**South Carolina General Assembly**

125th Session, 2023-2024

**S. 965**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Massey and Corbin

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Introduced in the Senate on January 17, 2024

Currently residing in the Senate

Summary: Vaccination Discrimination Prevention Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/17/2024 Senate Introduced and read first time ([Senate Journal‑page 3](h:\sj\20240117.docx))

1/17/2024 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 3](h:\sj\20240117.docx))

3/7/2024 Senate Committee report: Favorable **Medical Affairs** ([Senate Journal‑page 7](h:\sj\20240307.docx))

3/12/2024 Scrivener's error corrected

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=965&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[01/17/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/965_20240117.docx)

[03/07/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/965_20240307.docx)

[03/12/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/965_20240312.docx)

Committee Report

March 07, 2024

S. 965

Introduced by Senators Massey and Corbin

S. Printed 03/07/24--S. [SEC 3/12/2024 10:53 AM]

Read the first time January 17, 2024

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The committee on Senate Medical Affairs

To whom was referred a Bill (S. 965) to amend the South Carolina Code of Laws by adding Chapter 83 to Title 44 so as to provide that the State or any political subdivision may not enact a COVID-19 vaccination, etc., respectfully

Report:

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

DANIEL VERDIN for Committee.

\_\_\_\_\_\_\_\_

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 83 TO TITLE 44 SO AS TO PROVIDE THAT THE STATE OR ANY POLITICAL SUBDIVISION MAY NOT ENACT A COVID-19 VACCINATION MANDATE; TO PROVIDE FOR CERTAIN UNEMPLOYMENT BENEFITS; TO PROVIDE THAT NOTHING IN THIS ACT SHALL PREVENT AN EMPLOYER FROM ENCOURAGING OR ADMINISTERING VACCINES; TO PROVIDE RESTRICTIONS FOR A PRIVATE EMPLOYER’S VACCINE MANDATE; TO PROVIDE THAT CERTAIN VACCINE EXEMPTIONS MUST BE HONORED; AND TO PROVIDE THAT NO PERSON MAY BE DISCRIMINATED AGAINST BASED ON VACCINATION STATUS.

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

SECTION 1. Title 44 of the S.C. Code is amended by adding:

CHAPTER 83

COVID‑19 Vaccination Mandates Prohibited

Section 44‑83‑100. (A) Except as provided in subsection (B), the State or any of its political subdivisions, including a school district, may not enact a COVID‑19 vaccine mandate for any:

(1) employee, independent contractor, or nonemployee vendor as a condition of employment or conducting business with the State or a political subdivision;

(2) student as a condition of attendance; or

(3) participant, volunteer, or other person associated with an auxiliary event, activity, or program as a condition for participating in, volunteering for, or associating with the auxiliary event, activity, or program.

(B) If the State or any of its political subdivisions, including a school district, is subject to a federal requirement that would lead to the forfeiture of federal funds due to a failure to require employees, independent contractors, or nonemployee vendors to receive a COVID‑19 vaccination:

(1) the employer may require an unvaccinated employee, independent contractor, or nonemployee vendor to undergo weekly COVID‑19 testing if the federal requirement allows for testing as an alternative to vaccination; or

(2) the employee is eligible for unemployment benefits subject to the benefit amounts, duration, and requirements as provided in Article 1, Chapter 35, Title 41 if the federal mandate gives the employer no alternative to terminating the employee without forfeiting federal funds.

(C) The Department of Public Health and the Medical University of South Carolina shall partner with state and local government employers to provide COVID‑19 testing as provided in subsection (B)(1).

Section 44‑83‑110. (A) If a private employer terminates, suspends, or otherwise reduces the compensation of an employee because the employee does not receive a COVID‑19 vaccination or booster, that employee is eligible for unemployment benefits subject to the benefit amounts, duration, and requirements as provided in Article 1, Chapter 35, Title 41.

(B) For purposes of this section, “private employer” means all employers other than the State and its political subdivisions, including school districts.

Section 44‑83‑120. Nothing contained in this act shall prevent an employer from encouraging, promoting, or administering vaccinations, and nothing in this act shall prevent an employer from offering incentives to employees who elect to be vaccinated.

