



# 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.*

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<b>Bill Number:</b>	S. 0054	Introduced on January 14, 2025
<b>Subject:</b>	Medical Informed Consent	
<b>Requestor:</b>	Senate Medical Affairs	
<b>RFA Analyst(s):</b>	Boggs	
<b>Impact Date:</b>	March 26, 2025 - Updated for Additional Agency Response	

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### Fiscal Impact Summary

Section 1 of this bill cites this act as the Medical Informed Consent Act. Section 2 creates a new offense that makes it unlawful for any person, corporation, higher learning institution, the state and its political subdivisions to implement a vaccine mandate as a precondition for employment, building entry, attendance, participation, or receipt of a good or service. Further, this bill states that a person who violates this: for a first offense is guilty of a misdemeanor and upon conviction must be fined not more than \$1,000, imprisoned for not more than one year, or both; for a second offense is guilty of a misdemeanor and upon conviction must be fined not more than \$2,500, imprisoned for not more than three years, or both for a second offense; and for a third or subsequent offense is guilty of a felony and must be fined not more than \$5,000, imprisoned for not more than five years, or both.

Section 2 of the bill may result in an increase in the number of circuit court cases and potentially the number of incarcerations, which may increase the workload of the court system and the Commission of Indigent Defense (CID), the Commission on Prosecution Coordination (CPC), the Department of Corrections (Corrections), and the Department of Probation, Parole, and Pardon Services (PPP). Judicial anticipates that the potential impact of the caseload in court can be managed within existing appropriations. However, if this bill results in a significant increase in the caseload, Judicial anticipates an increase in General Fund appropriations may be requested. The potential increase in expenses for each agency will depend upon the increase in the number of cases related to repeat offenders and number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded.

Section 3 of this bill prohibits employers from taking adverse action against individuals who decline to receive a vaccine and provides penalties for those who violate this section. This section of the bill could result in an impact to unemployment benefits, dependent upon the number of violations. Additional information has been requested from the Department of Employment and Workforce (DEW) on the potential fiscal impact from this section.

Section 4 of this bill permits a pharmacist the right to refuse to fill or refill a prescription under specific circumstances. The Department of Labor, Licensing and Regulation (LLR), which

oversees the Board of Pharmacy, anticipates that this bill will have no expenditure impact because the bill does not alter the responsibilities of the department or its boards.

Sections 5 – 11 of this bill give sheriffs and police officers the discretion as to whether they will aid and assist the director of the Department of Public Health (DPH) in carrying out orders during a state of public health emergency. Currently local law enforcement must aid DPH during a state of public health emergency. Additionally, this bill removes DPH's ability during a public health emergency to require in state health providers to assist in the performance of vaccinations, treatment, examination, or testing of any individual as a condition of licensure, authorization, or the ability to continue to function as a health care provider in the state. Further, this bill provides a deadline for a petition for an order authorizing the isolation or quarantine of an individual or group of individuals. DPH expressed concern that limiting the agency's ability to respond to a public health emergency could result in costs to the state, as well as a loss of Federal Funds that could potentially aid the state in an emergency. However, due to the unknown nature of future health emergencies, DPH is unable to provide an estimate of the potential impact to the General Fund and Federal Funds.

The Office of Revenue and Fiscal Affairs (RFA) contacted all counties and the Municipal Association of South Carolina (MASC) to determine the impact on local law enforcement. RFA received a response from the counties of Beaufort, Chesterfield, Florence, and Horry. Beaufort, and Horry Counties anticipate this section of the bill will have no expenditure impact. Chesterfield and Florence Counties expressed that a potential undetermined impact may occur if a state of public health emergency were to be declared. MASC anticipates that this section of the bill could result in an undetermined decrease in expenditures for municipalities as it allows them to participate to the extent that their resources permit.

Horry County anticipates that Section 3 of the bill may result in an increase in the number of magistrates court cases. The potential increase in expenses for the county will be dependent upon the increase in the number of cases brought under this section. Therefore, the local expenditure impact is undetermined.

Additionally, the South Carolina Department of Education (SCDE) indicates that Section 2 of this bill may be in conflict with current vaccine mandates required for public school attendance. While SCDE indicated it is unsure what impact this bill may have on school attendance, it anticipates this bill will have no expenditure impact for the agency nor the school districts as they anticipate managing the provisions of this bill with existing appropriations.

