**South Carolina General Assembly**

120th Session, 2013-2014

**A295, R329, H4665**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. H.A. Crawford, Erickson, Atwater, Allison, Clemmons, Gagnon, Goldfinch, Hardee, Hardwick, Harrell, Henderson, Horne, Nanney, Putnam, Quinn, Ryhal and Knight

Document Path: l:\council\bills\ggs\22592vr14.docx

Companion/Similar bill(s): 841

Introduced in the House on February 19, 2014

Introduced in the Senate on May 6, 2014

Last Amended on June 19, 2014

Passed by the General Assembly on June 19, 2014

Governor's Action: June 23, 2014, Signed

Summary: Childcare facility

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/19/2014 House Introduced and read first time ([House Journal‑page 8](file:///H%3A%5CHJ%20Archive%5C2014%5C02-19-14.docx))

 2/19/2014 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 8](file:///H%3A%5CHJ%20Archive%5C2014%5C02-19-14.docx))

 3/26/2014 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 87](file:///H%3A%5CHJ%20Archive%5C2014%5C03-26-14.docx))

 3/27/2014 House Member(s) request name added as sponsor: Knight

 4/2/2014 House Debate adjourned until Thur., 4‑3‑14 ([House Journal‑page 188](file:///H%3A%5CHJ%20Archive%5C2014%5C04-02-14.docx))

 4/3/2014 House Debate adjourned until Tues., 4‑8‑14 ([House Journal‑page 24](file:///H%3A%5CHJ%20Archive%5C2014%5C04-03-14.docx))

 4/8/2014 House Debate adjourned until Wed., 4‑9‑14 ([House Journal‑page 12](file:///H%3A%5CHJ%20Archive%5C2014%5C04-08-14.docx))

 4/9/2014 House Requests for debate‑Rep(s). Hiott, JE Smith, Sabb, Cobb‑Hunter, Neal, Patrick, Hayes, Rutherford, Brannon, Allison, Clyburn ([House Journal‑page 17](file:///H%3A%5CHJ%20Archive%5C2014%5C04-09-14.docx))

 4/10/2014 House Debate adjourned until Tues., 4‑29‑14 ([House Journal‑page 147](file:///H%3A%5CHJ%20Archive%5C2014%5C04-10-14.docx))

 4/29/2014 House Debate adjourned until Wed., 4‑30‑14 ([House Journal‑page 45](file:///H%3A%5CHJ%20Archive%5C2014%5C04-29-14.docx))

 4/30/2014 House Committed to Committee on **Judiciary** ([House Journal‑page 126](file:///H%3A%5CHJ%20Archive%5C2014%5C04-30-14.docx))

 4/30/2014 House Reconsidered ([House Journal‑page 140](file:///H%3A%5CHJ%20Archive%5C2014%5C04-30-14.docx))

 4/30/2014 House Amended ([House Journal‑page 140](file:///H%3A%5CHJ%20Archive%5C2014%5C04-30-14.docx))

 4/30/2014 House Roll call Yeas‑109 Nays‑0 ([House Journal‑page 143](file:///H%3A%5CHJ%20Archive%5C2014%5C04-30-14.docx))

 5/1/2014 House Read third time and sent to Senate ([House Journal‑page 48](file:///H%3A%5CHJ%20Archive%5C2014%5C05-01-14.docx))

 5/6/2014 Senate Introduced and read first time ([Senate Journal‑page 5](file:///H%3A%5CSJ%20Archive%5C2014%5C05-06-14.docx))

 5/6/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](file:///H%3A%5CSJ%20Archive%5C2014%5C05-06-14.docx))

 5/29/2014 Senate Recalled from Committee on **Judiciary** ([Senate Journal‑page 5](file:///H%3A%5CSJ%20Archive%5C2014%5C05-29-14.docx))

 6/3/2014 Senate Amended ([Senate Journal‑page 34](file:///H%3A%5CSJ%20Archive%5C2014%5C06-03-14.docx))

 6/3/2014 Senate Read second time ([Senate Journal‑page 34](file:///H%3A%5CSJ%20Archive%5C2014%5C06-03-14.docx))

