**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3838**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Martin and Carter

Document Path: l:\council\bills\nbd\11174sa21.docx

Companion/Similar bill(s): 516, 520, 3858, 3886

Introduced in the House on February 9, 2021

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: COVID-19 vaccinations

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/9/2021 House Introduced and read first time ([House Journal‑page 6](file:///h:\hj\20210209.docx))

2/9/2021 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 6](file:///h:\hj\20210209.docx))

2/11/2021 House Member(s) request name added as sponsor: Carter

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3838&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/9/2021](file:///p:\pprever\2021-22\3838_20210209.docx)

**A** **JOINT RESOLUTION**

TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO IDENTIFY CERTIFIED TEACHERS, SCHOOL SUPPORT STAFF, AND FIRST RESPONDERS AS MISSION‑CRITICAL WORKERS AND INDIVIDUALS WHO ARE ELIGIBLE FOR VACCINATION UNDER PHASE 1A OF THE SOUTH CAROLINA COVID‑19 VACCINATION PLAN, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COORDINATE WITH THE DEPARTMENT OF EDUCATION TO IMPLEMENT A PLAN THAT WILL OFFER THE OPPORTUNITY TO CERTIFIED TEACHERS, SCHOOL SUPPORT STAFF, AND FIRST RESPONDERS TO BE FULLY VACCINATED WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS JOINT RESOLUTION, TO PROVIDE THAT EVERY SCHOOL DISTRICT MUST OFFER FIVE‑DAY, IN‑PERSON CLASSROOM INSTRUCTION TO STUDENTS NO LATER THAN TWO WEEKS AFTER CERTIFIED TEACHERS AND SUPPORT STAFF HAVE BEEN OFFERED THE OPPORTUNITY TO BE FULLY VACCINATED, AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST ENSURE THAT ALL SOUTH CAROLINA RESIDENTS WHO ARE ELIGIBLE UNDER PHASE 1A OF THE SOUTH CAROLINA COVID‑19 VACCINATION PLAN WHO HAVE RECEIVED A FIRST VACCINE DOSE AS OF THE EFFECTIVE DATE OF THIS JOINT RESOLUTION ARE OFFERED THE OPPORTUNITY FOR FULL VACCINATION WITHIN THE APPROPRIATE RECOMMENDED TIME PERIOD.

Whereas, the COVID‑19 pandemic has forced many school districts to replace in‑person classroom instruction with virtual instruction; and

Whereas, virtual instruction is no substitute for in‑person classroom instruction; and

Whereas, a COVID‑19 vaccine is currently available for distribution in this State for mission-critical workers; and

Whereas, certified teachers and school support staff should be identified as mission‑critical because of the vital role they play in the education and development of our state’s children; and

Whereas, vaccinating certified teachers and school support staff must not take away any vaccine supply from other mission‑critical workers and individuals; and

Whereas, it is imperative that we return students to in‑person, five‑day classroom instruction as quickly and safely as possible while providing a safe environment for our certified teachers and school support staff. Now, therefore,

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

SECTION 1. (A) Upon the effective date of this joint resolution, the Department of Health and Environmental Control shall identify certified teachers, school support staff, as defined by the Department of Education, and all first responders including, but not limited to, a law enforcement officer, firefighter, emergency medical technician, or paramedic as well as a volunteer law enforcement officer, firefighter, emergency medical technician, or paramedic, as mission‑critical workers and individuals who are eligible for vaccination under Phase 1a of the South Carolina COVID‑19 vaccination plan.

(B) The Department of Health and Environmental Control, in coordination with the Department of Education, shall implement a plan that will offer the opportunity to certified teachers, school support staff, and first responders to be fully vaccinated within thirty days of the effective date of this joint resolution.

(C) No later than two weeks after certified teachers and support staff have been offered the opportunity to be fully vaccinated, every school district must offer five‑day, in‑person classroom instruction to students.

(D) Notwithstanding subsection (B), the Department of Health and Environmental Control must ensure that all South Carolina residents who are eligible under Phase 1a of the South Carolina COVID‑19 vaccination plan who have received a first vaccine dose as of the effective date of this joint resolution are offered the opportunity for full vaccination within the appropriate recommended time period.

(E) Nothing in this joint resolution may be construed as a mandate for employment, and a school district may not discriminate against any employee who refuses the vaccine.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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