**South Carolina General Assembly**

126th Session, 2025-2026

**S. 299**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Gambrell and Verdin

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Introduced in the Senate on January 30, 2025

Currently residing in the Senate Committee on **Medical Affairs**

Summary: Law Enforcement

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/30/2025 Senate Introduced and read first time (Senate Journal‑page 4)

 1/30/2025 Senate Referred to Committee on **Medical Affairs** (Senate Journal‑page 4)

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**VERSIONS OF THIS BILL**

[01/30/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/299_20250130.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44‑17‑410, RELATING TO EMERGENCY ADMISSION TO A PUBLIC OR PRIVATE HOSPITAL, MENTAL HEALTH CLINIC, OR MENTAL HEALTH FACILITY OF A PERSON LIKELY TO CAUSE SERIOUS HARM TO HIMSELF OR OTHERS, SO AS TO EXTEND THE TIME THE REQUIRED CERTIFICATE IS VALID IF SAFE TRANSPORT IS UNAVAILABLE DUE TO A NATURAL DISASTER OR SOME OTHER LIFE‑THREATENING CONDITION; AND BY AMENDING SECTION 44‑17‑440, RELATING TO THE CUSTODY AND TRANSPORT OF A PERSON REQUIRING IMMEDIATE CARE, SO AS TO EXTEND THE TIME THE REQUIRED CERTIFICATE IS VALID IF SAFE TRANSPORT IS UNAVAILABLE DUE TO A NATURAL DISASTER OR SOME OTHER LIFE‑THREATENING CONDITION, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH A FRIEND OR RELATIVE MAY TRANSPORT A MENTALLY ILL PATIENT, AND TO PROVIDE FOR CIVIL IMMUNITY UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 44‑17‑410(2) of the S.C. Code is amended to read:

 (2) a certification in triplicate by at least one licensed physician stating that the physician has examined the person and is of the opinion that the person is mentally ill and because of this condition is likely to cause harm to himself through neglect, inability to care for himself, or personal injury, or otherwise, or to others if not immediately hospitalized. The certification must contain the grounds for the opinion. A person for whom a certificate has been issued may not be admitted on the basis of that certificate after the expiration of three calendar days after the date of the examination; however, in the event of a natural disaster or the existence of life‑threatening conditions during the time that a person may be taken into custody, the certificate expires three days after conditions are determined to be safe for transport;

SECTION 2. Section 44‑17‑440 of the S.C. Code is amended to read:

 Section 44‑17‑440. (A)(1) The certificate required by Section 44‑17‑410, emergency admission, must authorize and require a state or local law enforcement officer, preferably in civilian clothes and preferably with crisis intervention training, to take into custody and transport the person to the hospital designated by the certification. No person may be taken into custody after the expiration of three days from the date of certification. In the event of a natural disaster or the existence of life‑threatening conditions during the time that a person may be taken into custody, the certificate expires three days after the conditions are determined to be safe for transport.A friend or relative may transport the individual to the mental health facility designated in the application or engage the services of an emergency medical technician as defined by Section 44‑61‑310, if the friend or relative has read and signed a statement on the certificate which clearly states that it is the responsibility of a state or local law enforcement officer to provide timely transportation for the patient and that the friend or relative freely chooses to assume that responsibility and liability. A friend or relative who chooses to transport the patient is not entitled to reimbursement from the State for the cost of the transportation. An officer or an emergency medical technician acting in accordance with this article is immune from civil liability.

 (2) Upon entering a written agreement between theNothing in this section shall prohibit a hospital, a local law enforcement agency, the governing body of the local government, thean emergency medical service providersprovider, or the Department of Mental Health and the directors of the community mental health centers, an alternative transportation program utilizing peer supporters and case managers may be arranged from arranging transportation for nonviolent persons, provided that the third party meets the minimum standards as determined by the department. requiring mental health treatment. The agreement must clearly must define the responsibilities of each party and the requirements for program participation.

 (B) An individual who has been certified for an involuntary emergency admission but not yet admitted to a facility and needs to be transported from a mental health center or an emergency department of a hospital to another facility for admission may be transported by an emergency medical technician.

 (C) If a certifying physician determines that a patient's condition would not pose a flight risk or likely harm to himself or others if transported by a friend or relative, a friend or relative of the patient is readily available, and, in the case of a patient sixteen years of age or older, the patient does not object, then the certifying physician or his designee must notify a friend or relative, if available, that the friend or relative may transport the patient to the mental health facility designated in the application or engage the services of an emergency medical technician as defined by Section 44‑61‑310. The friend or relative must read and sign a statement on the certificate stating that it is the responsibility of a state or local law enforcement officer to provide timely transportation for the patient and that the friend or relative freely chooses to assume that responsibility and liability. A friend or relative who chooses to transport the patient must do so in a timely manner and is not entitled to reimbursement from the State for the cost of the transportation.

 (D) While acting in accordance with this section, a law enforcement officer, an emergency medical technician, the certifying physician or a third party meeting the minimum standards of the department is immune from civil liability.

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

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