



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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**Bill Number:** S. 0900      Introduced on December 6, 2021  
**Author:** Loftis  
**Subject:** Parent Bill of Rights Act  
**Requestor:** Senate Family and Veterans Services  
**RFA Analyst(s):** Wren  
**Impact Date:** March 16, 2022

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### **Fiscal Impact Summary**

This bill enacts the Parental Bill of Rights to specify that all parental rights are reserved to the parent of a child in this State without obstruction or interference from the State, political subdivisions of the State, public school districts, other governmental entities, or other institutions.

This bill will have no expenditure impact on the State Department of Education (SCDE) since the agency can manage the responsibilities of the bill within existing appropriations.

This bill is not expected to have an expenditure impact on the state agency schools since we anticipate that they can adhere to the provisions of the bill within existing appropriations.

This bill will have an undetermined expenditure impact on the Department of Social Services (DSS). While the bill will have no direct expenditure impact, the agency anticipates it could increase litigation costs as it may provide a new basis for parents to challenge the conduct of DSS in court hearings. However, any potential increase in litigation costs cannot be quantified at this time.

The Department of Health and Environmental Control (DHEC) indicates that this bill will likely result in the loss of its Family Planning Services Program federal grant, which is approximately \$7,299,700. This would also potentially impact 188.93 FTEs who support the program. The agency indicates that services are provided to individuals under eighteen, and the bill would likely violate the federal grant by requiring parental consent. If the agency is required to provide these services without federal funding, expenses could total up to \$7,299,700 and would require General Fund appropriations to continue the program.

This bill is not expected to have an expenditure impact on the Department of Labor, Licensing, and Regulation (LLR). While LLR is unable to estimate the potential number of complaints that may be filed against health care providers, the agency anticipates being able to manage the requirements of the bill within existing appropriations as long as the number of complaints is low.

This bill will have no expenditure impact on Judicial. Although the bill creates a new cause of action, there is no data available to estimate the number of additional filings. However, Judicial expects these changes will be minimal and can be managed within existing appropriations.

The potential increase in revenue to the General Fund due to the remittance of 10 percent of expenditures to the Professional and Occupational Licensing Offices pursuant to Proviso 81.3 of the FY 2021-22 Appropriations Act is pending, contingent upon a response from LLR. Additionally, this bill may result in an undetermined increase in General Fund revenue, Other Funds revenue, and local revenue due to the potential increase in court fines and fees.

This bill will have an undetermined expenditure impact on the local school districts. SCDE surveyed the seventy-seven regular school districts and the two charter school districts and received responses from seven districts. Six of the responding districts indicate that the bill will have no expenditure impact. One district indicates that the bill could increase expenses by up to \$25,000 for policy revisions that would require assistance from outside legal counsel. Due to the limited number of responses, the expenditure impact is undetermined.

## **Explanation of Fiscal Impact**

### **Introduced on December 6, 2021**

#### **State Expenditure**

This bill enacts the Parental Bill of Rights to specify that all parental rights are reserved to the parent of a child in this state without obstruction or interference from the State, political subdivisions of the State, public school districts, other governmental entities, or other institutions, including the following:

- The right to direct the education and care of his child;
- The right to direct the upbringing and the moral or religious training of his child;
- The right to apply to enroll his child in a public school or an alternative to public education as authorized by law;
- The right to access and review all school records relating to his child;
- The right to make health care decisions for his child, unless prohibited by court order or state law;
- The right to access and review all medical records of his child, unless prohibited by court order or State law;
- The right to consent in writing before a biometric scan of his child is made, shared, or stored;
- The right to consent in writing before any record of his child's blood or DNA is created, stored, or shared, except as required by general law or authorized by court order;
- The right to consent in writing before the State, political subdivision of the State, public school district, or public school makes a video or voice recording of his child unless the recording is made during or as part of a court proceeding or is made as part of a forensic interview in a criminal or DSS investigation or is used for specified reasons.

The bill also provides for exclusions related to parental rights. Additionally, the bill requires each district school board, in consultation with parents, teachers, and administrators, to develop

and adopt a policy to promote parental involvement in the public school system. A district school board may provide the information required by this bill electronically or post the information on its website. Further, a school district superintendent must provide information to a parent within ten days of receiving a written request from the parent for information pursuant to this bill.