 6/3/2014 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 34](file:///H%3A%5CSJ%20Archive%5C2014%5C06-03-14.docx))

 6/4/2014 Senate Amended ([Senate Journal‑page 22](file:///H%3A%5CSJ%20Archive%5C2014%5C06-04-14.docx))

 6/4/2014 Senate Read third time and returned to House with amendments ([Senate Journal‑page 22](file:///H%3A%5CSJ%20Archive%5C2014%5C06-04-14.docx))

 6/4/2014 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 22](file:///H%3A%5CSJ%20Archive%5C2014%5C06-04-14.docx))

 6/5/2014 House Non‑concurrence in Senate amendment ([House Journal‑page 31](file:///H%3A%5CHJ%20Archive%5C2014%5C06-05-14.docx))

 6/5/2014 House Roll call Yeas‑0 Nays‑95 ([House Journal‑page 31](file:///H%3A%5CHJ%20Archive%5C2014%5C06-05-14.docx))

 6/5/2014 Senate Senate insists upon amendment and conference committee appointed Cleary, Coleman, Shealy ([Senate Journal‑page 70](file:///H%3A%5CSJ%20Archive%5C2014%5C06-05-14.docx))

 6/5/2014 House Conference committee appointed Alexander, Erickson, HA Crawford ([House Journal‑page 74](file:///H%3A%5CHJ%20Archive%5C2014%5C06-05-14.docx))

 6/17/2014 House Conference report received and adopted

 6/17/2014 House Roll call Yeas‑114 Nays‑0

 6/19/2014 Senate Conference report adopted ([Senate Journal‑page 17](file:///H%3A%5CSJ%20Archive%5C2014%5C06-19-14.docx))

 6/19/2014 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 17](file:///H%3A%5CSJ%20Archive%5C2014%5C06-19-14.docx))

 6/19/2014 House Ordered enrolled for ratification

 6/20/2014 Ratified R 329

 6/23/2014 Signed By Governor

 7/8/2014 Effective date 06/23/14

 7/9/2014 Act No. 295

**VERSIONS OF THIS BILL**

[2/19/2014](file:///p%3A%5Cpprever%5C2013-14%5C4665_20140219.docx)

[3/26/2014](file:///p%3A%5Cpprever%5C2013-14%5C4665_20140326.docx)

[4/30/2014](file:///p%3A%5Cpprever%5C2013-14%5C4665_20140430.docx)

[5/29/2014](file:///p%3A%5Cpprever%5C2013-14%5C4665_20140529.docx)

[6/3/2014](file:///p%3A%5Cpprever%5C2013-14%5C4665_20140603.docx)

[6/4/2014](file:///p%3A%5Cpprever%5C2013-14%5C4665_20140604.docx)

[6/19/2014](file:///p%3A%5Cpprever%5C2013-14%5C4665_20140619.docx)

(A295, R329, H4665)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑13‑185 SO AS TO REQUIRE A CHILDCARE FACILITY TO OBTAIN PARENTAL PERMISSION TO ADMINISTER MEDICATION TO A MINOR CHILD BEFORE ADMINISTERING THE MEDICATION, TO PROVIDE FOR EXCEPTIONS TO THE REQUIREMENT, AND TO CREATE CRIMINAL PENALTIES; TO AMEND SECTION 63‑13‑80, RELATING TO DEPARTMENT OF SOCIAL SERVICES’ VISITS TO CHILDCARE CENTERS AND GROUP HOMES, SO AS TO APPLY ALSO TO FAMILY CHILDCARE HOMES, TO ALLOW THE DEPARTMENT TO CONDUCT ANNUAL UNANNOUNCED VISITS, AND TO REQUIRE THE DEPARTMENT TO CONDUCT AN INVESTIGATION UPON RECEIPT OF A COMPLAINT; AND TO AMEND SECTION 63‑13‑840, RELATING TO VISITS TO FAMILY CHILDCARE HOMES UPON RECEIPT OF A CONCERN, SO AS TO PROVIDE REQUIREMENTS FOR THE INVESTIGATION OF A COMPLAINT.**

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

**Childcare facility medication administration to children**

SECTION 1. Article 1, Chapter 13, Title 63 of the 1976 Code is amended by adding:

 “Section 63‑13‑185. (A) For purposes of this section, ‘medication’ means a drug that may be obtained with or without a prescription, excluding a topical ointment obtained without a prescription.

