DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2009 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 31.

 TUBERCULOSIS

ARTICLE 1.

 REPORTS AND RECORDS OF TUBERCULOSIS CASES

**SECTION 44‑31‑10.** Reports of physicians and administrative officers of hospitals and similar institutions.

Every attending physician and chief administrative officer having charge of any hospital, clinic, dispensary or other similar private or public institution in the State shall make a report in writing, on a form to be furnished by the Department of Health and Environmental Control, on every person known by the physician to have tuberculosis or on every patient in the care of such administrator. Such report shall be filed within twenty‑four hours after the patient is known by the physician to have tuberculosis or after such patient comes into the care of the administrator.

The report shall contain the name, age, sex, race, occupation, place where last employed if known, and the address or previous address in the case of a patient reported on, and the reporting physician or officer shall also give evidence upon which the diagnosis of tuberculosis has been made, the part of the body affected, and the stage of the disease. All cases in which sputum, urine, feces, pus, or any other bodily discharge, secretion, or excretion contains the tubercle bacillus, shall be regarded as active infectious cases of tuberculosis.

**SECTION 44‑31‑20.** Reports of bacteriological and pathological laboratories.

(1) All bacteriological and pathological laboratories rendering diagnostic service shall report to the Department of Health and Environmental Control, within twenty‑four hours after diagnosis, the full name and other available data relating to the person whose sputa, gastric contents, or other specimens submitted for examination reveal the presence of tubercle bacilli. Such report shall include the name and address of the physician or of any other person or agency referring such positive specimen for clinical diagnosis.

(2) All reports and records of clinical or laboratory examination, for the presence of tuberculosis, shall be confidential and recorded in a register maintained by the Department of Health and Environmental Control.

**SECTION 44‑31‑30.** Personnel of Department of Health and Environmental Control are authorized to inspect records and provide consultation services.

Authorized personnel of the Department of Health and Environmental Control may inspect all medical records of all public and private institutions and clinics where tuberculosis patients are treated, and shall provide consultation services to officers of State educational, correctional, and medical institutions regarding the control of tuberculosis and the care of patients or inmates having tuberculosis.

ARTICLE 3.

 COMMITMENT OF TUBERCULOSIS PATIENTS

**SECTION 44‑31‑110.** Filing complaint against tubercular person who constitutes a menace to others.

When it is brought to the attention of a county health officer that any person afflicted with active pulmonary tuberculosis is unable or unwilling to conduct himself so as not to expose others to danger, the county health officer is directed to investigate the circumstances. If he finds that the diagnosis of active pulmonary tuberculosis is conclusive and that the person concerned is in fact a menace to others, he shall lodge a complaint with the judge of probate of the county concerned. In case of the absence of the county health officer or his failure to act any other interested person may lodge a complaint with the judge of probate, such complaint to be based on proper records and affidavits.

**SECTION 44‑31‑120.** Commitment of tubercular person.

If the judge of probate, after due notice and hearing, is satisfied that such complaint is well founded, he may commit the person against whom the complaint has been lodged to the State Park Health Center, such commitment to continue until the medical director notifies the probate judge that the person concerned is no longer a menace to others.

**SECTION 44‑31‑130.** Appeal from commitment.

Any person committed to a sanatorium under the terms of this article shall have the right to appeal to any court having jurisdiction for review of the evidence under which he was committed.

**SECTION 44‑31‑140.** Isolation and detention at State Park Health Center if necessary.

If a person concerned is committed to the State Park Health Center and if he leaves without permission or conducts himself so as to jeopardize the morale or well‑being of his fellow patients in the opinion of the medical director, the director is empowered to isolate him and forceably detain him if necessary until such time as he is no longer a menace to others.

**SECTION 44‑31‑150.** Establishment of facilities at State Park Health Center for forcible detention.

Necessary facilities shall be established at the State Park Health Center for the forcible detention of patients committed under the provisions of this article whom the medical director orders to be isolated when, in the opinion of the medical director, provision of such facilities is necessary.

**SECTION 44‑31‑160.** Return of patient to State Park Health Center after departure without permission.

If any person so committed to the State Park Health Center shall leave the health center without permission of the medical director, the director shall report that fact to the judge of probate of the county from which the patient was committed, and the judge of probate shall call upon the sheriff of the county to return the patient to the State Park Health Center or shall take any other lawful steps which he deems necessary to insure his return.

