**A** **BILL**

TO AMEND SECTION 1-13-20, RELATING TO DECLARATION OF STATE HUMAN AFFAIRS POLICY, TO PROVIDE THAT AN INDIVIDUAL MAY NOT BE DISCRIMINATED AGAINST BECAUSE OF VACCINATION STATUS; TO AMEND SECTION 1-13-30, RELATING TO DEFINITIONS, TO PROVIDE A DEFINITION FOR AN IMMUNITY PASSPORT AND VACCINATION STATUS; AND TO AMEND CHAPTER 13, TITLE 1 OF THE 1976 CODE, RELATING TO DISCRIMINATION POLICY, TO ADD SECTION 1-13-75, TO PROVIDE THAT DISCRIMINATION BASED ON A PERSON’S VACCINATION STATUS OR POSSESSION OF AN IMMUNITY PASSPORT BE UNLAWFUL.

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

SECTION 1. The General Assembly finds that healthcare information is personal and sensitive information that if improperly used or released may do significant harm to a patient’s interests in privacy and health care or other interests. The General Assembly further finds that medical records fall within the zone of privacy protected by Article 1, Section 10 of the South Carolina Constitution and are quintessentially private and entitled to vigorous constitutional protection.

SECTION 2. Section 1-13-20 of the 1976 Code is amended to read:

“Section 1-13-20. This chapter is an expression of the concern of the State for the promotion of harmony and the betterment of human affairs. The General Assembly declares the practice of discrimination against an individual because of race, religion, color, sex, age, national origin, ~~or~~ disability, or vaccination status as a matter of state concern and declares that this discrimination is unlawful and in conflict with the ideals of South Carolina and the nation, as this discrimination interferes with opportunities of the individual to receive employment and to develop according to the individual’s own ability and is degrading to human dignity. The General Assembly further declares that to alleviate these problems a state agency is created which shall seek to eliminate and prevent discrimination because of race, religion, color, sex, age, national origin, ~~or~~ disability, or vaccination status.

SECTION 3. Section 1-13-30 of the 1976 Code is amended by adding appropriately lettered items to read:

“( ) ‘Immunity passport’ means a document, digital record, or software application indicating that a person is immune to disease, either through vaccination or infection and recovery.

( ) ‘Vaccination status’ means an official record of whether a person has received one or more doses of a vaccine, whether demonstrated by an immunity passport or otherwise.”

SECTION 4. Chapter 13, Title 1 of the 1976 Code is amended by adding:

“Section 1-13-75 (A) It is unlawful for:

(1) a person or a governmental entity to refuse, withhold from, or deny to a person any local or state governmental services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities based on the person’s vaccination status or whether the person has an immunity passport;

(2) an employer to refuse employment to a person, to bar a person from employment, or to discriminate against a person in compensation or in a term, condition, or privilege of employment based on the person’s vaccination status or whether the person has an immunity passport; and

(3) a public accommodation to exclude, limit, segregate, refuse to serve, or otherwise discriminate against a person based on the person’s vaccination status or whether the person has an immunity passport.

(B) This section does not apply to vaccination requirements set forth for public schools or pursuant to Title 44 of the 1976 Code.

(C)(1) A person, governmental entity, or employer does not violate the provisions contained in subsection (A) if it recommends, but does not require, that an employee receive a vaccine.

(2) A healthcare facility, as defined in Section 44-7-130, does not violate the provisions contained in subsection (A) if it:

(a) asks an employee to volunteer the employee’s vaccination or immunization status for the purpose of determining whether the health care facility should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases. A healthcare facility may consider an employee to be non-vaccinated or non-immune if the employee declines to provide the employee’s vaccination or immunization status to the healthcare facility for purposes of determining whether reasonable accommodation measures should be implemented; and

(b) implements reasonable accommodation measures for employees, patients, visitors, and other persons who are not vaccinated or not immune to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases.

(D) An individual may not be required to receive any vaccine that is allowed under an emergency use authorization or that is undergoing safety trials.

(E) A healthcare facility does not violate the provisions contained in subsection (A) during any period of time during which compliance with the provisions contained in subsection (A) would result in a violation of regulations or guidance issued by the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention.”

SECTION 5. The State Human Affairs Commission shall notify local boards of health of the requirements of this bill, requiring local boards of health to prominently display notice of this bill’s requirements on the home page of their website, if available, for at least six months after the effective date of this act; and shall prominently display notice of this bill’s requirements on the home page of its website for at least six months after the effective date of this act.

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then 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 7. This act takes effect upon approval by the Governor.

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