

**Report of the Department of Administration  
Required by Section 2(B) of Act 60 of 2023 Concerning  
Recommendations of Statutory Changes to the  
South Carolina Code of Laws Needed to Reflect the  
Restructuring and Transfer of Programs, Services, Duties  
and Authority of the Department of Health and Environmental  
Control to the Department of Public Health and to the  
Department of Environmental Services**



Submitted by the Department of Administration  
To The South Carolina General Assembly

December 19, 2023

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## Summary

Pursuant to Act 60 of 2023, Section 2(B), the report that follows identifies and makes recommendations of statutory changes needed throughout the South Carolina Code of Laws to reflect the restructuring and transfer of programs, services, duties and authority from the Department of Health and Environmental Control (DHEC) to the Department of Public Health and the Department of Environmental Services. These code sections, with the applicable recommendations, are outlined in the pages herein. This report does not include the changes to provisions of the South Carolina Code that were specifically amended in the Act itself.

The Department of Administration has organized this report into three sections. The first section includes statutory changes that have been identified as being necessary to reflect Act 60's restructuring of DHEC into the Department of Public Health and the Department of Environmental Services. This section is designed to meet the core requirements for this report that are found in Section (2)(B) of Act 60.

The second section of this report includes proposed statutory changes that, while not necessary to reflect Act 60's restructuring of DHEC, have nevertheless been identified as changes that may need to be considered for purposes of updating, clarifying, or correcting certain public health and environmental related statutes.

The third section of the report includes the SC Department of Veterans' Affairs' and SC Department of Agriculture's recommendations for statutory changes resulting from the transfer of new responsibilities to those agencies by Act 60. (Additional recommendations for statutory changes were also offered by the SC Department of Natural Resources, and those recommendations were incorporated into the first and second sections of this report.)

Although Act 60 does not specifically require inclusion of the recommendations that are in the second and third sections of this report, the Department of Administration is including these items in its report for informational purposes and for consideration.

## Section 1

### Recommended Statutory Changes to Reflect Act 60's Restructuring of DHEC into the Department of Public Health and the Department of Environmental Services

Item No.	Code Section	Act or Article Name	Recommendation
1.	1-3-240(C)(1)(i)	Appointment and Removal of Officers	<b>Recommendation + Explanation:</b>
			Delete Board reference to conform with Act 60; recodify remaining items.
			<b>Suggested Revision:</b>
			(C)(1) Persons appointed to the following offices of the State may be removed by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity: (a) Workers' Compensation Commission; (b) [Repealed] (c) Ethics Commission; (d) Election Commission; (e) Professional and Occupational Licensing Boards; (f) Juvenile Parole Board; (g) Probation, Parole and Pardon Board; (h) Director of the Department of Public Safety; (i) Board of the Department of Health and Environmental Control, excepting the chairman; (j) Chief of State Law Enforcement Division; (k) South Carolina Lottery Commission; (l) Executive Director of the Office of Regulatory Staff; (m) Directors of the South Carolina Public Service Authority appointed pursuant to Section 58-31-20; (n) State Ports Authority; (o) State Inspector General; (p) State Adjutant General; (q) South Carolina Retirement Investment Commission members appointed by the Governor or members of the General Assembly; and (r) South Carolina Public Benefit Authority members.
2.	1-5-40(A)(43)	Secretary of State	<b>Recommendation + Explanation:</b>

