**South Carolina General Assembly**

124th Session, 2021-2022

**A188, R206, H3795**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Allison

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Introduced in the House on February 2, 2021

Introduced in the Senate on April 7, 2021

Last Amended on May 3, 2022

Passed by the General Assembly on May 11, 2022

Governor's Action: May 16, 2022, Signed

Summary: Sign Language Interpreters Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/2/2021 House Introduced and read first time ([House Journal‑page 50](file:///h:\hj\20210202.docx))

2/2/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 50](file:///h:\hj\20210202.docx))

3/18/2021 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 3](file:///h:\hj\20210318.docx))

4/6/2021 House Amended ([House Journal‑page 48](file:///h:\hj\20210406.docx))

4/6/2021 House Read second time ([House Journal‑page 48](file:///h:\hj\20210406.docx))

4/6/2021 House Roll call Yeas‑78 Nays‑35 ([House Journal‑page 50](file:///h:\hj\20210406.docx))

4/7/2021 House Read third time and sent to Senate ([House Journal‑page 10](file:///h:\hj\20210407.docx))

4/7/2021 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\sj\20210407.docx))

4/7/2021 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 7](file:///h:\sj\20210407.docx))

4/28/2022 Senate Polled out of committee **Labor, Commerce and Industry** ([Senate Journal‑page 6](file:///h:\sj\20220428.docx))

4/28/2022 Senate Committee report: Favorable **Labor, Commerce and Industry** ([Senate Journal‑page 6](file:///h:\sj\20220428.docx))

4/29/2022 Scrivener's error corrected

5/3/2022 Senate Amended ([Senate Journal‑page 55](file:///h:\sj\20220503.docx))

5/3/2022 Senate Read second time ([Senate Journal‑page 55](file:///h:\sj\20220503.docx))

5/3/2022 Senate Roll call Ayes‑39 Nays‑1 ([Senate Journal‑page 55](file:///h:\sj\20220503.docx))

5/4/2022 Scrivener's error corrected

5/10/2022 Senate Read third time and returned to House with amendments

5/11/2022 House Concurred in Senate amendment and enrolled ([House Journal‑page 78](file:///h:\hj\20220511.docx))

5/11/2022 House Roll call Yeas‑104 Nays‑2 ([House Journal‑page 79](file:///h:\hj\20220511.docx))

5/12/2022 Ratified R 206 ([Senate Journal‑page 220](file:///h:\sj\20220512.docx))

5/16/2022 Signed By Governor

5/31/2022 Effective date 01/01/2024

5/31/2022 Act No.  188

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**VERSIONS OF THIS BILL**

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[3/18/2021](file:///p:\pprever\2021-22\3795_20210318.docx)

[4/6/2021](file:///p:\pprever\2021-22\3795_20210406.docx)

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(A188, R206, H3795)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SIGN LANGUAGE INTERPRETERS ACT” BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO REQUIRE MINIMUM COMPETENCY REQUIREMENTS FOR SIGN LANGUAGE INTERPRETERS USED BY CERTAIN GOVERNMENTAL AGENCIES AND HOSPITALS AND HEALTH CARE FACILITIES, TO PROVIDE EXCEPTIONS, TO PROVIDE NECESSARY DEFINITIONS, AND TO PROVIDE MORE RIGOROUS STANDARDS APPLY WHEN THEY CONFLICT WITH THE PROVISIONS OF THIS ACT; BY ADDING SECTION 59‑33‑120 SO AS TO PROVIDE FOR THE PROMULGATION OF REGULATIONS FOR THE APPROPRIATE CREDENTIALING OF SIGN LANGUAGE INTERPRETERS IN PUBLIC SCHOOLS AND SPECIAL SCHOOLS, AND TO REQUIRE INTERPRETERS FOR THE DEAF WORKING IN SCHOOLS AND SCHOOL DISTRICTS IN THIS STATE TO SUBMIT TO THE SAME BACKGROUND CHECKS AS EDUCATORS; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JANUARY 1, 2024.**

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

**Citation**

SECTION 1. This act must be known and may be cited as the “Sign Language Interpreters Act”.

**Sign language interpreters in certain governmental entities and health care facilities**

SECTION 2. Title 40 of the 1976 Code is amended by adding:

“CHAPTER 84

Sign Language Interpreters

Section 40‑84‑110. For the purposes of this chapter:

(1) ‘Agency’ means:

(a) the departments of state government enumerated in Section 1‑30‑10;

(b) the offices of all statewide constitutional officers;

(c) the Judicial Department;

(d) all public institutions of higher education;

(e) the Commission on Higher Education;

(f) police stations;

(g) county and state detention centers and correctional facilities; and

(h) any other board, commission, or council created by a statute of this State; but

(i) excludes school districts, school boards, charter schools, and special schools.

(2) ‘Deaf person’ means a person who cannot use his hearing for communication purposes.

(3) ‘Interpreting’ is the act of conveying meaning between people who use signed and spoken languages, conveying all essential elements of meaning and intent and where such process is offered in exchange for remuneration.

(4) ‘Recognized certification’ means a certification in sign language interpretation as approved by the South Carolina Association of the Deaf, the South Carolina Registry of Interpreters for the Deaf, or the National Registry of Interpreters for the Deaf.

(5) ‘Sign Language’ or ‘American Sign Language’ or ‘ASL’ means a visual‑gestural language that incorporates facial grammatical markers, physical affect markers, spatial linguistic information, and fingerspelling, as well as signs made with the hands. ASL is a distinct language with its own grammar and syntax that is neither based on nor derived from a spoken language.

(6) ‘South Carolina Association of the Deaf’ or ‘association’ or ‘SCAD’ means the state chapter of the National Association of the Deaf acting as a consumer advocacy organization serving the deaf and hard‑of‑hearing population of South Carolina, as incorporated at the time of enactment, or any successor organization of it.

(7) ‘South Carolina Registry of Interpreters for the Deaf’ or ‘SCRID’ means the state affiliate chapter of the Registry of Interpreters for the Deaf, serving as an interpreter‑advocacy and professional organization, as incorporated at the time of enactment, or its successor organization.

Section 40‑84‑120. The requirements of this chapter apply to all:

(1) agencies as defined by Section 40‑84‑110(1); and

(2) hospitals and health care facilities regulated by the Department of Health and Environmental Control under Title 44.

Section 40‑84‑130. (A) A person only may provide interpreting services for an agency or hospital if he holds a recognized certification as defined in Section 40‑84‑110(4).

(B) The provisions in this section do not apply to a person who is interpreting:

(1) in an emergency situation where the parties determine that the delay to obtain a certified interpreter is likely to cause injury or loss; or

(2) as part of a supervised internship or mentorship program if the individual is accompanied by an interpreter with recognized certification.

Section 40‑84‑140. To the extent that the provisions of this chapter conflict with other minimum competency standards for a sign language interpreter required for use by an entity identified in Section 40‑84‑120, the more rigorous standards must prevail.”

**Regulations, background checks**

SECTION 3. Article 1, Chapter 33, Title 59 of the 1976 Code is amended by adding:

“Section 59‑33‑120. In consultation with relevant stakeholders including, but not limited to, the South Carolina Association of the Deaf and the South Carolina Registry of Interpreters for the Deaf, the State Board of Education shall develop and promulgate regulations for the appropriate credentialing of sign language interpreters in the public and special schools of this State. Interpreters for the deaf working in schools and school districts in this State must be required to submit the same background checks as educators pursuant to Section 59‑25‑115.”

**Time effective**

SECTION 4. This act takes effect on January 1, 2024.

Ratified the 12th day of May, 2022.

Approved the 16th day of May, 2022.

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