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Indicates New Matter

COMMITTEE REPORT

April 4, 2019

**H. 3729**

Introduced by Reps. Fry, West, G.R. Smith, Johnson, Hardee, Dillard, Robinson, Garvin, S. Williams, Sandifer, Felder and Crawford

S. Printed 4/4/19--H.

Read the first time January 23, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3729) 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, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 63‑7‑310(F) of the 1976 Code, as added by Act 222 of 2018, is amended to read:

“(F)(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) Upon receipt of a report, the South Carolina Department of Social Services shall immediately create a plan of safe care for the child and his family or caregiver after an appropriate assessment and as indicated under the circumstances. Services offered may include, but not be limited to, a referral for chemical dependency assessment, a referral for chemical dependency treatment if recommended, a referral for prenatal care, or any other appropriate service as indicated by a medical provider of the child or mother.

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

(H) Nothing in this section shall be construed as requiring a person under the age of eighteen to be a mandated reporter pursuant to subsection (A).”

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

Renumber sections to conform.

Amend title to conform.

PETER M. MCCOY, JR. for Committee.

**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.

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

SECTION 1. Section 63‑7‑310(F) of the 1976 Code, as added by Act 222 of 2018, is amended to read:

“(F)(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.

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

(H) Nothing in this section shall be construed as requiring a person under the age of eighteen to be a mandated reporter pursuant to subsection (A).”

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

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