CHAPTER 40

Agent Orange Information and Assistance Program

**SECTION 44‑40‑10.** Short title.

This chapter may be cited as the "South Carolina Agent Orange Information and Assistance Act".

HISTORY: 1986 Act No. 521, Section 1.

**SECTION 44‑40‑20.** Definitions.

As used in this chapter:

(1) "Agent Orange" means the herbicide composed primarily of trichlorophenoxyacetic acid (2, 4, 5 T) and dichlorophenoxyacetic acid (2, 4 D) and its contaminant tetrachlorodibenzo‑para‑dioxin (2, 3, 7, 8 dioxin, TCDD).

(2) "Chemical agent" means dioxin or other toxic substances found in certain defoliants, herbicides, pesticides, and similar chemical substances or causative agents.

(3) "Council" means the South Carolina Agent Orange Advisory Council.

(4) "Program" means the Agent Orange Information and Assistance Program.

(5) "Veteran" means a person who is a resident of this State and who served in the armed forces of the United States of America from the year 1959 through the year 1975.

HISTORY: 1986 Act No. 521, Section 1.

**SECTION 44‑40‑30.** Creation, purpose, and membership of South Carolina Agent Orange Advisory Council; compensation of voting members.

There is created the South Carolina Agent Orange Advisory Council to assist and advise the South Carolina Department of Health and Environmental Control in its duties and functions as provided in this chapter and to assist and advise the Veterans' Affairs Department of the Governor's Office in its duties and functions as provided in Section 25‑11‑70. The council is composed of five voting members and five nonvoting ex officio members. The voting members must be veterans who served in Vietnam, Cambodia, Laos, or Thailand. Voting members are appointed by the Governor for terms of four years and until their successors are appointed and qualify. The Governor shall designate a chairman who shall serve for a term of two years. Vacancies on the council are filled by appointment in the same manner as the original appointment for the remainder of the unexpired term. Voting members of the council are paid the usual per diem, mileage, and subsistence as provided by law for members of boards, commissions, and committees. The following shall serve as ex officio members without voting rights:

(1) the Director of the Department of Health and Environmental Control;

(2) the Director of Veterans' Affairs Department or his designee;

(3) one faculty member of the Medical University of South Carolina with expertise in a field relevant to the purpose of the council;

(4) one faculty member of the University of South Carolina with expertise in a field relevant to the purpose of the council.

HISTORY: 1986 Act No. 521, Section 1; 1991 Act No. 248, Section 6; 1993 Act No. 181, Section 1104.

Code Commissioner's Note

Pursuant to the directive to the Code Commissioner in 2019 Act No. 26, Section 4(C), references to the Division of Veterans' Affairs were changed to reflect the transfer of it to the Department of Veterans' Affairs.

Editor's Note

The 2019 amendment to Section 25‑11‑20 provided that the Governor shall appoint a Secretary, rather than a Director, to lead the Department of Veterans' Affairs.

**SECTION 44‑40‑40.** Establishment, administration, and duties of Agent Orange Information and Assistance Program.

With the advice of council, the program shall:

(1) seek out, study, evaluate, and provide information regarding epidemiological, genetic, and other studies, investigations, and research that pertain to use of chemical agents, including Agent Orange, and adverse health conditions which may be associated with exposure to such agents;

(2) provide medical information to health professionals in the State regarding the detection, diagnosis, and treatment of acute and chronic symptoms which may be associated with exposure to chemical agents, including Agent Orange;

(3) monitor and report on the activities and policies of the United States Government and other states relating to the exposure of veterans to chemical agents, including Agent Orange;

(4) monitor existing programs for Vietnam veterans at the state or local level to determine if adequate services and resources exist, identify additional areas of concern, and make recommendations on behalf of Vietnam veterans to address these needs;

(5) provide, in cooperation with the health facilities of the University of South Carolina and the Medical University of South Carolina, genetic information, screening, and counseling to veterans who have concerns regarding the possible genetic effects which may be associated with exposure to chemical agents, including Agent Orange;

(6) establish, promote, and maintain a public information service on Agent Orange. The services shall include, but not be limited to, efforts to contact Vietnam veterans who may have been exposed to Agent Orange;

(7) maintain a central state registry of information on Vietnam veterans in South Carolina who may have been exposed to Agent Orange, dioxin, or other chemical substances. The registry also shall include information obtained under the provisions of Section 44‑40‑50.

HISTORY: 1986 Act No. 521, Section 1.

**SECTION 44‑40‑50.** Reporting of medical information at request of veteran or next of kin; confidentiality.

(A) At the request of a veteran, or his next of kin if the veteran is deceased, who believes that he may have been exposed to chemical agents, including Agent Orange, while serving in the armed forces of the United States, any physician or other health care provider who has the primary responsibility for treating the veteran must report the following information to the program:

(1) symptoms of the veteran which may be related to exposure to a chemical agent, including Agent Orange;

(2) diagnosis;

(3) methods of treatment prescribed;

(4) other information as determined by the program.

If there is no physician or other health care provider with the responsibility, the hospital treating the veteran shall make the report. If there is no health care provider or hospital treating the veteran, the veteran or his next of kin may submit the report directly to the program.

(B) The identity of a veteran about whom information is received by the program under this section is confidential information and may not be disclosed without the consent of the veteran or his personal representative. Summary data based on information received under this section is not confidential. No action or proceeding, civil or criminal, shall lie against any health care provider or hospital who provides information to the program pursuant to this section.

HISTORY: 1986 Act No. 521, Section 1.

**SECTION 44‑40‑60.** Annual report of council; authority of council to hold hearings.

With the cooperation of the Department of Health and Environmental Control and the Department of Veterans Affairs, the council:

(1) shall make an annual report to the General Assembly containing:

(a) a comprehensive review and summary analysis of the scientific literature on the effects of exposure to chemical agents, including Agent Orange;

(b) a summary of the activities undertaken to inform and assist veterans who may have been exposed to chemical agents, including Agent Orange;

(c) a description and interpretation of the results of any study undertaken pursuant to this chapter;

(d) other comments or recommendations the council considers appropriate.

(2) may hold hearings consistent with the purposes of this chapter.

To assist it in carrying out these functions, the council may contract for an evaluation of the performance of the Department of Health and Environmental Control and the Department of Veterans Affairs in implementing this chapter and may contract for the compilation and editing of the annual report.

HISTORY: 1986 Act No. 521, Section 1.