*This fiscal impact statement has been updated to include an additional response from SCDE.*

## **Explanation of Fiscal Impact**

**Updated for Additional Agency Response on March 26, 2025**

**Introduced on January 14, 2025**

### **State Expenditure**

Section 1 of this bill cites this act as the Medical Informed Consent Act. Section 2 of this bill creates an offense that makes it unlawful for any person, corporation, higher learning institution, or the state and its political subdivisions to implement a vaccine mandate as a precondition for employment, building entry, attendance, participation, or receipt of a good or service. Further, this bill states that a person who violates this: for a first offense is guilty of a misdemeanor and upon conviction must be fined not more than \$1,000, imprisoned for not more than one year, or both; for a second offense is guilty of a misdemeanor and upon conviction must be fined not more than \$2,500, imprisoned for not more than three years, or both for a second offense; and for a third or subsequent offense is guilty of a felony and must be fined not more than \$5,000, imprisoned for not more than five years, or both.

This section of the bill may result in an increase in the number of circuit court cases and potentially the number of incarcerations, which may increase the workload of the court system and CID, CPC, Corrections, and PPP. Judicial anticipates that the potential impact of the caseload in court can be managed within existing appropriations. However, if this bill results in a significant increase in the circuit court caseload, Judicial indicated an additional General Fund appropriations request may be made. The potential increase in expenses for each agency will depend upon the increase in the number of cases related to repeat offenders and number of incarcerations. These agencies indicate that if this bill results in a significant increase in the workload, then an increase in General Fund appropriations may be requested. For information, according to Corrections, in FY 2023-24, the annual total cost per inmate was \$40,429, of which \$36,553 was state funded.

Section 3 of this bill prohibits employers from taking adverse action against individuals who decline to receive a vaccine. Additionally, if an employer violates this, then an aggrieved employee shall have the right to apply for and receive unemployment benefits subject to the benefit amounts, duration, and requirements provided in Article 1, Chapter 35, Title 41, as well as back pay, front pay, lost wages, consequential damages, emotional damages, court and litigation costs, and attorney's fees. Additionally, under this section, the employer could also be liable to the employee or prospective employee for punitive damages in the treble amount of the actual damages awarded.

This section of the bill could result in an impact to unemployment benefits, dependent upon the number of violations. Additional information has been requested from DEW on the potential fiscal impact from this section.

Section 4 of this bill permits a pharmacist the right to refuse to fill or refill a prescription under specific circumstances. LLR, which oversees the Board of Pharmacy, anticipates that this bill will have no expenditure impact because the bill does not alter the responsibilities of the department or its boards.

Sections 5 – 11 of this bill give sheriffs and police officers the discretion as to whether they will aid and assist the director of DPH in carrying out orders during a state of public health emergency. Additionally, this bill removes DPH’s ability during a public health emergency to require in state health providers to assist in the performance of vaccinations, treatment, examination, or testing of any individual as a condition of licensure, authorization, or the ability to continue to function as a health care provider in the state. Further, this bill provides a deadline for a petition for an order authorizing the isolation or quarantine of an individual or group of individuals. DPH expressed concern that limiting the agency’s ability to respond to a public health emergency could result in costs to the state, as well as a loss of Federal Funds that could potentially aid the state in an emergency. However, due to the unknown nature of future health emergencies, DPH is unable to provide an estimate of the potential impact to the General Fund and Federal Funds.

Additionally, SCDE indicates that Section 2 of this bill may be in conflict with current vaccine mandates required for public school attendance. However, SCDE anticipates this bill will have no expenditure impact for the agency as they anticipate managing the provisions of this bill with existing appropriations.

*This section has been updated for an additional response from SCDE.*

## **State Revenue**

N/A

## **Local Expenditure**

RFA contacted all counties and MASC to determine the impact on local law enforcement. RFA received a response from the counties of Beaufort, Chesterfield, Florence, and Horry. Beaufort and Horry Counties anticipate Sections 5 – 11 of the bill will have no expenditure impact. Chesterfield and Florence Counties expressed that a potential undetermined impact may occur if a state of public health emergency were to be declared. MASC anticipates that this section of the bill could result in an undetermined decrease in expenditures for municipalities as it allows them to participate to the extent that their resources permit.

Horry county anticipates that Section 3 of the bill may result in an increase in the number of probate court cases. The potential increase in expenses for the county will be dependent upon the increase in the number of cases brought under this section. Therefore, the fiscal impact is undetermined.

Additionally, SCDE indicates that Section 2 of this bill may be in conflict with current vaccine mandates required for public school attendance. While SCDE indicated it is unsure what impact this bill may have on school attendance, the agency anticipates this bill will have no expenditure impact for school districts as they anticipate managing the provisions of this bill with existing appropriations.

*This section has been updated to include an additional response from SCDE.*

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director