**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4565**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hill, Jones, Burns, Long, McCabe, Thayer, Taylor, Dabney, McCravy, Forrest, Bustos, M.M. Smith and McGarry

Document Path: l:\council\bills\cc\16085vr22.docx

Introduced in the House on January 11, 2022

Currently residing in the House Committee on **Judiciary**

Summary: Medical Privacy Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/10/2021 House Prefiled

11/10/2021 House Referred to Committee on **Judiciary**

1/11/2022 House Introduced and read first time ([House Journal‑page 56](file:///h:\hj\20220111.docx))

1/11/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 56](file:///h:\hj\20220111.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4565&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[11/10/2021](file:///p:\pprever\2021-22\4565_20211110.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA MEDICAL PRIVACY ACT” BY ADDING SECTION 44‑29‑220 SO AS TO PROHIBIT THE REQUIRED DISCLOSURE OF A PERSONAL MEDICAL RECORD OR RECEIPT OF MEDICAL CARE AS A CONDITION OF EMPLOYMENT OR TO SECURE, RECEIVE, OR ACCESS ANY PUBLIC FACILITY, BENEFIT, OR SERVICE; TO PROHIBIT SCHOOLS FROM PROMOTING AND ADMINISTERING VACCINATIONS TO STUDENTS; TO DEFINE CERTAIN TERMS; AND FOR OTHER PURPOSES.

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

SECTION 1. This act may be known and cited as the “South Carolina Medical Privacy Act”.

SECTION 2. This bill is enacted pursuant to the state’s sovereign residual powers under the Tenth Amendment to the United States Constitution, and in pursuance of the proper role of state government in protecting its citizens from tyrannical federal mandates that would strip them of their God-given liberty to determine their own medical care.

SECTION 3. Chapter 29, Title 44 of the 1976 Code is amended by adding:

“Section 44‑29‑220. (A) Notwithstanding any provision of state law to the contrary including, but not limited to, any provision of the Emergency Health Powers Act:

(1) Every person has the natural, essential, and inherent right to bodily integrity, free from any threat or compulsion to disclose a personal medical record or to accept medical care for himself or for anyone in the person’s legal care or guardianship.

(2) No person shall be compelled to disclose a personal medical record or to accept medical care as a condition of employment, or to secure, receive, or access any public facility, benefit, or service that receives public funding.

(3) No person shall be denied medical care after refusing to disclose a personal medical record.

(4) Refusal by a public or private employee to disclose a personal medical record is not insubordination for the purposes of eligibility for unemployment insurance benefits pursuant to Chapter 35, Title 41.

(5) A public or private employee is not subject to a medical requirement in the workplace related to a communicable disease for which the employee is not symptomatic, and an employer is prohibited from taking any adverse action or committing a discriminatory practice against such an employee.

(6) Any K‑12 school that receives state funding and any public institution of higher learning, including a technical college, are prohibited from promoting and working with government agencies to administer vaccinations to their students.

(B) For purposes of this section:

(1) ‘Adverse action’ means:

(a) to discriminate against a person by denying the person employment, credit, insurance, access, products, services, or other benefits; and

(b) to discharge, threaten, or otherwise discriminate against an employee in any manner that affects the employee’s employment, including compensation, terms, conditions, locations, rights, immunities, promotions, or privileges.

(2) ‘Discriminatory practice’ means a direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or another act or practice of differentiation or preference in the treatment of a person or persons based on the person’s vaccination status or whether the person has an immunity passport.

(3) ‘Medical care’ means any medical treatment, prevention, immunization, test, or any other medical procedure including, but not limited to, surgery, short‑term care, or long‑term care.

(4) ‘Medical requirement’ means, without limitation, wearing personal protective equipment, taking a medical test, or quarantining.

(5) ‘Personal medical record’ means vaccination status, test result, or diagnosis, for a communicable disease.”

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect upon approval by the Governor.

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