**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑61‑170 SO AS TO PROVIDE THAT FAILURE OF EMERGENCY MEDICAL RESPONDER AGENCIES AND EMERGENCY MEDICAL TECHNICIANS TO MAINTAIN PROPER AMOUNTS OF PEDIATRIC SUPPLIES AND OXYGEN FOR USE IN EMERGENCY TRANSPORT MAY BE CONSIDERED GROSS NEGLIGENCE AND CERTAIN FINANCIAL AWARD LIMITATIONS DO NOT APPLY IN A CIVIL ACTION.

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

SECTION 1. Article 1, Chapter 61, Title 44 of the 1976 Code is amended by adding:

“Section 44‑61‑170. Emergency medical responder agencies and emergency medical technicians who are engaged in examining and treating persons involving emergency transport shall ensure that proper pediatric supplies and oxygen are maintained for use in emergency transport. Failure of emergency medical responder agencies and emergency medical technicians to maintain proper pediatric supplies and oxygen in a reasonable manner may be considered gross negligence in a civil action. In addition, in a civil action alleging failure to maintain proper pediatric supplies and oxygen in a reasonable manner when such failure is the proximate cause of injury or death, in a case when provisions of the South Carolina Tort Claims Act, Chapter 78, Title 15, might otherwise be applicable, the financial award limitations on a civil action provided therein do not apply.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent, or civil or criminal, will be immediately effective upon its enactment and this act shall thereafter apply to all pending actions, rights, duties or liabilities founded thereon which have not otherwise been foreclosed by any applicable statute of limitations.

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

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