**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4858**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hardee, J.E. Johnson, Bailey, Hewitt, Brittain and Herbkersman

Document Path: l:\council\bills\cc\16137vr22.docx

Companion/Similar bill(s): 4567

Introduced in the House on January 25, 2022

Currently residing in the House Committee on **Judiciary**

Summary: Experimental treatment modalities, right to try

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/25/2022 House Introduced and read first time ([House Journal‑page 8](file:///h:\hj\20220125.docx))

1/25/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 8](file:///h:\hj\20220125.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4858&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/25/2022](file:///p:\pprever\2021-22\4858_20220125.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑137‑25 SO AS TO ALLOW ANY PERSON WHO CONTRACTS CERTAIN CONTAGIOUS OR INFECTIOUS DISEASES TO CONSIDER, IN CONSULTATION WITH A HEALTH CARE PROVIDER, ANY TREATMENT MODALITY THAT IS EITHER APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION OR HAS PASSED ADEQUATE PEER‑REVIEWED ANALYSIS AND BEEN PUBLISHED IN A PEER‑REVIEWED JOURNAL; AND TO PROTECT CERTAIN HEALTH CARE PROVIDERS AND PHARMACISTS FROM CIVIL, CRIMINAL, OR PROFESSIONAL LIABILITY.

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

SECTION 1. Chapter 137, Title 44 of the 1976 Code is amended by adding:

“Section 44‑137‑25. (A) Notwithstanding another provision of law to the contrary, a person who contracts a contagious or infectious disease that could result in a declared epidemic or pandemic disease is considered an eligible patient for purposes of this chapter. Such an individual, in consultation with a health care provider, is entitled to discuss and consider all treatment modalities available for such an illness. These modalities must include all treatments presently approved by the United States Food and Drug Administration, as well as medications that have passed adequate peer‑reviewed analysis and are published in established peer‑reviewed journals. Such medications only may be prescribed after obtaining informed consent in writing from the patient being treated. If the patient is a minor, or otherwise incapable of providing informed consent, the parent or legal guardian is entitled to give informed consent in writing to use the modality chosen by the provider after a thoughtful discussion of the patient’s health status and potential benefit from the choice of the specific modality chosen. Treatment modalities authorized pursuant to this section include treatment modalities provided to patients in outpatient and inpatient settings. Documentation that the patient meets all the criteria for the use of the chosen modality must be in written form.

(B) A health care provider who in good faith recommends and treats an eligible patient pursuant to this section, and a pharmacist who fills and dispenses repurposed medications prescribed pursuant to this section, are not by an act or omission subject to civil or criminal liability or subject to professional disciplinary action, including license suspension or revocation or financial penalties, for any damages suffered by the eligible patient or for recommending, treating, prescribing, or dispensing treatment modalities that have passed adequate peer‑reviewed analysis and are published in established peer‑reviewed journals.”

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

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