The bill also specifies that a health care provider may not provide, solicit, or arrange health care services or prescribe medicinal drugs or biologics to a child without first obtaining written parental consent, except as otherwise provided by court order or State law. Additionally, the bill requires written parental consent prior to a health care provider performing a medical procedure on a child. A healthcare provider or other person who violates the provisions of this section of the bill is subject to disciplinary action by the relevant professional licensing board and guilty of a misdemeanor punishable by a fine of \$1,000, not more than thirty days in jail, or both.

Further, the bill allows an individual who has reached the age of eighteen years of age, instead of sixteen, to consent to health services for himself.

**State Department of Education.** SCDE indicates that it can accomplish the responsibilities of the bill within existing appropriations. Therefore, the bill will have no expenditure impact on the agency.

**State Agency Schools.** The Governor's School for the Arts and Humanities, the Governor's School for Science and Mathematics, the Wil Lou Gray Opportunity School, and the School for the Deaf and Blind indicate that the bill will have no expenditure impact since they can adhere to the provisions of the bill within existing appropriations. Based on these responses, we do not anticipate that this bill will have an expenditure impact on the Governor's School for Agriculture at John de la Howe. We will update this impact statement if the agency provides a different response.

**Department of Social Services.** DSS indicates that while this bill will have no direct expenditure impact, the agency anticipates it could increase litigation costs since the bill would serve as a new basis for parents to challenge the conduct of DSS in child protective service proceedings. However, any potential increase in litigation costs cannot be quantified at this time. Therefore, the overall expenditure impact on DSS is undetermined.

**Department of Health and Environmental Control.** DHEC indicates that Section 63-23-160 of the bill, which prohibits a health care provider from providing health care services or prescribing medicinal drugs to a child without parental consent, may result in the loss of the Family Planning Services Program federal grant, which is approximately \$7,299,700, and potentially impact 188.93 FTEs who support the program. DHEC also indicates that the Family Planning Services Program federal grant falls under the Title X program, which currently allows the agency to provide family planning services to individuals under the age of eighteen. This bill would likely violate the federal grant by requiring parental consent. If the agency is required to provide these services without federal funding, expenses could total up to \$7,299,700 and would require General Fund appropriations to continue the program.

**Department of Labor, Licensing, and Regulation.** This bill specifies that a health care practitioner who violates the provisions of the bill will be subject to disciplinary action by the relevant professional licensing board. While LLR is unable to estimate the potential number of complaints that may be filed against health care providers, the agency anticipates being able to manage the requirements of the bill within existing appropriations as long as the number of complaints is low. Therefore, the bill is not expected to have an expenditure impact on LLR.

**Judicial.** Judicial indicates that this bill may increase the number of cases in trial courts. Since the bill creates a new cause of action, there is no data with which to estimate the number of filings. However, Judicial intends to use existing General Fund appropriations to manage any modifications in caseloads. Therefore, this bill will have no expenditure impact on Judicial.

### **State Revenue**

As noted above, a healthcare provider or other person who violates the provisions of this bill is subject to disciplinary action by the relevant professional licensing board and guilty of a misdemeanor punishable by a fine of \$1,000, not more than thirty days in jail, or both. This portion of the bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, the Revenue and Fiscal Affairs Office (RFA) anticipates this bill may result in an undetermined increase in General Fund revenue and Other Funds revenue due to the potential increase in court fines and fees.

In addition, the Board of Pharmacy falls under the Division of Professional and Occupational Licensing, which is under the administration of LLR. Pursuant to Proviso 81.3 of the FY 2021-22 Appropriations Act, LLR is required to remit annually to the General Fund an amount equal to 10 percent of expenditures. The potential increase in revenue to the General Fund is pending, contingent upon a response from LLR.

### **Local Expenditure**

As noted above, this bill enacts the Parental Bill of Rights and requires each district school board, in consultation with parents, teachers, and administrators, to develop and adopt a policy to promote parental involvement in the public school system.

SCDE surveyed the seventy-seven regular school districts and the two charter school districts and received responses from seven districts. Six of the responding districts indicate that the bill will have no expenditure impact. One district indicates that the bill could increase expenses by up to \$25,000 for policy revisions that would require assistance from outside legal counsel. Due to the limited number of responses, the expenditure impact on local school districts is undetermined.

### **Local Revenue**

As previously noted, a healthcare provider or other person who violates the provisions of this bill is subject to disciplinary action by the relevant professional licensing board and guilty of a misdemeanor punishable by a fine of \$1,000, not more than thirty days in jail, or both. This

portion of the bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, RFA anticipates this bill may result in an undetermined increase in local revenue due to the additional court fines and fees.



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