**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3192**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Fry, Bamberg, Bryant, Caskey, B. Cox, Elliott, Huggins, Pope, Rose, G.R. Smith, Yow, Robinson, Magnuson, Thigpen, McCravy, Wooten, McGarry, Kirby, V.S. Moss, Hosey, Henegan and J.L. Johnson

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Introduced in the House on January 12, 2021

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Workers' comp

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Labor, Commerce and Industry**

1/12/2021 House Introduced and read first time ([House Journal‑page 107](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 107](file:///h:\hj\20210112.docx))

1/14/2021 House Member(s) request name added as sponsor: Henegan, J.L.Johnson

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3192&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3192_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 42‑11‑210 SO AS TO DEFINE “FIRST RESPONDER”, “HEALTH CARE PROVIDER”, “CORRECTIONAL OFFICER”, AND “ISOLATE” OR “ISOLATION”, TO ESTABLISH A PRESUMPTION THAT A FIRST RESPONDER, HEALTH CARE PROVIDER, OR CORRECTIONAL OFFICER CONTRACTING COVID‑19 IS ENTITLED TO WORKERS’ COMPENSATION BENEFITS AS AN OCCUPATIONAL DISEASE, AND TO PROVIDE TEMPORARY TOTAL DISABILITY BENEFITS FOR FIRST RESPONDERS, HEALTH CARE PROVIDERS, AND CORRECTIONAL OFFICERS REQUIRED TO ISOLATE DUE TO COVID‑19 IF CERTAIN CONDITIONS ARE MET.

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

SECTION 1. Chapter 11, Title 42 of the 1976 Code is amended by adding:

“Section 42‑11‑210. (A) For purposes of this section:

(1)(a) ‘First responder’ means a law enforcement officer, firefighter, emergency medical technician, or paramedic, as well as a volunteer law enforcement officer, firefighter, emergency medical technician, or paramedic.

(b) ‘First responder’ also means a member of the South Carolina National Guard or the South Carolina State Guard who has been ordered to state duty or state active duty by proper state authority in response to a:

(i) declared state of emergency for all or part of the State; or

(ii) public health emergency as defined in Chapter 4, Title 44.

(2) ‘Health care provider’ means a person employed to provide ‘health service’, as defined in Section 44‑7‑130(11). This includes, but is not limited to, employees of organizations defined in Section 44‑7‑130(2), (7), (10), and (12).

(3) ‘Correctional officer’ means a person employed as a correctional officer at a ‘detention facility’, as defined in Section 24‑13‑80(A)(1), including correctional officers employed at the South Carolina Department of Juvenile Justice and the South Carolina Department of Mental Health.

(4) ‘Isolate’ or ‘isolation’ means an assignment of work restrictions resulting from exposure to or diagnosis of COVID‑19 including, but not limited to, a restriction to stay at home, to distance oneself in such a manner so as to restrict the employee from doing his or her regular duties, or a respiratory‑based limitation that causes the employee to be effectively restricted from performing his or her job duties.

(B) Notwithstanding the provisions of this chapter, for the purposes of South Carolina Workers’ Compensation Law, a first responder, health care provider, or correctional officer who is diagnosed with COVID‑19 is entitled to the presumption that the diagnosis of COVID‑19 arose from and in the course and scope of his employment as a first responder, health care provider, or correctional officer.

(C) Notwithstanding Section 42‑9‑260(A), a first responder, health care provider, or correctional officer is entitled to temporary total disability benefits immediately upon isolation, and lasting until isolation is no longer recommended by a physician, if he:

(1) is directed to isolate by his employer due to confirmed or suspected COVID‑19 exposure;

(2) receives a COVID‑19 diagnosis from a physician;

(3) receives a presumptive positive COVID‑19 test; or

(4) receives a laboratory‑confirmed COVID‑19 test.”

SECTION 2. This act takes effect upon approval by the Governor, and the General Assembly intends for its provisions to apply retroactively to first responders, health care providers, or correctional officers who, before the effective date of this act, received a COVID‑19 diagnosis from a physician; received a presumptive positive COVID‑19 test; received a laboratory‑confirmed COVID‑19 test; or were directed to isolate by an employer due to confirmed or suspected COVID‑19 exposure.

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