**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4193**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Pitts, Brantley, J.H. Neal, Huggins, Merrill, Brannon, Toole, Spires, Gilliard, Parker, Loftis, Williams, Crosby, King, McEachern, Thayer, Gambrell, McCoy, Hardwick, Norman, Limehouse, Barfield, Branham, Delleney, Hixon, Hosey, Long, Lowe, D.C. Moss, V.S. Moss, Neilson, Patrick, Pope, Simrill, Stringer, Taylor, White, Willis and Bingham

Document Path: l:\council\bills\ggs\22106zw11.docx

Companion/Similar bill(s): 1011

Introduced in the House on May 5, 2011

Currently residing in the House Committee on **Judiciary**

Summary: Searches, seizures, and invasions of privacy

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/5/2011 House Introduced and read first time ([House Journal‑page 7](file:///h:\hj%20archive\2011\05-05-11.docx))

5/5/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 7](file:///h:\hj%20archive\2011\05-05-11.docx))

5/24/2011 House Member(s) request name added as sponsor: Bingham

**VERSIONS OF THIS BILL**

[5/5/2011](file:///p:\pprever\2011-12\4193_20110505.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 10, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO SEARCHES AND SEIZURES AND INVASIONS OF PRIVACY, SO AS TO GUARANTEE THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONAL HEALTH INFORMATION FROM INVASIONS OF PRIVACY BY HEALTH CARE PROVIDERS, MEDICAL INSURERS, AND GOVERNMENTAL ENTITIES.

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

SECTION 1. It is proposed that Section 10, Article I of the Constitution of this State be amended by adding the following new paragraph at the end:

“The right of the people to be secure in their personal health information from invasions of privacy by health care providers, medical insurers, and governmental entities must not be violated. Personal health information must be considered the sole property of the individual and only must be used, shared, or stored by certain entities with the written consent of the individual. The General Assembly may enact enabling legislation authorizing the use, sharing, or storage of personal health information only after a majority of the qualified electors of this State have approved the use, sharing, or storage of personal health information in a referendum authorized by law.”

SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 10, Article I of the Constitution of this State, relating to searches and seizures and invasions of privacy, be amended so as to provide that the right of the people to be secure in their personal health information from invasions of privacy by health care providers, medical insurers, and governmental entities must not be violated. Personal health information must be considered the sole property of the individual and only shall be used, shared, or stored by certain entities with the written consent of the individual. The General Assembly may enact enabling legislation authorizing the use, sharing, or storage of personal health information only after a majority of the qualified electors of this State have approved the use, sharing, or storage of personal health information in a referendum authorized by law?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

‑‑‑‑XX‑‑‑‑