**South Carolina General Assembly**

120th Session, 2013-2014

**S. 841**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cleary

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Companion/Similar bill(s): 4665

Introduced in the Senate on January 14, 2014

Introduced in the House on March 25, 2014

Last Amended on March 20, 2014

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

Summary: Childcare facilities

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2013 Senate Prefiled

12/10/2013 Senate Referred to Committee on **Judiciary**

1/14/2014 Senate Introduced and read first time ([Senate Journal‑page 42](file:///H:\SJ%20Archive\2014\01-14-14.docx))

1/14/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 42](file:///H:\SJ%20Archive\2014\01-14-14.docx))

3/12/2014 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 8](file:///H:\SJ%20Archive\2014\03-12-14.docx))

3/18/2014 Senate Committee Amendment Adopted ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\03-18-14.docx))

3/18/2014 Senate Read second time ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\03-18-14.docx))

3/18/2014 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\03-18-14.docx))

3/20/2014 Senate Amended ([Senate Journal‑page 22](file:///H:\SJ%20Archive\2014\03-20-14.docx))

3/20/2014 Senate Read third time and sent to House ([Senate Journal‑page 22](file:///H:\SJ%20Archive\2014\03-20-14.docx))

3/25/2014 House Introduced and read first time ([House Journal‑page 17](file:///H:\HJ%20Archive\2014\03-25-14.docx))

3/25/2014 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 17](file:///H:\HJ%20Archive\2014\03-25-14.docx))

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p:\pprever\2013-14\841_20131210.docx)

[3/12/2014](file:///p:\pprever\2013-14\841_20140312.docx)

[3/18/2014](file:///p:\pprever\2013-14\841_20140318.docx)

[3/20/2014](file:///p:\pprever\2013-14\841_20140320.docx)

AS PASSED BY THE SENATE

March 20, 2014

**S. 841**

Introduced by Senator Cleary

S. Printed 3/20/14--S.

Read the first time January 14, 2014.

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 13, TITLE 63, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE REGULATION OF CHILDCARE FACILITIES, BY ADDING SECTION 63-13-185, SO AS TO PROHIBIT THE ADMINISTRATION OF MEDICATION TO A CHILD BY AN EMPLOYEE OR VOLUNTEER OF A CHILDCARE FACILITY WITHOUT PARENTAL PERMISSION, AND TO INCLUDE EXCEPTIONS IN CIRCUMSTANCES OF EMERGENCIES, AND TO PROVIDE PENALTIES.

Amend Title To Conform

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

SECTION 1. Article 1, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63-13-185. (A) For purposes of this section, ‘medication’ means a drug that may be obtained with or without a prescription, excluding a topical ointment obtained without a prescription.

(B) It shall be unlawful for a director, owner, operator, caregiver, employee, or volunteer of a childcare facility to administer medication to a child under the care of the facility unless:

(1) the parent or guardian of the child has submitted to the childcare facility prior to the administration of the medication a signed and dated parental consent form that authorizes the facility to administer the medication to the child, and the authorization is for not longer than one year;

(2) the medication is administered as stated on the label directions, or as amended in writing by the child’s healthcare provider; and

(3) the medication is not expired.

(C) Notwithstanding subsection (B) a director, owner, operator, caretaker, employee, or volunteer of a childcare facility may administer medication to a child without a signed authorization if the parent or guardian:

(1) submits to the facility an authorization in an electronic format that is capable of being viewed and saved; or

(2) authorizes the childcare facility by telephone to administer a single dose of a medication.

(D) This section does not apply to a person who administers a medication as prescribed, directed, or intended, to a child, when that person has a good faith belief the child is suffering from a medical emergency and administering medication would prevent the death or serious injury of the child.

(E) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, may be imprisoned for up to one year or fined not more than two thousand dollars, or both.”

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

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