

Liability: Mass Immunization

S.C. Code Ann. 44-29-210

When the Department of Health and Environmental Control authorizes a mass immunization project, a physician, public health employee, or nurse who, without compensation, participates in the administration of vaccines will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness.

Physicians, licensed nurses and certain authorized public health employees participating in mass immunization projects exempt from liability; exceptions

(A) If the Board of the Department of Health and Environmental Control or the Director of the Department of Health and Environmental Control approves in writing a mass immunization project to be administered in any part of this State in cooperation with an official or volunteer medical or health agency, any authorized employee of the agency, any physician who does not receive compensation for his services in the project, and any licensed nurse who participates in the project, except as provided in subsection (B), is not liable to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine administered in the project by the employee, physician, or nurse. Neither the board nor the director may approve the project unless either finds that the project conforms to good medical and public health practice.

For purposes of this section, a person is considered to be an authorized employee of an official or volunteer medical or health agency if he has received the necessary training for and approval of the department for participation in the project.

(B) Nothing in this section exempts any physician, licensed nurse, or authorized public health employee

participating in any mass immunization project from liability for gross negligence, and the provisions of this section do not exempt any drug manufacturer from any liability for any drug or vaccine used in the project.