

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

ALLEN
DECEMBER 8, 2021

CLERK OF THE HOUSE

REP. G.M. SMITH PROPOSES THE FOLLOWING AMENDMENT
No. TO H. 3126 (COUNCIL\SA\3126C011.DF.SA21):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY
STRIKING ALL AFTER THE ENACTING WORDS AND
INSERTING:**

**/ SECTION 1. THE STATE OR ANY POLITICAL
SUBDIVISION THEREOF, INCLUDING A SCHOOL
DISTRICT, MAY NOT ENACT A COVID-19 VACCINE
MANDATE FOR ANY EMPLOYEE, INDEPENDENT
CONTRACTOR, NONEMPLOYEE VENDOR, OR
STUDENT AS A CONDITION OF EMPLOYMENT OR
ATTENDANCE.**

SECTION 2. CHAPTER 15, TITLE 8 OF THE 1976 CODE IS AMENDED BY ADDING:

“SECTION 8-15-80. (A) NEITHER THE STATE, NOR ANY OF ITS POLITICAL SUBDIVISIONS, MAY TERMINATE A PERSON EMPLOYED AS A FIRST RESPONDER IF THE FIRST RESPONDER DOES NOT UNDERGO A COVID-19 VACCINATION.

(B) FOR PURPOSES OF THIS SECTION, ‘FIRST RESPONDER’ MEANS A LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, OR PARAMEDIC WHO IS PAID FROM PUBLIC FUNDS.”

SECTION 3. (A) A PRIVATE EMPLOYER MAY NOT TERMINATE OR SUSPEND AN INDIVIDUAL WHO DOES NOT RECEIVE A COVID-19 VACCINATION.

(B) IF A PRIVATE EMPLOYER IS SUBJECT TO A FEDERAL VACCINE MANDATE, IT MAY ALLOW AN UNVACCINATED EMPLOYEE TO UNDERGO WEEKLY COVID-19 TESTING WITHOUT BEING SUBJECT TO THE FORFEITURE OF FEDERAL FUNDS.

(C) THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE MEDICAL UNIVERSITY OF SOUTH CAROLINA SHALL PARTNER WITH PRIVATE EMPLOYERS TO PROVIDE COVID-19 TESTING.

(D) FROM THE CONTINGENCY RESERVE FUND, THERE IS APPROPRIATED TEN MILLION DOLLARS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TEN MILLION DOLLARS TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA TO FUND COVID-19 TESTING FOR PRIVATE EMPLOYERS.

SECTION 4. ANY EMPLOYER WHO VIOLATES ANY PROVISION OF THIS ACT IS LIABLE IN A CIVIL ACTION FOR LOST WAGES SUFFERED BY AN EMPLOYEE AS A RESULT OF THE VIOLATION, AND AN EMPLOYEE DISCHARGED IN VIOLATION OF THIS ACT IS ENTITLED TO BE REINSTATED TO HIS FORMER POSITION. FURTHERMORE, AN EMPLOYEE MAY RECOVER COSTS AND REASONABLE ATTORNEY'S FEES AS THE COURT

MAY ALLOW. THE STATUTE OF LIMITATIONS FOR ACTIONS UNDER THIS ACT IS ONE YEAR.

SECTION 5. 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 6. THIS ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR AND THE PROVISIONS OF THIS ACT ARE REPEALED ON DECEMBER 31, 2024 UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY. /

**RENUMBER SECTIONS TO CONFORM.
AMEND TITLE TO CONFORM.**