			<p>Delete Department and Board references to conform with Act 60; recodify remaining items.</p> <p><b>Suggested Revision:</b></p> <p>(A) The office of Secretary of State is designated as the state office whose responsibility it is to monitor positions on the state boards and commissions specified in this subsection and any elected or appointed state boards and commissions established after the effective date of this section. The dates of the terms of office for appointments to boards and commissions made with the advice and consent of the Senate are the dates as certified to the Secretary of State by the Senate. The dates of the terms of office for all other elected or appointed boards and commissions are the dates certified to the Secretary of State by the Governor for his direct appointments and the dates for the terms of office for members of boards and commissions elected by the General Assembly shall be the dates as certified to the Secretary of State by the clerks of the two houses. The specified boards and commissions referred to in this subsection are:</p> <ol style="list-style-type: none"> <li>(1) Accountancy, Board of</li> <li>(2) Aging, Division on Advisory Council</li> <li>(3) Agriculture Commission</li> <li>(4) Architectural Examiners, State Board of</li> <li>(5) Arts Commission</li> <li>(6) Athletic Commission</li> <li>(7) Auctioneer's Commission</li> <li>(8) Accessibility Committee for the Building Codes Council</li> <li>(9) Blind, Commission for the</li> <li>(10) Builders Commission, Residential</li> <li>(11) Building Code Council</li> <li>(12) College of Charleston Board of Trustees</li> <li>(13) Children's Trust Fund Board of Trustees</li> <li>(14) Children, Foster Care Review Board</li> <li>(15) Chiropractic Examiners, State Board of</li> <li>(16) The Citadel Board of Visitors</li> <li>(17) Clemson University Board of Trustees</li> <li>(18) Coastal Carolina University Board of Trustees</li> <li>(19) Consumer Affairs, Commission on</li> <li>(20) Contractors' Licensing Board</li> <li>(21) Cosmetology, State Board of</li> </ol>
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			<p>(22) Professional Counselors, Associate Counselors and Marital and Family Therapists, State Board of Examiners</p> <p>(23) Deaf and Blind, School for the</p> <p>(24) Dentistry Board</p> <p>(25) Disabilities and Special Needs Commission</p> <p>(26) Education, State Board of</p> <p>(27) Education Board, Southern Regional</p> <p>(28) Education Council</p> <p>(29) Educational Television Commission</p> <p>(30) Election Commission</p> <p>(31) Department of Employment and Workforce</p> <p>(32) Registration for Professional Engineers and Land Surveyors</p> <p>(33) Environmental Certification Board</p> <p>(34) Ethics Commission</p> <p>(35) Financial Institutions, Board of</p> <p>(36) Fisheries Commission, Atlantic States Marine</p> <p>(37) Office of General Services, State Fleet Management</p> <p>(38) Forestry Commission</p> <p>(39) Francis Marion University Board of Trustees</p> <p>(40) Funeral Service Board</p> <p>(41) Geologists, Board of Registration for</p> <p>(42) Governor's Mansion and Lace House Commission</p> <p><del>(43) DHEC</del></p> <p><del>(a) Board of Health and Environmental Control</del></p> <p><del>(b) Office of Ocean and Coastal Resource Management Board</del></p> <p><del>(44) Higher Education Commission</del></p> <p><del>(45) Holocaust, Council on the</del></p> <p><del>(46) Housing, Finance and Development Authority</del></p> <p><del>(47) Human Affairs Commission</del></p> <p><del>(48) Indigent Defense, Commission on</del></p> <p><del>(49) Intergovernmental Relations, Advisory Commission on</del></p> <p><del>(50) Jobs and Economic Development Authority</del></p> <p><del>(51) John de la Howe School</del></p> <p><del>(52) Judicial Merit Selection Commission</del></p> <p><del>(53) Juvenile Justice, Dept. of, Board of Juvenile Parole</del></p> <p><del>(54) Lander University Board of Trustees</del></p> <p><del>(55) Law Examiners Boar</del></p> <p><del>(56) Legislative Audit Council</del></p>
