**A** **JOINT RESOLUTION**

TO DIRECT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION TO PROMULGATE CERTAIN EMERGENCY REGULATIONS TO ESTABLISH A MANDATORY, TEMPORARY STANDARD FOR EMPLOYERS TO CONTROL, PREVENT, AND MITIGATE THE SPREAD OF COVID‑19 TO AND AMONG EMPLOYEES AND EMPLOYERS.

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

SECTION 1. (A) Within thirty days after the effective date of this joint resolution, the Director of the Department of Labor, Licensing and Regulation shall promulgate emergency regulations to establish a mandatory, temporary standard for employers to control, prevent, and mitigate the spread of SARS‑CoV‑2, the virus that causes coronavirus disease 2019 (COVID‑19) to and among employees and employers. This standard shall apply to every employer, employee, and place of employment within the jurisdiction of the South Carolina Occupational Safety and Health Administration (SC OSHA).

(B) This standard must be designed to supplement and enhance existing SC OSHA laws, rules, regulations, and standards applicable directly or indirectly to SARS‑CoV‑2 virus or COVID‑19 disease‑related hazards such as, but not limited to, those dealing with personal protective equipment, respiratory protective equipment, sanitation, access to employee exposure and medical records, occupational exposure to hazardous chemicals in laboratories, and hazard communication. This standard must mandate the use of personal face coverings or masks to the extent possible and other personal protective equipment when appropriate.

(C) This standard must be applied to a place of employment based on the exposure risk level presented by SARS‑CoV‑2 virus‑related and COVID‑19 disease‑related hazards present or job tasks undertaken by employees at the place of employment. These risk levels must be designated as very high, high, medium, or lower exposure risk. This standard must recognize that:

(1) various hazards or job tasks at the same place of employment can be designated as very high, high, medium, or lower exposure risk for purposes of application of the requirements of this standard; and

(2) various required job tasks can prohibit an employee from being able to observe physical distancing from other persons.

(D) This standard must provide that to the extent that an employer actually complies with a recommendation contained in recommendations of the Center for Disease Control (CDC), whether mandatory or non‑mandatory, to mitigate SARS‑CoV‑2 virus and COVID‑19 disease‑related hazards or job tasks addressed by this standard, and provided that the CDC recommendation provides equivalent or greater protection than provided by a provision of this standard, the employer’s actions must be considered in compliance with this standard. An employer’s actual compliance with a recommendation contained in the CDC recommendation, whether mandatory or non‑mandatory, to mitigate SARS‑CoV‑2 and COVID‑19 disease‑related hazards or job tasks addressed by this standard must be considered evidence of good faith in any enforcement proceeding related to this standard.

SECTION 2. The Department of Labor, Licensing and Regulation shall refile these emergency regulations once if they expire before the General Assembly is in session.

SECTION 3. This joint resolution takes effect upon approval of the Governor.

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