**South Carolina General Assembly**

118th Session, 2009-2010

**S. 770**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Thomas

Document Path: l:\council\bills\nbd\11471ac09.docx

Introduced in the Senate on April 30, 2009

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

Summary: Consumer Health Freedom Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/30/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑10

4/30/2009 Senate Referred to Committee on **Medical Affairs** [SJ](file:///h:\SJ%20Archive\2009\04-30-09.docx)‑10

**VERSIONS OF THIS BILL**

[4/30/2009](file:///p:\pprever\2009-10\770_20090430.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA CONSUMER HEALTH FREEDOM ACT” BY ADDING CHAPTER 114 TO TITLE 44 SO AS TO PROVIDE THAT A CONSUMER, OR A PATIENT, HAS THE RIGHT TO SEEK AND TO HAVE DIRECT ACCESS TO ANY TYPE OF HEALTH CARE, OR HEALTH CARE INFORMATION OR PRODUCTS, THE CONSUMER OR PATIENT CONSIDERS TO BE IN HIS OR HER BEST INTEREST, INCLUDING COMPLEMENTARY OR ALTERNATIVE HEALTH CARE INFORMATION AND PRODUCTS.

Whereas, among the inalienable rights are not only the right to life, liberty, property, and the pursuit of happiness, but also the right to health, well‑being, and survival; and

Whereas, health is a state of physical, mental, spiritual and personal social well‑being and not merely the absence of disease or infirmity; and

Whereas, in order to secure the right to health, a human being must be able to exercise his or her fundamental right to privacy and self‑determination and the right to make personal choices in pursuit of health, healing, well‑being, and survival; and

Whereas, in order to fully exercise the fundamental right of privacy and self‑determination, full direct access to health care, products, devices, substances, and information of each individual’s choice must be protected and preserved for each member of the human family; and

Whereas, in order to obtain these rights for all South Carolinians, it is necessary to enact legislation relating to the pursuit of health, well‑being, and survival by authorizing direct access to complementary or alternative health care information and products; providing effect on the practice acts of licensed health care providers, and revising the Patient’s Bill of Rights and Responsibilities to include the right to direct access to any type of health care information and products that the patient or the patient’s health care practitioner believes is in their best interests. Now, therefore,

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

SECTION 1. Title 44 of the 1976 Code is amended by adding:

“CHAPTER 114

South Carolina Consumer Health Freedom Act

Section 44‑114‑10. (A) It is the intent of the General Assembly that citizens be able to make informed choices for any type of health care information and products they consider to be an effective way to achieve health and well‑being. It is the intent of the General Assembly that citizens be able to choose from all types of health care information and products, in addition to the prevailing or conventional treatment methods and products.

(B) As used in this section, ‘complementary or alternative health care information and products’ means any public dissemination of healing arts theories and descriptions, as well as any devices, substances, and products, that are considered by the person seeking the information or products to contribute to this person’s health and well‑being.

(C)(1) A consumer may, without restriction, seek any type of information or product that he or she considers to be in his or her best interest, including complementary or alternative health care information or products, as long as the product is a legal substance.

(2) All consumer protection laws apply to the provision of complementary or alternative health care information and products.

(D) A patient has the right to direct access to any type of health care that is, in his or her own judgment or the judgment of his or her health care practitioner, to be in his or her best interest, including complementary or alternative health care information and products, as long as the product is a legal substance.

(E) This section does not modify or change the scope of practice of any health care providers licensed in this State, and it does not alter in any way the provisions of the individual practice acts for these health care professions, that require licensees to practice within their respective standards of care and that prohibit fraud and exploitation of patients.”

SECTION 2. This act takes effect upon approval by the Governor.

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