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			<p>(576) Library Board</p> <p>(587) Liquefied Petroleum Gas Board</p> <p>(598) Long Term Health Care Administrators, Board of</p> <p>(6059) Manufactured Housing Board</p> <p>(640) Maternal, Infant and Child Health, Council on</p> <p>(621) Medical Examiners, Board of</p> <p>(632) Medical University of South Carolina Board of Trustees</p> <p>(643) Mental Health, State Department of, Commission</p> <p>(654) Migrant Farm Workers Commission</p> <p>(665) Mining Council</p> <p>(676) Minority Affairs, Commission for</p> <p>(687) Museum Commission</p> <p>(698) Natural Resources, Department of</p> <p>(a) Natural Resources Board</p> <p>(b) Heritage Trust Advisory Board</p> <p>(7069) Nuclear Advisory Council</p> <p>(740) Nursing, Board of</p> <p>(721) Occupational Health and Safety Review Board</p> <p>(732) Occupational Therapy, Board of</p> <p>(743) Old Exchange Building Commission</p> <p>(754) Opportunity School, Wil Lou Gray Board of Trustees</p> <p>(765) Opticianry, Board of Examiners in</p> <p>(776) Optometry, Board of Examiners in</p> <p>(787) Patriots Point Development Authority</p> <p>(798) Pharmacy, Board of</p> <p>(8079) Physical Therapy Examiners, State Board of</p> <p>(840) Podiatry Examiners, Board of</p> <p>(821) Ports Authority Board</p> <p>(832) Prisoner of War Commission</p> <p>(843) Probation, Parole and Pardon Services, Board of</p> <p>(854) Prosecution Coordination, Commission on</p> <p>(865) Psychology, Board of Examiners in</p> <p>(876) Public Service Authority, Board of Directors</p> <p>(887) Public Service Commission</p> <p>(898) Pyrotechnic Safety, Board of</p> <p>(9089) Radiation Control Technical Advisory Council</p> <p>(940) Real Estate Commission</p> <p>(921) Real Estate Appraisers Board</p>
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			<p>(932) Reorganization Commission  (943) Salary, Executive and Performance Evaluation Commission  (954) Social Work Examiners, Board of  (965) South Carolina State University Board of Trustees  (976) Speech-Language Pathology and Audiology, Board of Examiners  (987) Tax Board of Review  (998) Technical and Comprehensive Education, Board for  (10099) Transportation Department Commission  (1040) University of South Carolina Board of Trustees  (1021) Veterinary Medical Examiners, Board of  (1032) Vocational Rehabilitation, Board of  (1043) Winthrop University Board of Trustees  (1054) Women, Governor's Office, Commission on  (1065) Workers' Compensation Commission  (1076) South Carolina First Steps to School Readiness Board of Trustees.</p>
3.	1-11-20(D)	Department of Administration, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(D) The regulation of minerals and mineral interests on public land, and the regulation of Geothermal Resources as provided in Chapter 9, Title 10 is transferred to, and incorporated into, the Department of <del>Health and Environmental Control</del> <u>Services</u> .
4.	1-25-60(A)(1)(b)	Human Services Demonstration Project	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) For the purpose of coordinating state agency cooperation with the project, a State Interagency Planning and Evaluation Advisory Committee shall be formed consisting of the following members: (1) The chief executive officer of the following state human services agencies and commissions: (a) Department of Social Services (b) Department of <del>Public Health and Environmental Control</del> (c) Department of Mental Health (d) Department of Alcohol and Other Drug Abuse Services (e) Department of Vocational Rehabilitation