 (B) It shall be unlawful for a director, owner, operator, caregiver, employee, or volunteer of a childcare facility to administer medication to a child under the care of the facility unless:

 (1) the parent or guardian of the child has submitted to the childcare facility prior to the administration of the medication a signed and dated parental consent form that authorizes the facility to administer the medication to the child, and the authorization is for not longer than one year;

 (2) the medication is administered as stated on the label directions, or as amended in writing by the child’s health care provider; and

 (3) the medication is not expired.

 (C) Notwithstanding subsection (B), a director, owner, operator, caretaker, employee, or volunteer of a childcare facility may administer medication to a child without a signed authorization if the parent or guardian:

 (1) submits to the facility an authorization in an electronic format that is capable of being viewed and saved; or

 (2) authorizes the childcare facility by telephone to administer a single dose of a medication.

 (D) This section does not apply to a person who administers a medication as prescribed, directed, or intended, to a child, when that person has a good faith belief the child is suffering from a medical emergency and administering medication would prevent the death or serious injury of the child.

 (E) A childcare facility shall maintain in each child’s record all written documentation and records of verbal communication that confirm parental or guardian permission to administer medication to the minor child as required pursuant to this section.

 (F) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, may be imprisoned for up to one year or fined not more than two thousand dollars, or both.”

**Department of Social Services**’ **unannounced inspections and investigations of childcare centers, group childcare homes, and family childcare homes**

SECTION 2. Section 63‑13‑80(A) of the 1976 Code is amended to read:

 “(A) In exercising the powers of licensing, approving, renewing, revoking, or making provisional licenses and approvals, the department shall investigate and inspect licensees and approved operators and applicants for a license or an approval. The authorized representative of the department may visit a childcare center, group childcare home, or family childcare home anytime during the hours of operation without prior notice once a year for purposes of investigations and inspections. In conducting investigations and inspections, the department may call on political subdivisions and governmental agencies for appropriate assistance within their authorized fields. The inspection of the health and fire safety of childcare centers and group childcare homes must be completed upon the request of the department by the appropriate agencies (i.e., Department of Health and Environmental Control, the Office of the State Fire Marshal, or local authorities). Inspection reports completed by state agencies and local authorities must be furnished to the department and become a part of its determination of conformity for licensing and approval. After careful consideration of the reports and consultation where necessary, the department shall assume responsibility for the final determination of licensing, approving, renewing, revoking, or making provisional licenses and approvals. However, upon receipt of a regulatory complaint, the department shall conduct an unannounced inspection of the facility to investigate the complaint. If the complaint is written, the department shall provide a copy to the director upon request.”

**Requirements of Department of Social Services**’ **inspections of family childcare homes**

SECTION 3. Section 63‑13‑840 of the 1976 Code is amended to read:

 “Section 63‑13‑840. (A) When the department visits a family childcare home for purposes of an inspection or investigation pursuant to Section 63‑13‑80(A), it shall conduct the review to ensure the facility complies with the following:

 (1) health and safety of the children;

 (2) no evidence of child abuse; and

 (3) enrollment within the limits set forth in this chapter.

 (B) If a complaint received by the department concerning a family childcare home pursuant to Section 63‑13‑80 indicates that the child has been abused, the department shall carry out its responsibility as authorized under Chapter 7. If the visits and inspections verify conditions detrimental to the health and safety of the children or overenrollment, the department shall carry out its responsibility as authorized pursuant to Section 63‑13‑160 and Section 63‑13‑830(C).”

**Time effective**

SECTION 4. This act takes effect upon approval of the Governor.

Ratified the 20th day of June, 2014.

Approved the 23rd day of June, 2014.

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