

1 AMENDED  
2 December 9, 2021

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## H. 3126

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6 Introduced by Reps. Jones, Burns, Chumley, Magnuson, Taylor,  
7 Haddon, Long, Forrest, McCabe, Oremus, Hill, M.M. Smith,  
8 Huggins, Wooten, Ballentine, Bustos, B. Cox, Elliott, Trantham,  
9 Willis, Nutt, Morgan, McCravy, Thayer, V.S. Moss, Stringer,  
10 T. Moore, Allison, Hixon, Bennett, Fry, Kimmons, Davis and  
11 Murphy

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13 S. Printed 12/9/21--H.

14 Read the first time January 12, 2021.

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**A BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-1-130 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR THIS STATE OR ANY POLITICAL SUBDIVISION THEREOF TO ACCEPT ANY FEDERAL FUNDS TO ENFORCE AN UNLAWFUL FEDERAL MASK MANDATE OR UNLAWFUL FEDERAL VACCINE MANDATE.

Amend Title To Conform

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

SECTION 1. The State or any political subdivision thereof, including a school district, may not enact a COVID-19 vaccine mandate for any employee, independent contractor, nonemployee vendor, or student as a condition of employment or attendance.

SECTION 2. Chapter 15, Title 8 of the 1976 Code is amended by adding:

“Section 8-15-80. (A) Neither the State, nor any of its political subdivisions, may terminate a person employed as a first responder if the first responder does not undergo a COVID-19 vaccination.

(B) For purposes of this section, ‘first responder’ means a law enforcement officer, firefighter, emergency medical technician, or paramedic who is paid from public funds.”

SECTION 3. (A) If a private employer terminates or suspends an individual because they do not receive a COVID-19 vaccination, that individual is eligible for unemployment benefits.

(B) The General Assembly holds that a federal vaccine mandate is unconstitutional and shall not be enforced by this State.

1 However, if a private employer believes it is subject to the  
2 forfeiture of federal funds due to a failure to require employees to  
3 receive a COVID-19 vaccination, the private employer may  
4 require an unvaccinated employee to undergo weekly COVID-19  
5 testing.

6 (C) The Department of Health and Environmental Control and  
7 the Medical University of South Carolina shall partner with private  
8 employers to provide COVID-19 testing.

9 (D) From the Contingency Reserve Fund, there is appropriated  
10 ten million dollars to the Department of Health and Environmental  
11 Control and ten million dollars to the Medical University of South  
12 Carolina to fund COVID-19 testing for private employers.

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14 SECTION 4. Notwithstanding any other provision of law, a  
15 religious exemption or medical exemption must be honored in  
16 regards to any COVID-19 vaccine requirement. A medical  
17 exemption may include the presence of antibodies, a prior positive  
18 COVID-19 test, or pregnancy.

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20 SECTION 5. If any section, subsection, paragraph, subparagraph,  
21 sentence, clause, phrase, or word of this act is for any reason held  
22 to be unconstitutional or invalid, such holding shall not affect the  
23 constitutionality or validity of the remaining portions of this act,  
24 the General Assembly hereby declaring that it would have passed  
25 this act, and each and every section, subsection, paragraph,  
26 subparagraph, sentence, clause, phrase, and word thereof,  
27 irrespective of the fact that any one or more other sections,  
28 subsections, paragraphs, subparagraphs, sentences, clauses,  
29 phrases, or words hereof may be declared to be unconstitutional,  
30 invalid, or otherwise ineffective.

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32 SECTION 6. This act takes effect upon approval by the Governor  
33 and the provisions of this act are repealed on December 31, 2022  
34 unless reauthorized by the General Assembly.

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