**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑1‑27 SO AS TO PROVIDE EMPLOYEES MAY USE UP TO THREE DAYS OF EARNED PAID SICK LEAVE FOR CERTAIN CHRONIC ILLNESSES OR HEALTH CONDITIONS WITHOUT OBTAINING HEALTH CARE PROVIDER CERTIFICATION, TO LIMIT APPLICABILITY OF THESE PROVISIONS TO WORKPLACES WHERE EMPLOYERS PROVIDE EARNED PAID SICK LEAVE, AND TO PROVIDE RELATED REQUIREMENTS.

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

SECTION 1. Chapter 1, Title 41 of the 1976 Code is amended by adding:

“Section 41‑1‑27. (A) If an employer provides earned paid sick leave to its employees and an employee uses such sick leave due to an occurrence of a qualifying chronic illness or health condition of the employee, the employer may not require the employee to have a health care provider certify or otherwise document the occurrence for three days each calendar year. The employer may require the employee to provide certification or other documentation signed by a health care provider for other earned paid sick leave days.

(B) When an employee takes one of the three earned paid sick leave days without health care provider certification as permitted in subsection (A), the employee shall state in writing the need for the amount of earned paid sick leave taken upon returning to work.

(C) For purposes of this section, ‘qualifying chronic illness or health condition’ means an ongoing medical condition which may occur in a manner that makes attending work prohibitive but does not require medical treatment, such as a self‑limiting gastrointestinal illness, migraine headaches, and so forth.

(D) The provisions of this section may not be waived or amended aversely to the interests of an employee by contact, and any such contract provisions are void.”

SECTION 2. This act takes effect January 1, 2022.

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