**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑1‑75 SO AS TO PROVIDE AN EMPLOYER MAY NOT TERMINATE AN EMPLOYEE FOR DECLINING TO RECEIVE A COVID‑19 VACCINATION IF THE EMPLOYEE RECEIVED MONOCLONAL THERAPY OR PREVIOUSLY HAS BEEN DIAGNOSED WITH COVID‑19, AND TO PROVIDE REMEDIES FOR VIOLATIONS.

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 41‑1‑75. (A) An employer may not terminate an employee who declines to receive a vaccination for COVID‑19 if the employee furnishes documentation from a health care provider indicating the employee either has received monoclonal antibody therapy or previously has been diagnosed with COVID‑19. To avail himself of the protections of this subsection, an employee must furnish documentation from a health care provider demonstrating that he has received such therapy or been given such a diagnosis.

(B) If an employer terminates an employee in violation of the provisions of subsection (A), the employee is entitled to be rehired in his previous position without any loss of pay, benefits, or other compensation to which he ordinarily is entitled. The employer must rehire the employee within thirty days after the employee provided documentation of having received monoclonal antibody therapy or having been diagnosed as having COVID‑19, provided at least ten days have passed since the diagnosis was made and the employee tests negative for COVID‑19 prior to his return.

(C) An employee may bring a civil cause of action in circuit court for the enforcement of the provisions of this section, and if successful may receive reinstatement to his former position, actual damages, lost wages, and payment of reasonable attorney fees.”

SECTION 2. This act takes effect upon approval of the Governor.

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