**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5470**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pope, Guffey, Lawson, M.M. Smith, T. Moore, B.L. Cox, Forrest, Sessions, Gilliam, Mitchell, B. Newton, B.J. Cox and Moss

Document Path: LC-0461VR24.docx

Introduced in the House on April 24, 2024

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

Summary: Fentanyl

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/24/2024 House Introduced and read first time (House Journal‑page 10)

 4/24/2024 House Referred to Committee on **Judiciary** (House Journal‑page 10)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5470&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/24/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5470_20240424.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44‑53‑370, RELATING TO CONTROLLED SUBSTANCE PROHIBITIONS, SO AS TO CREATE CRIMINAL PENALTIES ASSOCIATED WITH THE INTENTIONAL OR UNINTENTIONAL EXPOSURE OF FIRST RESPONDERS TO FENTANYL OR FENTANYL‑RELATED SUBSTANCES IN THE COURSE OF PERFORMING OFFICIAL DUTIES, WITH EXCEPTIONS.

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

SECTION 1. Section 44‑53‑370 of the S.C. Code is amended by adding:

 (h)(1) A person eighteen years of age or older who, in the course of unlawfully possessing fentanyl or fentanyl‑related substances, exposes a first responder to fentanyl or fentanyl‑related substances and an overdose or serious bodily injury of the first responder results, is guilty of a felony and, upon conviction, must be sentenced to a term of imprisonment of not more than twenty‑five years or fined not more than one hundred thousand dollars, or both.

 (2) It is a defense to a violation of this item that a first responder acted outside the scope of ordinary care generally exercised by a member of his profession and, in doing so, caused or substantially contributed to his exposure to fentanyl or fentanyl‑related substances.

 (3) For purposes of this item,

 (a) “Fentanyl or fentanyl‑related substances” means fentanyl or a fentanyl‑related substance as described in Section 44‑53‑190 or 44‑53‑210.

 (b) “Expose or exposure” means to cause, either intentionally or unintentionally, any of the following including, but not limited to, ingestion, inhalation, needlestick injury, or absorption through skin or mucous membranes.

 (c) “First responder” means a law enforcement officer, a correctional officer, a probation officer, a firefighter as defined in Section 40‑80‑10, or an emergency medical technician, attendant, or attendant‑driver as those terms are defined in Section 44‑61‑20, who is acting in his official capacity.

 (d) “Overdose or serious bodily injury” means drug toxicity or a physical condition that creates a substantial risk of death or substantial loss of impairment of the function of any bodily part or organ.

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

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