**SECTION 44‑31‑170.** Restrictions on compulsory treatment.

No person shall be required to take any compulsory treatment under the provisions of this article until it shall have first been certified by two doctors licensed to practice in the State, or the county or district health officer, that the person sought to be confined for treatment actually has tuberculosis in a contagious state and that he constitutes a danger and menace to the health of others unless he be hospitalized and given treatment. One of such two doctors shall be appointed by the person suspected of being diseased and the other shall be a local doctor appointed by some member of the Tuberculosis Association or a member of the county medical society.

**SECTION 44‑31‑180.** Article contingent on adequacy of facilities.

The provisions of this article shall be contingent upon there being adequate and available facilities for hospitalization of persons committed hereunder.

**SECTION 44‑31‑190.** Construction.

Nothing in this article shall be construed as interfering with the ordinary admission of patients to the State Park Health Center through channels which have customarily been followed in the past, and this article shall be applied only to cases which have proved to be beyond ordinary reasonable methods of control. This article shall not be applied to mental cases, and such cases shall be treated at the State Hospital.

ARTICLE 5.

 TUBERCULOSIS PRISONERS AND INMATES OF INSTITUTIONS

**SECTION 44‑31‑310.** County authorities shall provide separate cells, rooms or places for tuberculous prisoners.

The county supervisors and governing bodies of the respective counties shall provide in the jails or places of confinement where prisoners are committed for keeping or sentenced to a term of imprisonment separate cells, rooms or places in which shall be confined all prisoners who may be committed for keeping or sentenced to a term of imprisonment who are affected with tuberculosis.

**SECTION 44‑31‑320.** Examination of prisoners or inmates by physician.

The county supervisor or sheriff of any county, when a prisoner or inmate is placed in his custody who the official has reason to suspect is suffering with tuberculosis, shall have such prisoner or inmate examined by a physician and if such prisoner or inmate shall be pronounced by the examining physician as a tuberculous person, then the prisoner or inmate shall be placed in the separate cell, room or place provided for by Section 44‑31‑310.

**SECTION 44‑31‑330.** Examination shall be within five days after commitment.

The jailer, keeper or warden of every place of confinement designated in this article shall have all prisoners and inmates who are suspected to be suffering with tuberculosis examined within five days after they have been committed.

**SECTION 44‑31‑340.** Penal and charitable institutions shall provide separate places for tuberculous prisoners and inmates.

Superintendents and boards of directors of all State penal and charitable institutions shall provide separate places of confinement for all prisoners and inmates who have been pronounced by the physician in charge as tuberculous persons.

**SECTION 44‑31‑350.** Association of prisoners on public works not prohibited.

Nothing in this article shall be so construed as to interfere with or prevent the county authorities from working or housing together all prisoners on public works as provided by law.

**SECTION 44‑31‑360.** Penalty.

A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years.

ARTICLE 7.

 STATE PARK HEALTH CENTER

**SECTION 44‑31‑510.** State Park Health Center transferred to Department of Health and Environmental Control; title to real property vested in State.

All powers, duties, personnel, funds and personal property of the State Park Health Center are hereby transferred to the Department of Health and Environmental Control. The title to all real property is hereby vested in the State of South Carolina, to be administered by the State Budget and Control Board.

**SECTION 44‑31‑520.** Payment for medical care and hospitalization.

Patients who are able to pay for their medical care and hospitalization shall be required to do so.

ARTICLE 9.

 TUBERCULOSIS CONTROL ADVISORY COMMITTEE

**SECTION 44‑31‑610.** Creation, membership and duties of Tuberculosis Control Advisory Committee.

There is hereby created the Tuberculosis Control Advisory Committee to be appointed by the Governor, upon the recommendation of the Department of Health and Environmental Control.

The Committee shall consist of six members who shall serve for terms of two years and until their successors are appointed and qualify. The present chairman of the South Carolina Sanatorium Board shall be appointed as an original member of the Committee.

The other five members shall consist of: two practicing physicians (one from the South Carolina Thoracic Society and one from the South Carolina Medical Association); one representative from the South Carolina Department of Social Services; one representative from the South Carolina Vocational Rehabilitation Department; and one representative from the South Carolina Tuberculosis Association.

The Committee shall advise the Department of Health and Environmental Control in all matters relating to the control, prevention and treatment of tuberculosis and chronic respiratory diseases.