**A** **BILL**

TO MAKE SUPPLEMENTAL APPROPRIATIONS TO THE STATE HUMAN AFFAIRS COMMISSION TO MEET CERTAIN VACCINATION RIGHTS REQUIREMENTS; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA VACCINATION RIGHTS ACT OF 2022” BY ADDING SECTION 1‑13‑120 SO AS TO SET FORTH CERTAIN UNLAWFUL DISCRIMINATORY PRACTICES RELATING TO REQUIREMENTS INVOLVING A PERSON’S VACCINATION STATUS OR THE POSSESSION OF AN IMMUNITY PASSPORT; TO AMEND SECTION 1‑13‑30, AS AMENDED, RELATING TO DEFINITIONS REGARDING THE STATE HUMAN AFFAIRS COMMISSION, SO AS TO DEFINE “VACCINATION STATUS” AND “IMMUNITY PASSPORT”; AND TO AMEND SECTION 1‑13‑20, RELATING TO THE POLICY AGAINST DISCRIMINATION, SO AS TO MAKE ADDITIONAL DECLARATIONS REGARDING THE PRIVACY OF MEDICAL RECORDS AND DISCRIMINATION BY VACCINATION STATUS.

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

SECTION 1. From the Contingency Reserve Fund, there is appropriated two hundred dollars to the State Human Affairs Commission to meet the requirements of Section 1‑13‑120(E).

SECTION 2. This act must be cited as the “South Carolina Vaccination Rights Act of 2022”.

SECTION 3. Chapter 13, Title 1 of the 1976 Code is amended by adding:

“Section 1‑13‑120. (A) Except as provided in subsection (B), it is an unlawful discriminatory practice for:

(1) a person or a governmental entity to refuse, withhold from, or deny to a person any local or state services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities based on the person’s refusal to provide vaccination status or whether the person has an immunity passport;

(2) an employer to refuse employment to a person, to bar a person from employment, or to discriminate against a person in compensation or in a term condition, or privilege of employment based on the person’s refusal to provide vaccination status or whether the person has an immunity passport; or

(3) a public accommodation to exclude, limit, segregate, refuse to serve, or otherwise discriminate against a person based on the person’s vaccination status or whether the person has an immunity passport.

(B) This section does not apply to vaccination requirements set forth for public schools or childcare facilities pursuant to Section 44‑29‑180.

(C)(1) A person, governmental entity, or an employer does not unlawfully discriminate under this section if it recommends, but does not require, that an employee receive a vaccine.

(2) A health care facility, as defined in Section 44‑7‑130, does not unlawfully discriminate under this section if it complies with either:

(a) asking an employee to volunteer the employee’s vaccination or immunization status for the purpose of determining whether the health care facility should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases. A health care facility may consider an employee to be non‑vaccinated or non‑immune if the employee declines to provide the employee’s vaccination or immunization status to the health care facility for purposes of determining whether reasonable accommodation measures should be implemented; or

(b) implementing reasonable accommodation measures for employees, patients, visitors, and other persons who are not vaccinated or not immune to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases.

(D) Notwithstanding any other provision of this section, an individual may not be required to receive any vaccine whose use is allowed under an emergency use authorization or any vaccine undergoing safety trials.

(E)(1) The commission prominently shall display the requirements of this section on its Internet website and notify local boards of health of the requirements.

(2) Each local board of health shall prominently display the requirements of this section on its Internet website, if a website is maintained, until at least 2023.”

SECTION 4. Section 1‑13‑30 of the 1976 Code, as last amended by Act 244 of 2018, is further amended by adding appropriately lettered items at the end to read:

“( ) ‘Immunity passport’ means a document, digital record, or software application indicating that a person is immune to a disease, either through vaccination or infection and recovery.

( ) ‘Vaccination status’ means an indication of whether a person has received one or more doses of a vaccine.”

SECTION 5. Section 1‑13‑20 of the 1976 Code is amended to read:

“Section 1‑13‑20. This chapter is an expression of the concern of the State for the promotion of harmony and the betterment of human affairs. The General Assembly declares the practice of discrimination against an individual because of race, religion, color, sex, age, national origin, ~~or~~ disability, or vaccination status as a matter of state concern and declares that this discrimination is unlawful and in conflict with the ideals of South Carolina and the nation, as this discrimination interferes with opportunities of the individual to receive employment and to develop according to the individual’s own ability and is degrading to human dignity. The General Assembly further declares that to alleviate these problems a state agency is created which shall seek to eliminate and prevent discrimination because of race, religion, color, sex, age, national origin, ~~or~~ disability, or vaccination status. The General Assembly further declares that health care information is personal and sensitive information that if improperly used or released may do significant harm to a patient’s interests in privacy and health care or other interests. The General Assembly further declares that medical records fall within the zone of privacy protected by Section 10, Article I of the Constitution of this State and are quintessentially private and deserve the utmost constitutional protection for all persons employed or residing in South Carolina.”

SECTION 6. 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 7. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