



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

STATEMENT OF ESTIMATED FISCAL IMPACT

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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 3638 Introduced on January 14, 2025
Subject: Parental Rights
Requestor: House Medical, Military, Public, and Municipal Affairs
RFA Analyst(s): Bryant
Impact Date: February 10, 2025 - Updated for Additional Agency Response

Fiscal Impact Summary

This bill provides that a parent of a minor has the fundamental right to direct the upbringing, education, and care, including healthcare, of the minor. These parental rights include the authority to make all healthcare decisions and consent to all healthcare on behalf of the minor and all rights to access the minor's medical records. The bill further provides that the state may not substantially burden these parental rights except in certain circumstances.

The bill also requires a person or healthcare provider to obtain parental consent before procuring, providing, or rendering healthcare to a minor except in certain circumstances. Additionally, the bill allows a parent to assert a violation of the provisions of the bill as a claim or defense in certain judicial or administrative proceedings, subject to a statute of limitations, and provides remedies. The Attorney General may also bring actions to enforce compliance with the provisions of the bill.

Judicial indicates that this bill may impact caseloads in common pleas and family court. However, Judicial anticipates that any increases in caseloads can be managed with existing appropriations. Therefore, this bill will have no expenditure impact on Judicial.

This bill will have no expenditure impact on the Office of the Attorney General, the Department of Social Services (DSS), the Department of Juvenile Justice (DJJ), and the S.C. Department of Education (SCDE). The departments indicate that they can manage the provisions of the bill with existing appropriations.

The Governor's School for the Arts and Humanities, the Governor's School for Science and Mathematics, the School for the Deaf and the Blind, and the Wil Lou Gray Opportunity School indicate that this bill will have no impact on expenditures since any expenses can be managed with existing appropriations. Based upon these responses, we do not anticipate that the bill will have an expenditure impact for the Governor's School for Agriculture at John de la Howe.

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, the Revenue and Fiscal Affairs Office (RFA) anticipates that this bill may result in a change to General Fund, Other Funds, and local revenue due to the change in fines and fees collections in court.

SCDE surveyed the seventy-two regular school districts and the three charter districts regarding the expenditure impact of this bill and received responses from twenty districts. Fifteen of the responding districts indicate that the bill will have no expenditure impact. Three districts report that the bill may increase expenses by an amount ranging from \$10,000 to \$261,184 for equipment, additional staff and training, and potential legal costs. One district anticipates the need for emergency medical equipment and supplies so that healthcare providers may render healthcare to a minor in the event the provider reasonably determines an emergency exists. One district reports the need to hire 4.0 FTEs to serve as social workers or parent liaisons, as the district anticipates that the implementation of the bill may increase the number of in-person interactions between parents and staff and may require additional training. One district indicates the need for additional funding to prepare for potential litigation. The remaining two districts indicate that the bill may increase expenses due to legal costs but cannot quantify the costs. Based upon these responses, the expenditure impact on local school districts will vary by district.

This impact statement has been updated to include a response from the Office of the Attorney General.

Explanation of Fiscal Impact

Updated for Additional Agency Response on February 10, 2025

Introduced on January 14, 2025

State Expenditure

This bill provides that a parent of a minor has the fundamental right to direct the upbringing, education, and care, including healthcare, of the minor. These parental rights include the authority to make all healthcare decisions and consent to all healthcare on behalf of the minor and all rights to access the minor's medical records. The bill further provides that the state may not substantially burden these parental rights except in certain circumstances. Currently, a minor who reaches the age of sixteen years may consent to any health services from a person authorized by law to provide the particular health service and the consent of no other person is necessary unless the service involves an operation.

The bill also requires a person or healthcare provider to obtain parental consent before procuring, providing, or rendering healthcare to a minor except in certain circumstances. Currently, health services of any kind may be rendered to minors of any age without the consent of a parent or legal guardian when, in the judgment of a person authorized by law to render a particular health service, such services are deemed necessary unless the service involves an operation.

Additionally, the bill allows a parent to assert a violation of the provisions of the bill as a claim or defense in certain judicial or administrative proceedings, subject to a statute of limitations, and obtain compensatory damages, injunctive relief, declaratory relief, attorneys' fees, court costs, and any other appropriate relief. The Attorney General may also bring actions to enforce the provisions of the bill.

Judicial. This bill allows a parent to assert a violation of the provisions of the bill as a claim or defense in certain judicial or administrative proceedings. Judicial indicates that this bill may

impact caseloads in common pleas and family court. However, Judicial anticipates that any increases in caseloads can be managed with existing appropriations.

Office of the Attorney General. This bill authorizes the Attorney General to bring a civil action against a person who violates the provisions of the bill. The Office of the Attorney General indicates that this bill will have no impact on expenditures, as the department can manage the provisions of the bill with existing appropriations. *This section of the impact statement has been updated to include a response from the Office of the Attorney General.*

Department of Social Services. This bill will have no expenditure impact on DSS. DSS indicates that the bill requires the department to perform activities already conducted in the normal course of business.

Department of Juvenile Justice. DJJ indicates that this bill will have no impact on expenditures. The department can manage the provisions of the bill with existing appropriations.

S.C. Department of Education. SCDE indicates that this bill will have no impact on expenditures. The department can manage the provisions of the bill with existing appropriations.

State Agency Schools. The Governor's School for the Arts and Humanities, the Governor's School for Science and Mathematics, the School for the Deaf and the Blind, and the Wil Lou Gray Opportunity School indicate that this bill will have no impact on expenditures since any expenses to implement the provisions of the bill can be managed with existing appropriations. Based upon these responses, we do not anticipate that the bill will have an expenditure impact for the Governor's School for Agriculture at John de la Howe.

State Revenue

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an increase in General Fund and Other Funds revenue due to the increase in fines and fees collections in court.

Local Expenditure

This bill provides that a parent of a minor has the fundamental right to direct the upbringing, education, and care, including health care, of the minor. These parental rights include the authority to make all healthcare decisions and consent to all healthcare on behalf of the minor and all rights to access the minor's medical records. The bill also requires a person or healthcare provider to obtain parental consent before procuring, providing, or rendering healthcare to a minor except in certain circumstances. Further, the bill allows a parent to assert a violation of the provisions of the bill as a claim or defense in certain judicial or administrative proceedings, subject to a statute of limitations, and provides remedies.

SCDE surveyed the seventy-two regular school districts and the three charter districts regarding the expenditure impact of this bill and received responses from twenty districts. Fifteen of the responding districts indicate that the bill will have no expenditure impact. Three districts report

that the bill may increase expenses by an amount ranging from \$10,000 to \$261,184 for equipment, additional staff and training, and potential legal costs. One district anticipates the need for emergency medical equipment and supplies so that healthcare providers may render healthcare to a minor in the event the provider reasonably determines an emergency exists. One district reports the need to hire 4.0 FTEs to serve as social workers or parent liaisons, as the district anticipates that the implementation of the bill may increase the number of in-person interactions between parents and staff and may require additional training. One district indicates the need for additional funding to prepare for potential litigation. The remaining two districts indicate that the bill may increase expenses due to legal costs but cannot quantify the costs. Based upon these responses, the expenditure impact on local school districts will vary by district.

Local Revenue

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an increase in local revenue due to the increase in fines and fees collections in court.



Frank A. Rainwater, Executive Director