COMMITTEE REPORT

March 29, 2017

**H. 3823**

Introduced by Reps. Henderson, Bedingfield, Fry, Huggins, Johnson, Hewitt, Crawford, Duckworth, Allison, Forrester, Arrington, Tallon, Hamilton, Felder, Elliott, G.R. Smith, Jordan, B. Newton, Martin, Erickson, V.S. Moss, Long, Bradley, Weeks, Taylor, Putnam and Cogswell

S. Printed 3/29/17--H.

Read the first time February 22, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3823) to amend Section 63‑7‑310, as amended, Code of Laws of South Carolina, 1976, relating to mandated reporting of suspected child abuse or neglect, 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, by striking all after the enacting words and inserting:

/ SECTION 1. Section 63‑7‑310 of the 1976 Code, as last amended by Act 227 of 2010, is further amended by adding subsections (E) and (F):

“(E)(1) Every physician, nurse, or medical or allied health professional shall report to the department:

(a) a child, birth to one year, who is diagnosed with neonatal abstinence syndrome or a fetal alcohol spectrum disorder; or

(b) a child, birth to one year, who is medically affected by the prenatal substance exposure to a controlled or illegal substance, or withdrawal from alcohol or a controlled or illegal substance.

(2) A report submitted pursuant to this subsection must be made regardless of whether or not the alcohol or substance exposure constitutes child abuse or neglect as defined in Section 63‑7‑20. However, a report submitted pursuant to this subsection does not create a presumption that the alcohol or substance exposure constitutes child abuse or neglect as defined in Section 63‑7‑20.

(F) Every physician, nurse, or medical or allied health professional who submits a report pursuant to subsection (E) may provide information to assist the department in the development of a plan of safe care for the child and his family or caregiver.” /

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 63‑7‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATED REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE REPORTING WHEN AN INFANT OR FETUS IS EXPOSED TO ALCOHOL OR CONTROLLED SUBSTANCES.

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

SECTION 1. Section 63‑7‑310 of the 1976 Code, as last amended by Act 227 of 2010, is further amended by adding an appropriately lettered subsection to read:

“( ) Every physician, nurse, or any other medical or allied health professional shall report in accordance with this section:

(1) a child who has been diagnosed with neonatal abstinence syndrome or a fetal alcohol spectrum disorder;

(2) a child under the age of one year who is affected by the presence of a nonprescription controlled substance, illegal controlled substance, or alcohol or by withdrawal from a controlled substance or alcohol; or

(3) a woman who is pregnant and who has been diagnosed with a controlled substance or alcohol use disorder where the woman is not cooperating with an established treatment plan.

A report pursuant to this subsection must be made regardless of whether or not the alcohol or controlled substance exposure constitutes child abuse or neglect as defined in Section 63‑7‑20.”

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

‑‑‑‑XX‑‑‑‑