynol‑9 or other chemical agents” as this is no longer recommended. Revised to move “condoms” within the text for clarity and readability.

**Instructions:** Amend R.61-21 pursuant to each individual instruction provided with the text of the amendments below.

**Text:**

**61‑21. Sexually Transmitted Diseases.**

**Add statutory under title of the regulation to read:**

(Statutory Authority: 1976 Code Sections 44‑1‑110, 44‑1‑140 and 44‑29‑10 et seq.)

**Amend Section B to read:**

B. Sexually transmitted diseases declared dangerous to the public health. Sexually transmitted diseases are declared to be contagious, infectious, communicable, and dangerous to the public health. Sexually transmitted diseases include all diseases or infections spread through person‑to‑person sexual contact which are included in the annual Department of Health and Environmental Control List of Reportable Diseases.

**Amend Section H(2) only; subitems H(1) and (3) remain the same, to read:**

H. School Attendance Considerations and Notification Requirements.

 (2) Requirement to notify public schools. In accordance with Section 44‑29‑135 S.C. Code of Laws, as amended, if a minor has AIDS or is infected with HIV and is attending a public school in kindergarten through fifth grade, the superintendent of the school district and the school nurse or other health professional assigned to the school the minor attends must be notified. The information given to the district superintendent and/or the school nurse or other health professional must be kept strictly confidential and should only be revealed to school personnel who have a bona fide need to know. All persons receiving this information must keep the information strictly confidential. Violation of this regulation may result in imposition of penalties as set forth in Sections 44‑1‑150 and 44‑29‑140 South Carolina Code of Laws and other applicable penalties.

**Amend Section K(4)(c) only; subitems K(4)(a), (b), (d), (e), (f), (g), (h) and (i) remain the same, to read:**

K. Recalcitrant HIV infected persons.

 (4) In cases of recalcitrant persons who have HIV infection, modification of behavior must include cessation of behaviors that expose other persons to HIV. The Department may issue a public health order requiring the recalcitrant person to comply with appropriate directives to protect the public health. These directives may include, but are not limited to, any or all of the following:

 (c) Always use condoms as recommended by public authorities during anal, vaginal or oral intercourse and exercise caution when using condoms due to possible condom failure or improper use;

**Amend Section L(3); subitems L(1) and (2) remain the same, to read:**

L. Prisons and STD/HIV infected prisoners.

 (3) In order to protect the public health, all prisons and jails should allow during visits of prisoners and their sexual partners to possess and use condoms recommended by public health authorities. The prison or jail is not required by these regulations to expend public monies to purchase condoms, for either prisoners or visitors.

**Fiscal Impact Statement:**

The regulations will have no substantial fiscal or economic impact on the State or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State Government due to any inherent requirements of this regulation.

**Statement of Need and Reasonableness:**

This Statement of Need and Reasonableness and Rationale was determined by staff analysis pursuant to S.C. Code Section 1‑23‑115(C)(1)‑(3) and (9)‑(11.)

DESCRIPTION OF REGULATION: Amendment of Regulation 61‑21, Sexually Transmitted Diseases.

Purpose: The amendments to Regulation 61‑21 update the language to be consistent with medically accurate terms and disease prevention methods. The Regulation gives the Department of Health and Environmental Control the responsibility and authority for specifying and directing the methods of control of communicable and other publicly preventable diseases.

Legal Authority: The legal authority for Regulation 61‑21 is derived from 1976 S.C. Code Section 44‑1‑110, 44‑1‑140 and 44‑29‑10 et seq.

Plan for Implementation: Upon approval by the General Assembly and publication in the State Register as a final regulation, a copy of Regulation 61-21, including these amendments, will be available electronically on the Department’s Laws and Regulation website. Subsequently, this regulation will be published in the S.C. Code of Regulations. Printed copies will be made available for a fee from the DHEC Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The amendments to Regulation 61‑21 are needed to update the medical terms and conditions to reflect current terminology, specify the school notification requirement as kindergarten through fifth grade, and to remove “nonoxynol‑9 or other chemical agents” as this is no longer recommended.

The amendments are reasonable because they provide an efficient procedure without any anticipated cost increase, provide clear standards and criteria for the regulated community, and support Department goals.

DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the State or its political subdivisions in complying with these amendments. There are no anticipated costs to the regulated community as a result of the amendments.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The amendments to Regulation 61‑21 seek to support the Department’s goals relating to the protection of public health through the anticipated benefits stated above. There is no anticipated effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There is no anticipated detrimental effect on the environment associated with these amendments. Possible detrimental effect on public health includes failure to realize the anticipated benefits highlighted above.

**Statement of Rationale:**

The Department is amending Regulation 61‑21, Sexually Transmitted Diseases, in the interest of overall quality improvement and updates for consistency with current terminology and public health recommendations.