



South Carolina Society of Pathologists

January 22, 2026

Senator Carlisle Kennedy
South Carolina State Senate
601 Gressette Bldg.
Columbia, South Carolina 29201

Re: Oppose Unless Amended SB 731

Dear Senator Kennedy:

The South Carolina Society of Pathologists (SCSP) is opposed to Senate Bill 731, unless such legislation is amended to ensure the ability of the clinical laboratory and pathologist to use, share and store a patient's genetic information and related specimens, integral to providing our South Carolina patients with accurate diagnoses and the highest standard of care, consistent with medical practice across the nation.

As you may know, the genetic analysis of a patient's genetic specimen is now integral to advanced diagnostics and the selection of life-saving therapeutics in precision medicine, particularly for treatments of cancer and other dire medical conditions. An array of targeted therapies based on biomarkers are now available and have dramatically improved health outcomes for South Carolina patients.

Accordingly, our legal authority to analyze, store and share this information and our patient specimens, in compliance with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and related regulations (42 C.F.R. parts 160 and 164), should be expressly exempted under this legislation.

Moreover, de-identified patient specimens must be available for our biorepositories to advance medical science research. Without medical science access to de-identified patient specimens that are federally regulated under the 'Common Rule' (45 CFR Part 46, Subpart A), South Carolina patients with genetically based diseases may not contribute to medical science advancements needed to find effective therapies and life-saving cures for terminal or seriously debilitating illnesses.

It is also important to bear in mind that patient specimens are routinely shared for secondary pathologist opinions, integral to optimal diagnostic quality enhancement on behalf of our patients. Furthermore, such specimens are not only stored for compliance with federal law requirements (Clinical Laboratory Improvement Amendments of 1988 'CLIA'), but to also ensure optimal quality in laboratory services. These specimens are

SCSP 132 Westpark Blvd Columbia, SC 29210

<https://scsp.org/>

also needed or future testing as advances in medical science discern not yet identified genetic biomarkers for treatment and confirmatory diagnostic purposes. These medical activities are routine and the standard of care throughout the nation. Undoubtedly, this testing has paved the way to improving patients' treatment and quality of life by identifying newly tailored therapeutics.

For these compelling reasons, we urge amendment of SB 731 to provide an exemption for these medically imperative, standard of care activities as follows:

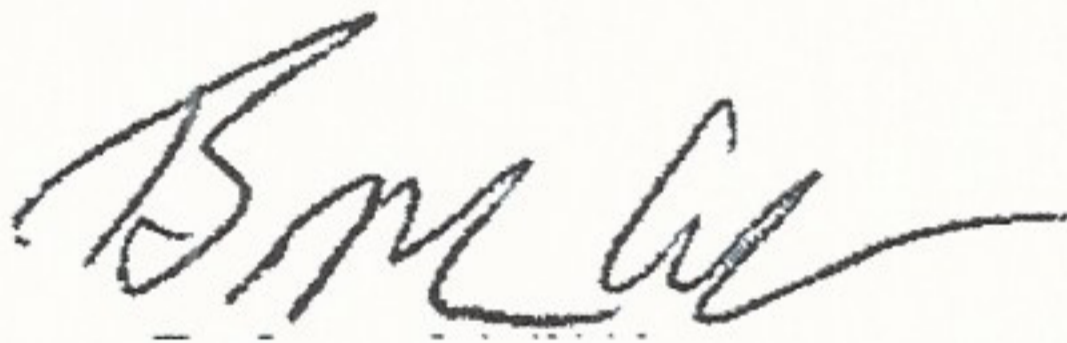
New (E) This Section shall not apply to:

- a) patient specimens exempt under the definition of genetic tests under Section 38-93-10 (4); or
- b) any person or entity in compliance with the federal Health Insurance Portability and Accountability Act of 1996, at 42 C.F.R. parts 160 and 164; or
- c) any person or entity sharing de-identified specimens in compliance with the federal common rule at 45 CFR Part 46, Subpart A.

Under our proposed amendment, South Carolinians will continue to have the highest quality of diagnostic care and potential to access life-saving treatments based upon advancements in medical science in which pathologists meaningfully contribute.

Thank you for your courtesies and consideration of our amendment request.

Sincerely,



Brian Willis, MD, FCAP
President

cc: Holly Pisarik, South Carolina Medical Association, hollyp@scmedical.org
Nina Jackson, South Carolina Medical Association, njackson@scmedical.org
Barry Ziman, College of American Pathologists, Director Legislation & Political Action