Section 44‑83‑130. (A) A private employer’s vaccine mandate may not:

(1) extend to independent contractors, nonemployee vendors, or other third parties that provide goods or services to the employer; and

(2) be used to coerce independent contractors, nonemployee vendors, or other third parties that provide goods or services to the employer into implementing a vaccine mandate to maintain the business relationship.

(B) For purposes of this section, “private employer” means all employers other than the State and its political subdivisions, including school districts.

(C)(1) The provisions of this section do not apply to an employer if the employer submits an affidavit with the Department of Employment and Workforce attesting to the fact that the employer has a contract with the federal government, a subcontract with a federal contractor, or is subject to a federal regulation that contains a valid, enforceable provision that is contrary to the requirements of this section.

(2) The provisions of this section do not apply to an employer seeking to enter into a federal contract, or a subcontract with a prospective federal contractor, that includes a valid, enforceable provision that is contrary to the requirements of this section if the employer submits an affidavit with the Department of Employment and Workforce attesting to the fact that if the employer is awarded the contract or subcontract, then the employer must enforce a provision that is contrary to the requirements of this section.

(3) An affidavit filed with the Department of Employment and Workforce pursuant to this subsection remains in effect until revoked by the employer.

Section 44‑83‑140. (A) Notwithstanding any other provision of law, a religious exemption or medical exemption must be honored regarding any COVID‑19 vaccine or booster requirement. A medical exemption may include the presence of antibodies, a prior positive COVID‑19 test, or pregnancy. To claim a religious exemption, a person must provide his employer with a short, plain statement attesting to the fact that a tenet of his deeply held religious convictions would be violated by receiving the COVID‑19 vaccine and booster.

(B)(1) The provisions of this section do not apply to an employer if the employer submits an affidavit with the Department of Employment and Workforce attesting to the fact that the employer has a contract with the federal government, a subcontract with a federal contractor, or is subject to a federal regulation that contains a valid, enforceable provision that is contrary to the requirements of this section.

(2) The provisions of this section do not apply to an employer seeking to enter into a federal contract, or a subcontract with a prospective federal contractor, that includes a valid, enforceable provision or would be subject to a federal regulation that is contrary to the requirements of this section if the employer submits an affidavit with the Department of Employment and Workforce attesting to the fact that if the employer is awarded the contract or subcontract, then the employer must enforce a provision that is contrary to the requirements of this section.

(3) An affidavit filed with the Department of Employment and Workforce pursuant to this subsection remains in effect until revoked by the employer.

Section 44‑83‑150. (A) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation on the basis of the person’s COVID-19 vaccination status.

(B) No person shall withhold, deny, or attempt to withhold or deny, or deprive, or attempt to deprive any person of any right or privilege secured by the provisions of subsection (A); or intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by the provisions of subsection (A); or punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by the provisions of subsection (A).

(C) Each of the following establishments that serves the public is a place of public accommodation within the meaning of this section if discrimination or segregation by it is supported by state action:

(1) any inn, hotel, motel, or other establishment that provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station;

(3) any hospital, clinic, or other medical facility that provides overnight accommodations;

(4) any retail or wholesale establishment;

(5) any motion picture house, theater, concert hall, billiard parlor, saloon, barroom, golf course, sports arena, stadium, or other place of amusement, exhibition, recreation, or entertainment; and

(6) any establishment that is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

(D) The provisions of this section do not apply to a private club or other establishment not in fact open to the general public. An institution, a club, an organization, or a place of accommodation, as defined in subsection (C), that offers memberships for less than thirty days is not private within the meaning of this section.

(E) Complaints concerning violations of the provisions of this section must be processed and heard pursuant to Article 3, Chapter 9, Title 45. Penalties and remedies for violations of this section are governed by the provisions contained in Article 5, Chapter 9, Title 45.

(F) For the purposes of this section:

(1) “Supported by state action” means the licensing or permitting of any establishment or any agent of an establishment listed above, subject to the exclusion provided in Section 45‑9‑20, which has or must have a license or permit from the State, its agencies, or local governmental entities to lawfully operate.

(2) “Vaccination status” means whether a person has been vaccinated against COVID‑19 or has received a COVID‑19 vaccination booster.

SECTION 2. 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 3. This act takes effect upon approval by the Governor.

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