**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑137‑25 SO AS TO AUTHORIZE THE USE OF INVESTIGATIONAL DRUGS OR TREATMENTS FOR CERTAIN PATIENTS WHO CONTRACT AN INFECTION, ILLNESS, OR OTHER HEALTH CONDITION CAUSED BY A DECLARED EPIDEMIC OR PANDEMIC DISEASE.

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

SECTION 1. Chapter 137, Title 44 of the 1976 Code is amended by adding:

“Section 44‑137‑25. Notwithstanding another provision of law to the contrary, a person who contracts an infection, illness, or other health condition caused by a declared epidemic or pandemic disease is considered an eligible patient with a terminal illness for purposes of this chapter and is entitled, in consultation with a treating physician who has recommended an investigational drug, biological product, or device for treatment of the declared epidemic or pandemic disease after considering and exhausting all other treatment options currently approved by the United States Food and Drug Administration, to give informed consent in writing to use an investigational drug, biological product, or device for treatment of the declared epidemic or pandemic disease, or if the person is a minor or is otherwise incapable of providing informed consent, the parent or legal guardian is entitled to give informed consent in writing to use the investigational drug, biological product, or device. The treating physician shall provide documentation that the individual meets all of the criteria to be considered an eligible patient, including an attestation from the treating physician that the treating physician was consulted in the creation of the written, informed consent required under this chapter.”

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

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