			<p>(f) Commission for the Blind  (g) Department of Disabilities and Special Needs  (h) Department on Aging</p>
5.	2-13-240(a)(67) (and new (89))	Code Commissioner and Committee on Statutory Laws	<b>Recommendation + Explanation:</b>
			Amend Department name and add item for new environmental agency to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(a) Sets of the Code of Laws of South Carolina, 1976, shall be distributed by the Legislative Council as follows:</p> <ul style="list-style-type: none"> <li>(1) Governor, three;</li> <li>(2) Lieutenant Governor, two;</li> <li>(3) Secretary of State, three;</li> <li>(4) Treasurer, one;</li> <li>(5) Attorney General, fifty;</li> <li>(6) Adjutant General, one;</li> <li>(7) Comptroller General, two;</li> <li>(8) Superintendent of Education, two;</li> <li>(9) Commissioner of Agriculture, two;</li> <li>(10) each member of the General Assembly, one;</li> <li>(11) office of the Speaker of the House of Representatives, one;</li> <li>(12) Clerk of the Senate, one;</li> <li>(13) Clerk of the House of Representatives, one;</li> <li>(14) each committee room of the General Assembly, one;</li> <li>(15) each member of the Legislative Council, one;</li> <li>(16) Code Commissioner, one;</li> <li>(17) Legislative Council, ten;</li> <li>(18) Supreme Court, fourteen;</li> <li>(19) Court Administration Office, five;</li> <li>(20) each circuit court judge, one;</li> <li>(21) each circuit court solicitor, one;</li> <li>(22) each family court judge, one;</li> <li>(23) each county court judge, one;</li> <li>(24) Administrative Law Judge Division, nine;</li> <li>(25) College of Charleston, one;</li> <li>(26) The Citadel, two;</li> <li>(27) Clemson University, three;</li> </ul>

