**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4544**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Jordan and W. Newton

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Introduced in the House on May 8, 2025

Currently residing in the House Committee on **Judiciary**

Summary: Medical malpractice

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/8/2025 House Introduced and read first time

5/8/2025 House Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[05/08/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4544_20250508.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15‑32‑220, RELATING TO NONECONOMIC DAMAGES LIMIT AND EXCEPTIONS, SO AS TO PROVIDE GUIDELINES FOR INTENT TO HARM, FELONY CONVICTIONS, AND INFLUENCE OF ALCOHOL AND OTHER DRUGS; BY AMENDING SECTION 15‑78‑30, RELATING TO DEFINITIONS FOR PURPOSES OF THE TORT CLAIMS ACT, SO AS TO REVISE THE MEANING OF “OCCURRENCE”; BY AMENDING SECTION 15‑78‑120, RELATING TO LIMITATION ON LIABILITY, SO AS TO PROVIDE CIRCUMSTANCES UNDER WHICH THE LIMITATIONS MUST BE INCREASED OR DECREASED; AND BY AMENDING SECTION 33‑56‑180, RELATING TO LIMITED LIABILITY OF CHARITABLE ORGANIZATIONS, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 15‑32‑220(E) of the S.C. Code is amended to read:

(E)(1) The limitations for noneconomic damages rendered against any health carehealthcare provider or health carehealthcare institution do not apply if the jury or court determines by clear and convincing evidence that the defendant was grossly negligent, wilful, wanton, or reckless, and such conduct was the proximate cause of the claimant's noneconomic damages, or if the defendant has engaged in fraud or misrepresentation related to the claim, or if the defendant altered or destroyed medical records with the purpose of avoiding a claim or liability to the claimant.:

(a) acted in a grossly negligent, wilful, wanton, or reckless manner;

(b) has pled guilty to or been convicted of a felony arising out of the same course of conduct complained of by the plaintiff, and that the act or course of conduct is a proximate cause of the plaintiff’s damages; or

(c) acted or failed to act while under the influence of alcohol or drugs to the degree that his judgment was materially and appreciably impaired.

(2) If the limitations for noneconomic damages are found to be inapplicable pursuant to the jury or court finding that the defendant’s conduct fell within one of the exceptions herein, then the maximum limit of civil liability for the defendant, regardless of the number of claims or causes of action, shall not exceed eight times the current limitations on noneconomic damages, as adjusted pursuant to subsection (F).

SECTION 2. Section 15‑78‑30(g) of the S.C. Code is amended to read:

(g) “Occurrence” means an unfolding sequence of events which proximately flow from a single act of negligence. For purposes of this chapter, where multiple acts or omissions constituting negligence occur without a break in the causal chain, and result in substantially the same injury, harm, or damages, such acts or omissions shall be deemed a single occurrence, regardless of whether committed by one or more individuals or entities.

SECTION 3. Section 15‑78‑120 of the S.C. Code is amended to read:

Section 15‑78‑120. (a)(A) For any action or claim for damages brought under the provisions of this chapter, the liability shall not exceed the following limits:

(1) Except as provided in Section 15‑78‑120(a)(3), no person shall recover in any action or claim brought hereunder a sum exceeding three hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(2) Except as provided in Section 15‑78‑120(a)(4), the total sum recovered hereunder arising out of a single occurrence shall not exceed six hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(3) No person may recover in any action or claim brought hereunder against any governmental entity and caused by the tort of any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, a sum exceeding one million two hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(4) The total sum recovered hereunder arising out of a single occurrence of liability of any governmental entity for any tort caused by any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, may not exceed one million two hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(5) The provisions of Section 15‑78‑120(a)(3) and (a)(4) shall in no way limit or modify the liability of a licensed physician or dentist, acting within the scope of his profession, with respect to any action or claim brought hereunder which involved services for which the physician or dentist was paid, should have been paid, or expected to be paid at the time of the rendering of the services from any source other than the salary appropriated by the governmental entity or fees received from any practice plan authorized by the employer whether or not the practice plan is incorporated and registered with the Secretary of State.

(b)(B) No award for damages under this chapter shall include punitive or exemplary damages or interest prior to judgment.

(c)(C) In any claim, action, or proceeding to enforce a provision of this chapter, the signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion, or other paper; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well‑grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney’s fee.

(D) At the end of each calendar year, the Revenue and Fiscal Affairs Office, Board of Economic Advisors must determine the increase or decrease in the ratio of the Consumer Price Index to the index as of December 31 of the previous year, and the limitation on compensation for all claims pursuant to items (1), (2), (3), or (4) of subsection (A) must be increased or decreased accordingly. As soon as is practicable after this adjustment is calculated, the Director of the Revenue and Fiscal Affairs Office shall submit the revised limitation on compensation to the State Register for publication pursuant to Section 1‑23‑40(2), and the revised limitation becomes effective upon publication in the State Register. For purposes of this subsection, “Consumer Price Index” means the Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, Bureau of Labor Statistics.

SECTION 4. Section 33‑56‑180 of the S.C. Code is amended to read:

Section 33‑56‑180. (A) A person sustaining an injury or dying by reason of the tortious act of commission or omission of an employee of a charitable organization, when the employee is acting within the scope of his employment, may recover in an action brought against the charitable organization only the actual damages he sustains in an amount not exceeding the limitations on liability imposed in the South Carolina Tort Claims Act in Chapter 78 of Title 15. An action against the charitable organization pursuant to this section constitutes a complete bar to any recovery by the claimant, by reason of the same subject matter, against the employee of the charitable organization whose act or omission gave rise to the claim unless it is alleged and proved by clear and convincing evidence in the action that the employee:

(1) acted in a grossly negligent, reckless, wilful, or wanton grossly negligent manner,;

(2) has pled guilty to or been convicted of a felony arising out of the same act or course of conduct complained of by the plaintiff and that the act or course of conduct is a proximate cause of the plaintiff’s damages; or

(3) acted or failed to act while under the influence of alcohol or drugs to the degree that his judgment was materially or appreciably impaired.

(B) and the The employee must be joined properly as a party defendant. A judgment against an employee of a charitable organization may not be returned unless a specific finding is made that the conduct of the employee acted in a reckless, wilful, or grossly negligent manner falls within one or more of the three categories set forth above. If the charitable organization for which the employee was acting cannot be determined at the time the action is instituted, the plaintiff may name as a party defendant the employee, and the entity for which the employee was acting must be added or substituted as party defendant when it reasonably can be determined.

(C) If the limitations for noneconomic damages are found to be inapplicable pursuant to the jury or court finding that the defendant’s conduct fell within one of the exceptions herein, then the maximum limit of civil liability for the defendant, regardless of the number of claims or causes of action, shall not exceed eight times the current limitations on noneconomic damages, as adjusted pursuant to Section 15‑32‑220(F).

(B)(D) If the actual damages from the injury or death giving rise to the action arose from the use or operation of a motor vehicle and exceed two hundred fifty thousand dollars, this section does not prevent the injured person from recovering benefits pursuant to Section 38‑77‑160 but in an amount not to exceed the limits of the uninsured or underinsured coverage.

SECTION 5. This act takes effect upon approval by the Governor.

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