**South Carolina General Assembly**

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**S. 378**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Davis

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Currently residing in the Senate Committee on **Medical Affairs**

Summary: Pharmacists

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/25/2025 Senate Introduced and read first time (Senate Journal‑page 6)

 2/25/2025 Senate Referred to Committee on **Medical Affairs** (Senate Journal‑page 6)

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**VERSIONS OF THIS BILL**

[02/25/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/378_20250225.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40‑43‑35 SO AS TO PROVIDE REQUIREMENTS FOR DETERMINING IF ACTS ARE WITHIN THE SCOPE OF PHARMACY PRACTICE OR ARE DELEGABLE UNDER SUPERVISION OF A LICENSED PHARMACIST; BY AMENDING SECTION 40‑43‑30, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA PHARMACY PRACTICE ACT, SO AS TO INCLUDE THE PRESCRIBING OF DRUGS, DRUG CATEGORIES, AND DEVICES IN CERTAIN CIRCUMSTANCES, AMONG OTHER THINGS; AND BY AMENDING SECTION 40‑43‑86, RELATING TO UNPROFESSIONAL CONDUCT OF PERSONS OR FACILITIES LICENSED OR PERMITTED BY THE BOARD OF PHARMACY, SO AS TO INCLUDE ACTS OR OMISSIONS WITHIN THE PRACTICE OF PHARMACY THAT FAIL TO MEET THE STANDARD PROVIDED BY OTHER QUALIFIED LICENSEES OR REGISTRANTS IN THE SAME OR SIMILAR SETTING.

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

SECTION 1. Chapter 43, Title 40 of the S.C. Code is amended by adding:

 Section 40‑43‑35. To determine whether a specific act is within the scope of pharmacy practice in or into the state, or if an act can be delegated to other individuals under a licensee’s supervision, the licensee must independently determine if the act is:

 (1) expressly prohibited by:

 (a) this chapter; or

 (b) any applicable state or federal laws;

 (2) consistent with the licensee’s education, training, and experience; and

 (3) within the accepted standard of care that would be provided in a similar setting by a reasonable and prudent licensee with similar education, training, and experience.

SECTION 2. Section 40‑43‑30(50) of the S.C. Code is amended to read:

 (50) “Practice of pharmacy” means the:

 (a) interpretation, evaluation, and dispensing of prescription drug orders in the patient’s best interest;

 (b) participation in drug and device selection, drug administration, prospective drug reviews, and drug or drug‑related research;

 (c) provision of patient counseling and the provision of those acts or services necessary to provide pharmacy care and drug therapy management;

 (d) responsibility for compounding and labeling of drugs and devices, (except labeling by a manufacturer, repackager, or distributor or nonprescription drugs and commercially packaged legend drugs and devices) proper and safe storage of drugs and devices and maintenance of proper records for them;

 (e) initiation, ordering, and administration of flu and COVIDlaboratory tests. Pharmacists may delegate the task of administering tests provided for in this subsection to a trained pharmacy technician or pharmacy intern, but the pharmacist must perform any interpretation of the results;

 (f) reporting of a person’s flu or COVIDlaboratory test results and the referral of that patient for follow‑up care to the health care provider identified by the patient or if none is identified, to an appropriate health care provider; or

 (g) the offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, education, management, and control of pharmacy.

 (h) the prescribing of drugs, drug categories, and devices that are limited to conditions that:

 (i) do not require a new diagnosis;

 (ii) are minor and generally self‑limiting;

 (iii) have a test that is used to guide diagnosis or clinical decision‑making and are waived under the federal Clinical Laboratory Improvement Amendments of 1988; or

 (iv) in the professional judgment of the pharmacist, are patient emergencies.

SECTION 3. Section 40‑43‑86(DD) of the S.C. Code is amended to read:

 (DD) Unprofessional conduct includes, but is not limited to, the following acts by a pharmacist, permit holder, pharmacy technician, or the owner of a permitted facility:

 (1) publishing or circulating false, misleading, or otherwise deceptive statements concerning the practice of pharmacy;

 (2) attempting to circumvent the patient counseling requirements, or discouraging the patient from receiving patient counseling concerning their prescription drug orders;

 (3) divulging or revealing to unauthorized persons patient information or the nature of professional pharmacy services rendered without the patient’s express consent, or without order or direction of a court. Authorized persons include:

 (a) a patient, or patient’s agent, or another pharmacist acting on behalf of a patient;

 (b) the practitioner who issued the prescription drug order;

 (c) certified/licensed health care personnel who are responsible for the care of the patient;

 (d) an inspector, agent, or investigator of the Board of Pharmacy or any federal, state, county, or municipal officer whose duty is to enforce the laws of this State or the United States relating to drugs or devices and who is engaged in a specific investigation involving a designated person or drug;

 (e) an agency of government charged with the responsibility of providing medical care for the patient upon written request by an authorized representative of the agency requesting the information;

 (4) selling, giving away, or otherwise disposing of accessories, chemicals, or drugs or devices found in illegal drug traffic when the pharmacist knows or should have known of their intended use in illegal activities;

 (5) engaging in conduct likely to deceive, defraud, or harm the public, or demonstrating a wilful or careless disregard for the health, welfare, or safety of a patient, or engaging in conduct which substantially departs from the standards of care ordinarily exercised by a pharmacist;

 (6) selling a drug for which a prescription drug order from a practitioner is required without having received a prescription drug order for the drug;

 (7) wilfully and knowingly failing to maintain complete and accurate records of all drugs received, dispensed, or disposed of in compliance with the federal laws and regulations and state laws and regulations;

 (8) obtaining any remuneration by fraud, misrepresentation, or deception;

 (9) using a system providing for the electronic transfer of information that infringes on a patient’s freedom of choice as to the provider of pharmacy care;

 (10) acts or omissions within the practice of pharmacy that fail to meet the standard provided by other qualified licensees or registrants in the same or similar setting.

SECTION 4. This act takes effect on July 1, 2025.

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