**South Carolina General Assembly**

126th Session, 2025-2026

**S. 660**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Kennedy

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Introduced in the Senate on May 6, 2025

Currently residing in the Senate Committee on **Medical Affairs**

Summary: American-made dialysate

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 5/6/2025 Senate Introduced and read first time

 5/6/2025 Senate Referred to Committee on **Medical Affairs**

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**VERSIONS OF THIS BILL**

[05/06/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/660_20250506.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44‑7‑320, RELATING TO DENIAL, REVOCATION, OR SUSPENSION OF MEDICAL FACILITY LICENSE, SO AS TO MAKE IT A VIOLATION TO NOT USE DIALYSATE OR DIALYSIS PRODUCTS THAT HAVE NOT BEEN MADE IN THE UNITED STATES OF AMERICA ON A PATIENT WHO IS UNDER THE AGE OF TWENTY‑ONE YEARS.

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

SECTION 1. Section 44‑7‑320 of the S.C. Code is amended to read:

 Section 44‑7‑320. (A)(1) The department may deny, suspend, or revoke licenses or assess a monetary penalty, or both, against a person or facility for:

 (a) violating a provision of this article or departmental regulations;

 (b) engaging in conduct or practices detrimental to the health or safety of patients, residents, clients, or employees of a facility or service. This provision does not refer to health practices authorized by law;

 (c) refusing to admit and treat alcoholic and substance abusers, the mentally ill, or persons with intellectual disability, whose admission or treatment has been prescribed by a physician who is a member of the facility's medical staff, or discriminating against alcoholics, the mentally ill, or persons with intellectual disability solely because of the alcoholism, mental illness, or intellectual disability; or

 (d) failing to allow a team advocacy inspection of a community residential care facility by the South Carolina Protection and Advocacy System for the Handicapped, Inc., as allowed by law.; or

 (e) using dialysate or dialysis products that have not been made in the United States of America on a patient who is under the age of twenty‑one years, except for in a situation that in the practitioner’s good faith medical judgment creates an immediate threat of serious risk to the life or physical health of the patient.

 (2) Consideration to deny, suspend, or revoke licenses or assess monetary penalties, or both, is not limited to information relating to the current licensing period but includes consideration of all pertinent information regarding the facility and the applicant.

 (3) If in the department's judgment conditions or practices exist in a facility that pose an immediate threat to the health, safety, and welfare of the residents, then the department immediately may suspend the facility's license and shall contact the appropriate agencies for placement of the residents. Within five calendar days of the suspension a preliminary hearing must be held to determine if the immediate threatening conditions or practices continue to exist. If they do not, then the license must be immediately reinstated. Whether the license is reinstated or suspension remains due to the immediate threatening conditions or practices, the department may proceed with the process for permanent revocation pursuant to this section.

 (B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall send to the appropriate person or facility, by certified mail, a notice setting forth the particular reasons for the determination. The determination becomes final thirty days after the mailing of the notice, unless the person or facility, within such thirty‑day period, requests in writing a contested case hearing before the board, or its designee, pursuant to the Administrative Procedures Act. On the basis of the contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial review may be sought in accordance with the Administrative Procedures Act.

 (C)(1) The penalty imposed by the department for violation of this article or its regulations must be not less than one hundred nor more than five thousand dollars for each violation of any of the provisions of this article. Each day's violation is considered a subsequent offense.

 (2) The department shall impose a penalty of five hundred dollars per occurrence for a violation of Section 44‑7‑320(A)(1)(e).

 (D) Failure to pay a penalty within thirty days is grounds for suspension, revocation, or denial of a renewal of a license. A license must not be issued, reissued, or renewed until all penalties finally assessed against a person or facility have been paid.

 (E) All penalties collected pursuant to this article must be deposited in the state treasury and credited to the general fund of the state.

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

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