			<p>(28) Francis Marion College, one;  (29) Lander College, one;  (30) Medical University of South Carolina, two;  (31) South Carolina State College, two;  (32) University of South Carolina, four;  (33) each regional campus of the University of South Carolina, one;  (34) University of South Carolina Law School, forty-six;  (35) Winthrop College, two;  (36) each technical college or center, one;  (37) each county governing body, one;  (38) each county clerk of court and register of deeds where such offices are separate, one;  (39) each county auditor, one;  (40) each county coroner, one;  (41) each county magistrate, one;  (42) each county master in equity, one;  (43) each county probate judge, one;  (44) each county public library, one;  (45) each county sheriff, one;  (46) each public defender, one;  (47) each county superintendent of education, one;  (48) each county treasurer, one;  (49) Library of Congress, three;  (50) United States Supreme Court, one;  (51) each member of Congress from South Carolina, one;  (52) each state library which furnishes this State a free set of its Code of Laws, one;  (53) Division of Aeronautics of the Department of Commerce, one;  (54) Department of Alcohol and other Drug Abuse Services, one;  (55) Department of Archives and History, one;  (56) Board of Bank Control, one;  (57) Commissioner of Banking, one;  (58) Budget and Control Board:  (a) Auditor, six;  (b) General Services Division, six;  (c) Personnel Division, one;  (d) Research and Statistical Services Division, one;  (e) Retirement System, one.  (59) Children's Bureau, one;</p>
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			<p>(60) Department of Consumer Affairs, one;  (61) Department of Corrections, two;  (62) Criminal Justice Academy, one;  (63) Department of Commerce, five;  (64) Department of Employment and Workforce, two;  (65) Ethics Commission, one;  (66) Forestry Commission, one;  (67) Department of <u>Public Health and Environmental Control</u>, five;  (68) Department of Transportation, five;  (69) Department of Public Safety, five;  (70) Human Affairs Commission, one;  (71) Workers' Compensation Commission, seven;  (72) Department of Insurance, two;  (73) Department of Juvenile Justice and Aftercare, one;  (74) Department of Labor, Licensing and Regulation, two;  (75) South Carolina Law Enforcement Division, four;  (76) Legislative Audit Council, one;  (77) State Library, three;  (78) Department of Mental Health, three;  (79) Department of Disabilities and Special Needs, five;  (80) Ports Authority, one;  (81) Department of Probation, Parole and Pardon, two;  (82) Public Service Commission, three;  (83) Department of Social Services, two;  (84) Department of Revenue, six;  (85) Board for Technical and Comprehensive Education, one;  (86) Veterans' Affairs Department of the Governor's office, one;  (87) Vocational Rehabilitation, one;  (88) Department of Natural Resources, four;  <u>(89) Department of Environmental Services, five.</u></p>
6.	3-5-40	<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways,</b>	<p><b>Recommendation + Explanation:</b>  Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b>  If the title to any part of the lands, including submerged lands, property or property rights, required by the United States Government for the construction and maintenance of the aforesaid intracoastal waterway from Winyah Bay, South</p>

