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COMMITTEE REPORT

May 6, 2010

**H. 4446**

Introduced by Rep. Crawford

S. Printed 5/6/10--S.

Read the first time April 20, 2010.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (H. 4446) to amend Section 44‑29‑210, Code of Laws of South Carolina, 1976, relating to mass immunization projects approved by the Department of Health and Environmental Control, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 44‑29‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MASS IMMUNIZATION PROJECTS APPROVED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE PARTICIPATION OF MEDICAL PERSONNEL IN THESE PROJECTS, SO AS TO PROVIDE THAT LICENSED NURSES, RATHER THAN REGISTERED NURSES, ARE INCLUDED IN THE PERSONNEL WHO MAY PARTICIPATE IN THESE PROJECTS AND WHO ARE EXEMPT FROM LIABILITY.

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

SECTION 1. Section 44‑29‑210 of the 1976 Code is amended to read:

“Section 44‑29‑210. ~~(a)~~ (A) ~~Whenever~~ If the Board of the Department of Health and Environmental Control or the Director of the Department of Health and Environmental Control approves in writing a mass immunization project to be administered in any part of this State in cooperation with an official or volunteer medical or health agency, any authorized employee of the agency, any physician who does not receive compensation for his services in the project, and any ~~registered~~ licensed nurse who participates in the project, except as provided in subsection ~~(b)~~ (B), is not liable to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine administered in the project by the employee, physician, or nurse. Neither the board nor the director may approve the project unless either finds that the project conforms to good medical and public health practice.

For purposes of this section, a person is considered to be an authorized employee of an official or volunteer medical or health agency if he has received the necessary training for and approval of the ~~Director of the Bureau of Preventive Health Services of the~~ department for participation in the project.

~~(b)~~(B) Nothing in this section exempts any physician, ~~registered~~ licensed nurse, or authorized public health employee participating in any mass immunization project from liability for gross negligence ~~nor do~~, and the provisions of this section do not exempt any drug manufacturer from any liability for any drug or vaccine used in the project.”

SECTION 2. Section 44‑29‑40 of the 1976 Code is amended to read:

“Section 44‑29‑40. (A) The Department of Health and Environmental Control shall have general direction and supervision of vaccination, screening, and immunization in this State ~~in regard to contagious diseases~~. The Department of Health and Environmental Control ~~shall have~~ has the authority to promulgate ~~rules and~~ regulations concerning vaccination, screening, and immunization requirements.

(B) The department shall establish a statewide immunization registry and shall promulgate regulations for the implementation and operation of the registry. All health care providers shall report to the department the administration of any immunization in a manner and including such data as specified by the department. The department may make immunization information available to persons and organizations in accordance with state and federal disclosure and reporting laws. The department may seek enforcement of this section and issue civil penalties in accordance with Section 44‑1‑150.”

SECTION 3. This act takes effect upon approval by the Governor.

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