~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 3, 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 5/3/17--S.

Read the first time April 5, 2017.

**THE GENERAL COMMITTEE**

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, page 1, line 18, by inserting:

/ Whereas, the purpose of this legislation is to address the problem of infants born affected by drugs and alcohol in South Carolina and to clarify the circumstances under which health professionals are to report fetal and infant substance exposure to the South Carolina Department of Social Services so the department can provide services or referrals for services to mothers with substance use disorders and infants born affected by substances; and

Whereas, the Comprehensive Addiction and Recovery Act (CARA) of 2016, an amendment to the Child Abuse Prevention and Treatment Act (CAPTA), aims to address the problem of infants born affected by substance use disorder, particularly opioid use disorder. The law requires each state to develop plans of safe care for infants affected by substance abuse; and

Whereas, the Administration for Children and Families has stated that, to comply with the law, “the State must have statewide laws, policies, or procedures requiring health care providers involved in the delivery or care of infants born and identified as affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or a fetal alcohol spectrum disorder to notify the State’s child protective services of the occurrence of such conditions of infants.” Now, therefore, /

Amend the bill further, as and if amended, by striking SECTION 2 in its entirety.

Renumber sections to conform.

Amend title to conform.

KATRINA F. SHEALY 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 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. Section 63‑7‑390 of the 1976 Code is amended to read:

“Section 63‑7‑390. A person required or permitted to report pursuant to Section 63‑7‑310 or who participates in an investigation or judicial proceedings resulting from the report, acting in good faith, is immune from civil and criminal liability which might otherwise result by reason of these actions or inactions. In all such civil or criminal proceedings, good faith is rebuttably presumed. Immunity under this section extends up to full disclosure by the person of facts which gave the person reason to believe that the child’s physical or mental health or welfare had been or might be adversely affected by abuse or neglect.”

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

‑‑‑‑XX‑‑‑‑