**South Carolina General Assembly**

118th Session, 2009-2010

**A210, R244, H4446**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Crawford

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Companion/Similar bill(s): 1098

Introduced in the House on January 27, 2010

Introduced in the Senate on April 20, 2010

Last Amended on April 13, 2010

Passed by the General Assembly on May 13, 2010

Became law without Governor's signature, June 1, 2010

Summary: Mass immunization projects

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-27-10.docx)‑33

1/27/2010 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** [HJ](file:///h:\HJ%20Archive\2010\01-27-10.docx)‑33

3/24/2010 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** [HJ](file:///h:\HJ%20Archive\2010\03-24-10.docx)‑23

3/25/2010 Scrivener's error corrected

4/13/2010 House Amended [HJ](file:///h:\HJ%20Archive\2010\04-13-10.docx)‑50

4/13/2010 House Debate interrupted [HJ](file:///h:\HJ%20Archive\2010\04-13-10.docx)‑53

4/14/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\04-14-10.docx)‑25

4/15/2010 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2010\04-15-10.docx)‑36

4/20/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\04-20-10.docx)‑6

4/20/2010 Senate Referred to Committee on **Medical Affairs** [SJ](file:///h:\SJ%20Archive\2010\04-20-10.docx)‑6

5/6/2010 Senate Committee report: Favorable **Medical Affairs** [SJ](file:///h:\SJ%20Archive\2010\05-06-10.docx)‑7

5/12/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\05-12-10.docx)‑20

5/13/2010 Senate Read third time and enrolled [SJ](file:///h:\SJ%20Archive\2010\05-13-10.docx)‑17

5/25/2010 Ratified R 244

6/1/2010 Became law without Governor's signature

6/15/2010 Effective date 06/01/10

6/17/2010 Act No. 210

**VERSIONS OF THIS BILL**

[1/27/2010](file:///p:\pprever\2009-10\4446_20100127.docx)

[3/24/2010](file:///p:\pprever\2009-10\4446_20100324.docx)

[3/25/2010](file:///p:\pprever\2009-10\4446_20100325.docx)

[4/13/2010](file:///p:\pprever\2009-10\4446_20100413.docx)

[4/14/2010](file:///p:\pprever\2009-10\4446_20100414.docx)

[5/6/2010](file:///p:\pprever\2009-10\4446_20100506.docx)

(A210, R244, H4446)

**AN ACT TO AMEND SECTION 44‑29‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MASS IMMUNIZATION PROJECTS APPROVED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE PARTICIPATION OF MEDICAL PERSONNEL IN THESE PROJECTS, SO AS TO PROVIDE THAT LICENSED NURSES, RATHER THAN REGISTERED NURSES, ARE INCLUDED IN THE PERSONNEL WHO MAY PARTICIPATE IN THESE PROJECTS AND WHO ARE EXEMPT FROM LIABILITY; AND TO AMEND SECTION 44‑29-40, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL HAVING GENERAL SUPERVISION OVER VACCINATION, SCREENING, AND IMMUNIZATION, SO AS TO REQUIRE THE DEPARTMENT TO ESTABLISH A STATEWIDE IMMUNIZATION REGISTRY, TO REQUIRE HEALTH CARE PROVIDERS TO REPORT THE ADMINISTRATION OF IMMUNIZATIONS TO THE DEPARTMENT, AND TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS.**

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

**Medical personnel authorized to participate in mass immunization projects are exempt from liability**

SECTION 1. Section 44‑29‑210 of the 1976 Code is amended to read:

“Section 44‑29‑210. (A) If the Board of the Department of Health and Environmental Control or the Director of the Department of Health and Environmental Control approves in writing a mass immunization project to be administered in any part of this State in cooperation with an official or volunteer medical or health agency, any authorized employee of the agency, any physician who does not receive compensation for his services in the project, and any licensed nurse who participates in the project, except as provided in subsection (B), is not liable to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine administered in the project by the employee, physician, or nurse. Neither the board nor the director may approve the project unless either finds that the project conforms to good medical and public health practice.

For purposes of this section, a person is considered to be an authorized employee of an official or volunteer medical or health agency if he has received the necessary training for and approval of the department for participation in the project.

(B) Nothing in this section exempts any physician, licensed nurse, or authorized public health employee participating in any mass immunization project from liability for gross negligence, and the provisions of this section do not exempt any drug manufacturer from any liability for any drug or vaccine used in the project.”

**Immunization registry to be established**

SECTION 2. Section 44‑29‑40 of the 1976 Code is amended to read:

“Section 44‑29‑40. (A) The Department of Health and Environmental Control shall have general direction and supervision of vaccination, screening, and immunization in this State. The Department of Health and Environmental Control has the authority to promulgate regulations concerning vaccination, screening, and immunization requirements.

(B) The department shall establish a statewide immunization registry and shall promulgate regulations for the implementation and operation of the registry. All health care providers shall report to the department the administration of any immunization in a manner and including such data as specified by the department. The department may make immunization information available to persons and organizations in accordance with state and federal disclosure and reporting laws. The department may seek enforcement of this section and issue civil penalties in accordance with Section 44‑1‑150.”

**Time effective**

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

Ratified the 25th day of May, 2010.

Became law without the signature of the Governor -- 6/1/2010.

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