		<b>Winyah Bay to South, Ashley and Shipyard Rivers</b>	Carolina, to the State boundary line in the Savannah River and any changes, modifications or extensions thereto and any tributaries thereof, and the Ashley River and Shipyard River projects shall be in any private person, firm or corporation, telephone or telegraph company or other public service corporation or shall have been donated or condemned for public or public service purposes by any political subdivision of this State or any public service corporation, the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> may, acting for and in behalf of the State, secure the above described rights of way and spoil disposal areas for such intracoastal waterway and all its tributaries and for the Ashley River and Shipyard River projects upon, across and through such lands, including submerged lands, or any part thereof, including oyster beds, telephone and telegraph lines, railroad lines, property of other public service corporations and other property and property rights, by purchase, donation or otherwise, through agreement with the owner when possible. And when any such easement or property is thus acquired the Governor and the Secretary of State shall execute a deed for it to the United States.
7.	3-5-50	<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways, Winyah Bay to South, Ashley and Shipyard Rivers</b>	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> SECTION 3-5-50. Condemnation of lands needed from private persons or public service companies by Department of <del>Health and Environmental Control</del><u>Services</u>. If for any reason the South Carolina Department of <del>Health and Environmental Control</del><u>Services</u> is unable to secure any rights-of-way and spoil disposal area upon, across, or through any such land, including submerged lands, property, or rights, by voluntary agreement with the owner, the South Carolina Department of <del>Health and Environmental Control</del><u>Services</u>, acting for and in behalf of the State may condemn it.</p>
8.	3-5-60	<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways, Winyah Bay to South, Ashley and Shipyard Rivers</b>	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> If the United States Government shall so determine, it may condemn and use all lands, including submerged lands, property and property rights which may be needed for the purposes set forth in Section 3-5-40 under the authority of the United States Government and according to the provisions existing in the Federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn such lands, including submerged lands, property and property rights, the South Carolina Department of</p>

			Health and Environmental Control Services may pay all expenses of such condemnation proceedings and any award that may be made thereunder out of any monies appropriated for such purposes.
9.	3-5-80	Grants of Perpetual Rights and Easements to United States for Development of Waterways, Winyah Bay to South, Ashley and Shipyard Rivers	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			For the purpose of determining the lands, easements and property necessary for the uses herein set out, the South Carolina Department of Health and Environmental Control Services or the United States Government, or the agents of either, may enter upon any lands along the general line of the rights of way for the purposes of locating definitely the specific lines of such rights of way and the land required for such purposes and there shall be no claim against the State or the United States for such acts as may be done in making such surveys.
10.	3-5-100	Grants of Perpetual Rights and Easements to United States for Development of Waterways, Winyah Bay to South, Ashley and Shipyard Rivers	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			If any of the lands or property, the use of which is acquired for the rights-of-way and spoil disposal areas has been leased by the South Carolina Department of Natural Resources to any person for the cultivation and gathering of oysters, the Department of Natural Resources shall substitute for the leased areas lying within the rights-of-way and spoil disposal areas other equal areas lying without the rights-of-way and spoil disposal areas that also are suitable for the cultivation and gathering of oysters. The Department of Health and Environmental Control Services may reimburse the person for any direct actual losses resulting from the transfer of leased oyster beds. If for any reason the Department of Natural Resources is unable to reach an agreement with the owner of the leased oyster beds, the Department of Health and Environmental Control Services, acting for the State, may condemn the rights and property of the lessees in the leased areas.
11.	3-5-120	Grants of Perpetual Rights and Easements to United States for	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60, and amend capitalization of "Department" for consistency within statute.
			<b>Suggested Revision:</b>

