**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5060**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Burns, Magnuson, Cromer, May and Harris

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Introduced in the House on February 7, 2024

Currently residing in the House

Summary: Blood and Organ Donation

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/7/2024 House Introduced and read first time (House Journal‑page 48)

 2/7/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 48)

 2/8/2024 Scrivener's error corrected

 2/13/2024 House Member(s) request name added as sponsor:
 Magnuson, Cromer, May, Harris

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**VERSIONS OF THIS BILL**

[02/07/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5060_20240207.docx)

[02/08/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5060_20240208.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44‑43‑15 SO AS TO REQUIRE THAT DONATED BLOOD, OTHER HUMAN TISSUE, OR ORGANS BE TESTED FOR THE PRESENCE OF CERTAIN CONTAMINANTS AND LABELED ACCORDINGLY BEFORE DISTRIBUTION FOR USE IN TRANSFUSIONS OR TRANSPLANTATIONS, TO ALLOW PATIENTS TO DECLINE CONTAMINATED DONATED PRODUCTS WITHOUT PENALTY, TO CREATE A CIVIL PENALTY FOR VIOLATIONS OF THE SECTION, TO PROVIDE LIMITED IMMUNITY, AND FOR OTHER PURPOSES.

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

SECTION 1. Article 1, Chapter 43, Title 44 of the S.C. Code is amended by adding:

 Section 44‑43‑15. (A) Whole blood, plasma, blood derivatives, blood products, other human tissue, and organs must be tested for the presence of high‑count spike proteins from long COVID‑19 or products created from gene therapy biologics, and labeled accordingly, before being used by a hospital or other health care provider in the State for any blood, other human tissue, or organ donation procedure including, but not limited to, a transfusion or transplantation.

 (B) Every blood bank, eye bank, organ procurement organization, hospital, or other health care provider offering services related to blood, other human tissue, or organ donation for transfusions, transplantations, or other such medical procedures shall ensure that all donated products are sent to a laboratory licensed by the Department of Public Health for testing in accordance with the requirements of subsection (A) prior to distribution for use by a hospital or other health care provider offering transfusion, transplantation, or other such medical services in the State. After testing, the laboratory must label any donated product that contains a presence of high‑count spike proteins from long COVID‑19 or products from gene therapy biologics.

 (C) A hospital or other health care provider offering transfusion, transplantation, or other such medical services shall obtain written consent from any patient before performing a transfusion, transplantation, or other such medical service in which the donated product to be received by the patient is labeled as containing a presence of high‑count spike proteins from long COVID‑19 or products from gene therapy biologics. A patient may decline any such contaminated donated product without penalty including, but not limited to, fines, retribution, disqualification, a denial of right to receive noncontaminated donated products, or change in status as a patient or in the order in which the patient is eligible to receive a donated product for which there is a wait list.

 (D) A blood bank, eye bank, organ procurement organization, hospital, or other health care provider that violates a provision of this section is subject to a fine of five hundred dollars for each patient who receives a transfusion, transplantation, or other tissue or organ donation from a product that has not been tested as required by this section or from a product which after testing has been found to contain a presence of high‑count spike proteins from long COVID‑19 or products created from gene therapy biologics but which the patient did not consent in writing to receive despite the presence of the contaminants.

 (E) A blood bank, eye bank, organ procurement organization, hospital, or other health care provider, including its officers and agents, acting in compliance with the provisions of this section is not subject to arrest, prosecution, or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board for any damages to a patient resulting from the presence of high‑count spike proteins from long COVID‑19 or products created from gene therapy biologics in donated blood, other tissue, or organs.

 (F) For purposes of this section, “gene therapy biologics” means any biological product with any capacity to alter, interfere with, or otherwise act in any manner similar or equivalent to genes, and includes messenger ribonucleic acid.

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

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