**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑11‑790 SO AS TO PROVIDE THAT THE STATE EMPLOYEE INSURANCE PLAN MAY NOT REQUIRE AN INSURED TO SEEK PREAUTHORIZATION FOR PRESCRIPTION MEDICATIONS OR MEDICAL TREATMENT OPTIONS UNLESS THE MEDICATION OR TREATMENT OPTION DEVIATES FROM APPROVED UNITED STATES FOOD AND DRUG ADMINISTRATION METHODS; AND BY ADDING SECTION 38‑57‑175 SO AS TO PROHIBIT AN INSURER LICENSED TO DO BUSINESS IN THIS STATE FROM REQUIRING PREAUTHORIZATION FOR A PRESCRIPTION MEDICATION OR MEDICAL TREATMENT OPTION UNLESS THE MEDICATION OR TREATMENT OPTION DEVIATES FROM APPROVED UNITED STATES FOOD AND DRUG ADMINISTRATION METHODS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

SECTION 1. Article 5, Chapter 11, Title 1 of the 1976 Code is amended by adding:

“Section 1‑11‑790. The State Employee Insurance Plan may not require an insured to seek preauthorization for a prescription medication or medical treatment option unless the prescribed medication or treatment option deviates from approved United States Food and Drug Administration methods including, but not limited to, variations in dosage strength and prescribed use.”

SECTION 2. Chapter 57, Title 38 of the 1976 Code is amended by adding:

“Section 38‑57‑175. (A) No insurer licensed to do business in this State may require the preauthorization for a prescription medication or medical treatment option unless the prescribed medication or treatment option deviates from approved United States Food and Drug Administration methods including, but not limited to, variations in dosage strength and prescribed use.

(B) A violation of this section constitutes an unfair trade practice under Chapter 5, Title 39, and insureds injured by violations of this subsection have an action for damages as set forth in Section 39‑5‑140.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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