COMMITTEE REPORT

March 12, 2014

**S. 841**

Introduced by Senator Cleary

S. Printed 3/12/14--S.

Read the first time January 14, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 841) to amend Article 1, Chapter 13, Title 63, South Carolina Code of Laws, 1976, relating to the regulation of childcare facilities, by adding Section 63-13-185, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, page 2, by striking line 15, in Section 63-13-185(E), as contained in SECTION 1, and inserting therein the following:

/ guilty of a misdemeanor and, upon conviction, may be imprisoned /

Renumber sections to conform.

Amend title to conform.

CREIGHTON B. COLEMAN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Social Services estimates this bill will have no fiscal impact on the state general fund or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 13, TITLE 63, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE REGULATION OF CHILDCARE FACILITIES, BY ADDING SECTION 63-13-185, SO AS TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD BY AN EMPLOYEE OR VOLUNTEER OF A CHILDCARE FACILITY WITHOUT PARENTAL PERMISSION, AND TO INCLUDE EXCEPTIONS IN CIRCUMSTANCES OF EMERGENCIES, AND TO PROVIDE PENALTIES.

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

SECTION 1. Article 1, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63-13-185. (A) For purposes of this section, ‘medication’ means a drug that may be obtained with or without a prescription, excluding a topical ointment obtained without a prescription.

(B) It shall be unlawful for a director, owner, operator, caregiver, employee, or volunteer of a childcare facility to administer medication to a child under the care of the facility unless:

(1) the parent or guardian of the child has submitted to the childcare facility prior to the administration of the medication a signed and dated parental consent form that authorizes the facility to administer the medication to the child, and the authorization is for not longer than one year;

(2) the medication is administered as stated on the label directions, or as amended in writing by the child’s healthcare provider; and

(3) the medication is not expired.

(C) Notwithstanding subsection (B) a director, owner, operator, caretaker, employee, or volunteer of a childcare facility may administer medication to a child without a signed authorization if the parent or guardian:

(1) submits to the facility an authorization in an electronic format that is capable of being viewed and saved; or

(2) authorizes the childcare facility by telephone to administer a single dose of a medication.

(D) This section does not apply to a person that administers a medication to a child in a medical emergency to prevent the death or serious bodily injury of the child if the medication is administered as prescribed, directed, or intended.

(E) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned for up to one year or fined not more than two thousand dollars, or both.”

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

‑‑‑‑XX‑‑‑‑