~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 4, 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 4/4/17--H.

Read the first time February 22, 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

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. Section 63‑7‑390 of the 1976 Code is amended to read:

“Section 63‑7‑390. A person required or permitted to report pursuant to Section 63‑7‑310 or who participates in an investigation or judicial proceedings resulting from the report, acting in good faith, is immune from civil and criminal liability which might otherwise result by reason of these actions or inactions. In all such civil or criminal proceedings, good faith is rebuttably presumed. Immunity under this section extends up to full disclosure by the person of facts which gave the person reason to believe that the child’s physical or mental health or welfare had been or might be adversely affected by abuse or neglect.”

SECTION 3. This act takes effect upon approval by the Governor.

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