**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3823**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Henderson, Bedingfield, Fry, Huggins, Johnson, Hewitt, Crawford, Duckworth, Allison, Forrester, Arrington, Tallon, Hamilton, Felder, Elliott, G.R. Smith, Jordan, B. Newton, Martin, Erickson, V.S. Moss, Long, Bradley, Weeks, Taylor, Putnam and Cogswell

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Companion/Similar bill(s): 447

Introduced in the House on February 22, 2017

Introduced in the Senate on April 5, 2017

Last Amended on May 9, 2017

Currently residing in conference committee

Summary: Mandated reporting

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/22/2017 House Introduced and read first time ([House Journal‑page 39](file:///h:\hj\20170222.docx))

2/22/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 39](file:///h:\hj\20170222.docx))

2/28/2017 House Member(s) request name added as sponsor: Allison, Forrester, Arrington, Tallon, Hamilton, Felder, Elliott

3/1/2017 House Member(s) request name added as sponsor: G.R.Smith

3/7/2017 House Member(s) request name added as sponsor: Jordan, B.Newton, Martin, Erickson, V.S.Moss, Long, Bradley, Weeks, Taylor

3/8/2017 House Member(s) request name added as sponsor: Putnam, Cogswell

3/29/2017 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 41](file:///h:\hj\20170329.docx))

4/4/2017 House Amended ([House Journal‑page 17](file:///h:\hj\20170404.docx))

4/4/2017 House Read second time ([House Journal‑page 17](file:///h:\hj\20170404.docx))

4/4/2017 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 19](file:///h:\hj\20170404.docx))

4/5/2017 House Read third time and sent to Senate ([House Journal‑page 6](file:///h:\hj\20170405.docx))

4/5/2017 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h:\sj\20170405.docx))

4/5/2017 Senate Referred to Committee on **General** ([Senate Journal‑page 9](file:///h:\sj\20170405.docx))

5/3/2017 Senate Committee report: Favorable with amendment **General** ([Senate Journal‑page 18](file:///h:\sj\20170503.docx))

5/4/2017 Scrivener's error corrected

5/9/2017 Senate Committee Amendment Adopted ([Senate Journal‑page 58](file:///h:\sj\20170509.docx))

5/9/2017 Senate Read second time ([Senate Journal‑page 58](file:///h:\sj\20170509.docx))

5/10/2017 Senate Read third time and returned to House with amendments ([Senate Journal‑page 43](file:///h:\sj\20170510.docx))

5/10/2017 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 43](file:///h:\sj\20170510.docx))

5/10/2017 House Non‑concurrence in Senate amendment ([House Journal‑page 88](file:///h:\hj\20170510.docx))

5/10/2017 House Roll call Yeas‑0 Nays‑99 ([House Journal‑page 89](file:///h:\hj\20170510.docx))

5/11/2017 Senate Senate insists upon amendment and conference committee appointed Young, Bright Matthews, Talley ([Senate Journal‑page 19](file:///h:\sj\20170511.docx))

5/11/2017 House Conference committee appointed GM Smith, Bedingfield, Norrell

5/1/2018 House Fry appointed in lieu of Bedingfield ([House Journal‑page 50](file:///h:\hj\20180501.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3823&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/22/2017](file:///p:\pprever\2017-18\3823_20170222.docx)

[3/29/2017](file:///p:\pprever\2017-18\3823_20170329.docx)

[4/4/2017](file:///p:\pprever\2017-18\3823_20170404.docx)

[5/3/2017](file:///p:\pprever\2017-18\3823_20170503.docx)

[5/4/2017](file:///p:\pprever\2017-18\3823_20170504.docx)

[5/9/2017](file:///p:\pprever\2017-18\3823_20170509.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT ADOPTED

May 9, 2017

**H. 3823**

Introduced by Reps. Henderson, Bedingfield, Fry, Huggins, Johnson, Hewitt, Crawford, Duckworth, Allison, Forrester, Arrington, Tallon, Hamilton, Felder, Elliott, G.R. Smith, Jordan, B. Newton, Martin, Erickson, V.S. Moss, Long, Bradley, Weeks, Taylor, Putnam and Cogswell

S. Printed 5/9/17--S.

Read the first time April 5, 2017.

**A** **BILL**

TO AMEND SECTION 63‑7‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATED REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE REPORTING WHEN AN INFANT OR FETUS IS EXPOSED TO ALCOHOL OR CONTROLLED SUBSTANCES.

Amend Title To Conform

Whereas, the purpose of this legislation is to address the problem of infants born affected by drugs and alcohol in South Carolina and to clarify the circumstances under which health professionals are to report fetal and infant substance exposure to the South Carolina Department of Social Services so the department can provide services or referrals for services to mothers with substance use disorders and infants born affected by substances; and

Whereas, the Comprehensive Addiction and Recovery Act (CARA) of 2016, an amendment to the Child Abuse Prevention and Treatment Act (CAPTA), aims to address the problem of infants born affected by substance use disorder, particularly opioid use disorder. The law requires each state to develop plans of safe care for infants affected by substance abuse; and

Whereas, the Administration for Children and Families has stated that, to comply with the law, “the State must have statewide laws, policies, or procedures requiring health care providers involved in the delivery or care of infants born and identified as affected by substance abuse, withdrawal symptoms resulting from prenatal drug exposure, or a fetal alcohol spectrum disorder to notify the state’s child protective services of the occurrence of such conditions of infants.” Now, therefore,

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

SECTION 1. Section 63‑7‑310 of the 1976 Code, as last amended by Act 227 of 2010, is further amended by adding subsections (E) and (F):

“(E)(1) Every physician, nurse, or medical or allied health professional shall report to the department:

(a) a child, birth to one year, who is diagnosed with neonatal abstinence syndrome or a fetal alcohol spectrum disorder; or

(b) a child, birth to one year, who is medically affected by the prenatal substance exposure to a controlled or illegal substance, or withdrawal from alcohol or a controlled or illegal substance.

(2) A report submitted pursuant to this subsection must be made regardless of whether or not the alcohol or substance exposure constitutes child abuse or neglect as defined in Section 63‑7‑20. However, a report submitted pursuant to this subsection does not create a presumption that the alcohol or substance exposure constitutes child abuse or neglect as defined in Section 63‑7‑20.

(F) Every physician, nurse, or medical or allied health professional who submits a report pursuant to subsection (E) may provide information to assist the department in the development of a plan of safe care for the child and his family or caregiver.”

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

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