**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 55, TITLE 44 SO AS TO REQUIRE OWNERS AND OPERATORS OF CERTAIN NATURAL FRESHWATER LOCATIONS TO POST A NOTICE TO RAISE AWARENESS OF THE AMOEBA NAEGLERIA FOWLERI AND HOW TO MINIMIZE THE RISK OF INFECTION, TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROVIDE A STANDARD NOTICE FOR POSTING AND INSPECT LOCATIONS TO ENSURE COMPLIANCE, AND TO CREATE CIVIL PENALTIES.

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

SECTION 1. Chapter 55, Title 44 of the 1976 Code is amended by adding:

“Article 25

Naegleria Fowleri

Section 44‑55‑2510. (A) An owner or operator of a natural freshwater location where swimming is promoted shall post and maintain in close proximity to the swimming location a notice about the amoeba naegleria fowleri and how to minimize the risk of infection by the amoeba when participating in water‑related activities.

(B) The South Carolina Department of Health and Environmental Control shall provide at no cost to owners and operators a standard notice for posting which explains that:

(1) naegleria fowleri is an amoeba that is naturally occurring in warm freshwater bodies such as lakes, rivers, and hot springs, as well as in soil;

(2) risk of infection by the amoeba is extremely rare; (3) infection occurs only if the amoeba enters the brain through the nose but, in the rare case of a brain infection, there is an extremely high risk of death; and

(4) a person can decrease the risk of infection by avoiding water‑related activities in warm freshwater during periods of high water temperature and low water level, by holding their nose shut, using a nose clip, or holding their head above water when taking part in water‑related activities, and by avoiding digging or stirring up sediment surrounding warm freshwater.

(C) The department shall inspect at least annually before summer every natural freshwater location where swimming is promoted in the State to ensure that a notice that complies with the requirements of subsection (B) has been posted. If a notice has not been posted, the department shall notify the owner or operator of the violation and the requirement to post a notice. The department shall reinspect those locations as necessary to ensure compliance.

(D) An owner or operator of a natural freshwater location where swimming is promoted that violates subsection (A) is subject to a civil penalty of one hundred dollars per violation. Upon receipt of notice from the department of the violation, the owner or operator immediately shall post a notice and pay the penalty. If the owner or operator complies in a timely manner, the department may in its discretion waive the penalty. Each day following receipt of notice constitutes a new violation until the owner or operator posts the notice. Monies collected as civil penalties must be used to offset any costs associated with implementing the requirements of this section.

(E) The department shall promulgate regulations and develop guidance necessary to enforce the provisions of this section.”

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

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