COMMITTEE REPORT

March 26, 2014

**H. 4665**

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

S. Printed 3/26/14--H.

Read the first time February 19, 2014.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 4665) to amend the Code of Laws of South Carolina, 1976, by adding Section 63‑13‑185 so as to prohibit the administration of medication to a minor child, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

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

/ 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.

(B) It is unlawful for a director, owner, operator, caregiver, employee, or volunteer of a childcare facility, as defined in Section 63-13-20, 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 healthcare provider; and

(3) the medication has not expired.

(C)(1) Notwithstanding subsection (B), a director, owner, operator, caregiver, employee, or volunteer of a childcare facility may administer medication to a child without a signed authorization if the parent or guardian:

(a) submits to the childcare facility an authorization in an electronic format; or

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

(2) Written documentation of the electronic or telephonic authorization must be maintained by the facility in the child’s record.

(D) This section does not apply to a person that administers a medication to a child in a medical emergency to prevent the death of or serious bodily injury to the child if the medication is administered as prescribed, directed, and intended.

(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, must be fined not more than two thousand dollars or imprisoned not more than one year, or both.”

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

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑13‑185 SO AS TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A MINOR CHILD BY AN EMPLOYEE OR VOLUNTEER OF A CHILDCARE FACILITY WITHOUT PARENTAL PERMISSION, TO INCLUDE EXCEPTIONS IN CIRCUMSTANCES OF EMERGENCIES, TO REQUIRE CHILDCARE FACILITIES TO MAINTAIN RECORDS THAT DOCUMENT RECEIPT OF PARENTAL PERMISSION, AND TO PROVIDE CRIMINAL PENALTIES.

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

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:

(1) ‘Childcare facility’ means a facility that provides care, supervision, or guidance for a minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility whether or not the facility is operated for profit and whether or not the facility charges for services offered by it.

(2) ‘Medication’ means a drug that may be obtained with or without a prescription, excluding a topical ointment obtained without a prescription.

(B) It is 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 healthcare provider; and

(3) the medication has not expired.

(C) Notwithstanding subsection (B), a director, owner, operator, caregiver, 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 childcare 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 that administers a medication to a child in a medical emergency to prevent the death or serious bodily injury of the child if the medication is administered as prescribed, directed, and intended.

(E) A childcare facility shall maintain, for one month from the date a director, owner, operator, caregiver, employee, or volunteer administers medication to a minor child, 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, must be fined not more than two thousand dollars or imprisoned not more than one year, or both.”

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

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