		<b>Development of Waterways, Winyah Bay to South, Ashley and Shipyard Rivers</b>	If and when any such oyster beds or oysters growing therein shall have been damaged by muddy water or by other effects of such dredging operations any person holding such oyster beds in fee simple or in leasehold or owning the oysters growing therein or any person engaged in the prosecution of the work of constructing the waterway shall be privileged to apply to the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> to survey such oyster beds and oysters and to determine the extent and amount of such damage. Upon any such application, the Department of <del>Health and Environmental Control</del> <u>Services</u> shall proceed promptly to survey the damage done to such oyster beds and oysters and to determine the identity of the person causing such damage and the identity of the owner in fee or in leasehold of such oyster beds and oysters suffering such damage. The South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> may subpoena witnesses to assist in the determination of such facts. The <del>Department of Health and Environmental Control</del> <u>Services</u> must afford the owner of the alleged damaged oyster beds and oysters and the person alleged to have caused the damage an opportunity to be heard.
12.	3-5-130	<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways, Winyah Bay to South, Ashley and Shipyard Rivers</b>	<p><b>Recommendation + Explanation:</b> Amend Division name and Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> SECTION 3-5-130. <del>Coastal</del> <u>Division of Coastal Management</u> to make determination of actual damages. Staff of the <del>Coastal</del> <u>Division of Coastal Management</u> of the Department of <del>Health and Environmental Control</del> <u>Services</u> shall make a determination of the amount of actual damage.</p>
13.	3-5-150	<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways, Winyah Bay to South, Ashley and Shipyard Rivers</b>	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> Upon the filing with the clerk of court of any such award there shall be added thereto as a part thereof the costs of the survey held to determine the damage resulting in such award. Such costs shall be repaid to the Department of <del>Health and Environmental Control</del> <u>Services</u> by the person against whom the award is given. If it shall be finally determined that no damage has been done the cost of the survey shall be paid by the person requesting the survey.</p>
14.	3-5-160		<b>Recommendation + Explanation:</b>

		<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways, Winyah Bay to South, Ashley and Shipyard Rivers</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> The Department of <del>Health and Environmental Control</del> <u>Services</u> shall account for all monies recovered under the provisions of Sections 3-5-110 to 3-5-150 to the State Treasurer.
15.	3-5-190	<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways, Winyah Bay to South, Ashley and Shipyard Rivers</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> Any person, his heirs, executors, administrators, successors or assigns, who may be compensated for damage to oysters during the construction or maintenance of said intracoastal waterway and its tributaries and the Ashley River and Shipyard River projects, whether by the Department of <del>Health and Environmental Control</del> <u>Services</u> , the contractor engaged on the work or the United States, shall be estopped from making further claim for damage to oysters in or upon the same area on account of dredging operations during maintenance or further improvement of the waterway and its tributaries or Ashley River or Shipyard River.
16.	3-5-320	<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways, North Carolina Line to Winyah Bay</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> If the title to any part of the lands required by the United States Government for the construction of the aforesaid inland waterway from the North Carolina-South Carolina State line at Little River to Winyah Bay shall be in any private person, company, firm or corporation, railroad company, canal company, telephone or telegraph company or other public service corporation or shall have been donated or condemned for any such use by any political subdivision of this State, the Department of <del>Health and Environmental Control</del> <u>Services</u> may, acting for and in behalf of the State, secure a right of way of the width aforesaid for such inland waterway upon, across and through such lands or any part thereof by purchase, donation or otherwise, through agreement with the owner when possible, and when any such property is thus acquired the Governor and the Secretary of State shall execute a deed for it to the United States.
17.	3-5-330		<b>Recommendation + Explanation:</b>

		<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways, North Carolina Line to Winyah Bay</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> SECTION 3-5-330. Condemnation of lands needed from private persons or public service companies by Department of <del>Health and Environmental Control</del> <u>Services</u> . If for any reason the Department of <del>Health and Environmental Control</del> <u>Services</u> is unable to secure the right-of-way upon, across, or through the property by voluntary agreement with the owner, the Department of <del>Health and Environmental Control</del> <u>Services</u> acting for the State, may condemn the right-of-way. The Governor and the Secretary of State shall promptly execute a deed for the condemned property to the United States.
18.	3-5-340	<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways, North Carolina Line to Winyah Bay</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> If the United States Government shall so determine, it may condemn and use all lands and property which may be needed for the purposes set forth in Section 3-5-310 under the authority of the United States Government and according to the provisions existing in the Federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn such lands and property, the Department of <del>Health and Environmental Control</del> <u>Services</u> may pay all expenses of the condemnation proceedings and any award that may be made thereunder out of any moneys appropriated or which may be appropriated for such purposes.
19.	3-5-360	<b>Grants of Perpetual Rights and Easements to United States for Development of Waterways, North Carolina Line to Winyah Bay</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> For the purpose of determining the lands and property necessary for the uses herein set out the Department of <del>Health and Environmental Control</del> <u>Services</u> or the United States Government, or the agents of either, may enter upon any lands along the general line of said right of way and make such surveys and do such other acts as in their judgment may be necessary for the purpose of definitely locating the specific lines of said right of way and the lands required for said purposes and there shall be no claim against the State or the United States for such acts as may be done in making such surveys.
20.	4-12-30(B)(3)		<b>Recommendation + Explanation:</b>



