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AS PASSED BY THE SENATE

April 8, 2021

S. 177

Introduced by Senators Corbin, Rice, Loftis, Verdin, Martin and Garrett

S. Printed 4/8/21--S.

Read the first time January 12, 2021.

A JOINT RESOLUTION

TO PROVIDE THAT COVID-19 VACCINATIONS ARE PURELY VOLUNTARY, TO PROVIDE THAT AN EMPLOYER CANNOT TAKE AN ADVERSE EMPLOYMENT ACTION AGAINST AN EMPLOYEE WHO CHOOSES NOT TO UNDERGO A COVID-19 VACCINATION, AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CANNOT REQUIRE ISOLATION OR QUARANTINE FOR A PERSON WHO CHOOSES NOT TO UNDERGO A COVID-19 VACCINATION.

Amend Title To Conform

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

SECTION 1. No person in this State may be compelled to undergo vaccination to prevent coronavirus disease 2019, commonly referred to as COVID-19. If a person chooses not to undergo vaccination, then the person's employer may not subject the person to an adverse employment action, including, but not limited to, a termination, suspension, involuntary reassignment, or demotion.

SECTION 2. Notwithstanding the provisions contained in SECTION 1, an employee or contractor working for an entity who is treating or caring for vulnerable populations may be required by that entity to undergo vaccination to prevent COVID-19. For the purposes of this SECTION, "vulnerable populations" includes a person over the age of sixty, or a person with an underlying medical condition identified by the Centers for Disease Control and Prevention as having a higher risk of complications related to COVID-19.

SECTION 3. Nothing contained in this joint resolution shall prevent an employer from encouraging, promoting, or administering vaccinations, and nothing in this joint resolution shall prevent an employer from offering incentives to employees who elect to be vaccinated.

SECTION 4. The provisions contained in Section 44-4-520(A)(3), related to the Department of Health and Environmental Control's authority to require isolation or quarantine for people who do not undergo vaccinations during a public health emergency, do not apply to a person who chooses not to undergo vaccination for COVID-19. Nothing in this SECTION limits an employer's authority to mandate quarantines for employees who have been diagnosed with COVID-19, have symptoms associated with COVID-19, or have been in close contact with a person diagnosed with COVID-19, provided that the employer's quarantine procedures comply with applicable state and federal guidance.

SECTION 5. This joint resolution takes effect upon approval by the Governor.