**A** **BILL**

TO AMEND SECTION 15‑1‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GOOD SAMARITAN STATUTE, SO AS TO REQUIRE VICTIMS TO WHOM GRATUITOUS EMERGENCY CARE IS RENDERED TO BE TESTED FOR BLOODBORNE DISEASES IN CERTAIN CIRCUMSTANCES, TO ESTABLISH CRIMINAL PENALTIES, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO PROMULGATE REGULATIONS, TO PROVIDE IMMUNITY FOR HEALTH CARE PROFESSIONALS, AND FOR OTHER PURPOSES.

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

SECTION 1. Section 15‑1‑310 of the 1976 Code is amended to read:

“Section 15‑1‑310. (A) Any person, who in good faith gratuitously renders emergency care at the scene of an accident or emergency to the victim thereof, shall not be liable for any civil damages for any personal injury as a result of any act or omission by such person in rendering the emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person, except acts or omissions amounting to gross negligence or wilful or wanton misconduct.

(B)(1) If a person who rendered gratuitous emergency care pursuant to subsection (A) was possibly exposed to bloodborne diseases due to contact with the victim’s blood or body fluids and a health care professional based on reasonable medical judgment has cause to believe that the possible exposure may pose a significant risk to the person who rendered gratuitous emergency care or to the victim, the health care professional may require the victim to be tested without consent. The test results must be given to the health care professional who shall report the results to the person and the victim and shall assure the provision of post‑test counseling to the person and the victim if the results determine the presence of any bloodborne disease. In reporting the results to the person and the victim, the health care professional shall ensure that no identifying information about either individual is disclosed. The test results also shall be reported to the Department of Health and Environmental Control in accordance with Section 44‑29‑250.

(2) If a victim to whom the gratuitous emergency care was rendered pursuant to subsection (A) refuses to submit to any tests required pursuant to item (1), the victim is guilty of a misdemeanor and may be fined not more than five hundred dollars or imprisoned not more than thirty days, or both. The Department of Public Safety shall promulgate regulations to implement the provisions of item (1) addressing, at a minimum, the time within which a victim is required to undergo any testing determined necessary by a health care professional, requirements for providing notice to a victim of the obligation to undergo testing, the penalties for failure to comply, and requirements for reporting the results to the person, the victim, and the department.

(3) The victim to whom gratuitous emergency care was provided pursuant to this section must pay or arrange payment for the costs of any tests conducted pursuant to this subsection.

(4) A health care professional may not be held liable for conducting a test pursuant to this subsection or for reporting test results to the department to the extent required by law.

(5) For purposes of this subsection, ‘bloodborne diseases’, ‘health care professional’, and ‘significant risk’ have the same meanings as defined in Section 44‑29‑230.”

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

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