**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑66‑90 SO AS TO PROVIDE THAT PERSONS WHO MAY MAKE HEALTH CARE DECISIONS FOR A PATIENT WHO IS UNABLE TO CONSENT ARE PROHIBITED FROM EXECUTING ARBITRATION AGREEMENTS ON BEHALF OF A PATIENT, AND TO PROVIDE FOR A NOTICE OF WAIVER OF LEGAL RIGHTS.

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

SECTION 1. Chapter 66, Title 44, of the 1976 Code is amended by adding:

“Section 44‑66‑90. (A) Arbitration agreements do not contain provisions for medical, nursing, or health care services for patients and therefore cannot be executed on behalf of patient by a third party person listed in Section 44‑66‑30(A). Any arbitration agreement executed in violation of this section is void ab initio.

(B)(1) An arbitration agreement presented to a patient must contain the following information at the top of the first page of the agreement, in bold print, capitalized, and in a font larger than that of the rest of the form: ‘**YOU ARE NOT REQUIRED TO SIGN THIS FORM TO RECEIVE CARE AT THIS FACILITY. BY SIGNING THIS FORM YOU ARE GIVING UP CERTAIN LEGAL RIGHTS TO A JURY TRIAL IN THE EVENT THAT YOU ARE INJURED OR MISTREATED WHILE RECEIVING CARE AT THIS FACILITY.**’

(2) A patient who executes an arbitration agreement must place his name next to the notice required in item (1) attesting that he understands the information required in the notice.

(3) An arbitration agreement executed pursuant to this subsection must be witnessed by at least one disinterested party.”

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

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