		<p><b>Fee in Lieu of Property Taxes</b></p>	<p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(B) In order for property to qualify for the fee, as provided in subsection (D)(2):</p> <p>(1) Title to the property must be held by the county. In the case of a project located in an industrial development park, as defined in Section 4-1-170, title may be held by more than one county, if each county is a member of the industrial development park. Any real property transferred to the county through a lease agreement must include a legal description and plat of the real property. Property titled in the name of a county pursuant to this section is considered privately owned for purposes of Section 58-3-240.</p> <p>(2) The project must be located in a single county or an industrial development park, as defined in Section 4-1-170. A project located on a contiguous tract of land in more than one county, but not in an industrial development park, may qualify for the fee if:</p> <p>(a) the counties agree on the terms of the fee and the distribution of the fee payment;</p> <p>(b) the minimum millage rate is provided for in the agreement; and</p> <p>(c) all the counties are parties to all agreements establishing the terms of the fee.</p> <p>(3) The minimum level of investment in the project must be at least two and one-half million dollars and must be invested within the time period provided in subsection (C)(2). If a county has an average annual unemployment rate of at least twice the state average during the last twenty-four months based on data available on the most recent November first, the minimum level of investment is one million dollars. The department shall designate these reduced investment counties by December thirty-first of each year using data from the South Carolina Department of Employment and Workforce and the United States Department of Commerce. The designations are effective for a sponsor whose inducement agreement is signed in the calendar year following the county designation. Investments may include amounts expended by a sponsor as a nonresponsible party in a voluntary cleanup contract on the property at a project pursuant to Article 7, Chapter 56 of Title 44, the Brownfields Voluntary Cleanup Program, if the Department of <del>Health and Environmental Control</del> <u>Services</u> has issued a certificate of completion for the cleanup. If the amounts, under the Brownfields Voluntary Cleanup Program, equal at least one million dollars, the investment threshold requirement of this chapter is deemed to have been met.</p> <p>(4)(a) A sponsor and a sponsor affiliate may qualify for the fee if each sponsor and sponsor affiliate invests the minimum level of investment as specified in subsection</p>
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			<p>(B)(3).</p> <p>(b) If the project consists of a manufacturing, research and development, corporate office, or distribution facility, as those terms are defined in Section 12-6-3360(M), each sponsor or sponsor affiliate is not required to invest the minimum investment required by subsection (B)(3), if the total investment in the project exceeds five million dollars.</p> <p>(c) Investments by sponsor affiliates within the time periods provided in subsections (C)(1) and (C)(2) qualify for the fee whether or not the affiliate was part of the inducement agreement. To qualify for the fee, the sponsor affiliates are approved specifically by the county and agree to be bound by agreements with the county relating to the fee, except that the sponsor affiliates are not bound by agreements, or portions of agreements, to the extent the agreements do not affect the county. The inducement agreement or the lease agreement may provide for a process for approval of sponsor affiliates.</p> <p>(d) The investments pursuant to this item must be at the same project.</p> <p>(e) The department must be notified in writing of all sponsor affiliates which have investments subject to the fee before or within ninety days after the end of the calendar year during which the project or pertinent phase of the project was first placed in service. The department may extend this period upon written request. Failure to meet this notice requirement does not affect the fee adversely, but a penalty may be assessed by the department for late notification in the amount of ten thousand dollars a month or portion of a month, not to exceed fifty thousand dollars.</p> <p>(f)(i) if at any time a sponsor or sponsor affiliate no longer has the minimum level of investment as provided in subsection (B)(3), without regard to depreciation, that sponsor or sponsor affiliate no longer qualifies for the fee.</p> <p>(ii) Except as provided in subsection (H)(3), if the sponsor qualifies for the fee under subsection (D)(4), the sponsor must maintain the applicable level of investment, without regard to the depreciation. If the sponsor fails to maintain the applicable investment, it no longer qualifies for the fee.</p> <p>(5) Before undertaking a project, the county council or county councils shall:</p> <p>(a) find that the project is anticipated to benefit the general public welfare of the locality by providing services, employment, recreation, or other public benefits not otherwise provided locally;</p> <p>(b) find that the project gives rise to no pecuniary liability of the county or incorporated municipality or a charge against its general credit or taxing power;</p> <p>(c) find that the purposes to be accomplished by the project are proper governmental and public purposes;</p>
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			<p>(d) find that the benefits of the project are greater than the costs;</p> <p>(e) seek the advice and assistance of the department or the Revenue and Fiscal Affairs Office in making the findings in items (a) through (d) above if necessary or helpful; and</p> <p>(f) set forth in an ordinance its determination and findings.</p> <p>(6) Every lease agreement with respect to a project must contain a provision obligating the sponsor to complete and maintain the project, and to carry all proper insurance with respect to the project.</p>
21.	4-29-67(B)(3)	Industrial Development Projects	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(B) For property to qualify for the fee as provided in subsection (D)(2):</p> <p>(1) Title to the property must be held by the county. In the case of a project located in an industrial development park as defined in Section 4-1-170, title may be held by more than one county, if each county is a member of the industrial development park. Real property transferred to the county through a lease agreement must include a legal description and plat of the real property. Property titled in the name of a county pursuant to this section is considered privately owned for purposes of Section 58-3-240.</p> <p>(2) The project must be located in a single county or an industrial development park as defined in Section 4-1-170. A project located on a contiguous tract of land in more than one county, but not in an industrial development park, may qualify for the fee if:</p> <p>(a) the counties agree on the terms of the fee and the distribution of the fee payment;</p> <p>(b) the minimum millage rate is provided for in the agreement; and</p> <p>(c) all the counties are parties to all agreements establishing the terms of the fee.</p> <p>(3) The minimum level of investment in the project must be at least forty-five million dollars and must be invested within the time period provided in subsection (C). If a county has an average annual unemployment rate of at least twice the state average during the last twenty-four months based on data available on the most recent November first, the minimum level of investment is one million dollars. The department shall designate these reduced investment counties by December thirty-first of each year using data from the South Carolina Department of Employment and Workforce and the United States Department of Commerce. The designations are effective for a sponsor whose inducement agreement is signed in the calendar</p>

			<p>year following the county designation. Investments may include amounts expended by a sponsor or sponsor affiliate as a nonresponsible party in a voluntary cleanup contract on the property at the project pursuant to Article 7, Chapter 56, Title 44, the Brownfields Voluntary Cleanup Program, if the Department of Health and Environmental Control Services certifies completion of the cleanup. If the amounts under the Brownfields Voluntary Cleanup Program equal at least one million dollars, the investment threshold requirement of this section is met.</p> <p>(4)(a) A sponsor and a sponsor affiliate may qualify for the fee if each sponsor and sponsor affiliate invests the minimum level of investment at the project. If the project consists of a manufacturing, research and development, corporate office, or distribution facility as those terms are defined in Section 12-6-3360(M) and including a qualified nuclear plant facility as defined in subsection (A)(1)(d), each sponsor or sponsor affiliate is not required to invest the minimum investment required by subsection (B)(3) if the total investment at the project exceeds forty-five million dollars.</p> <p>(b)(i) Investments by sponsor affiliates within the time periods provided in subsection (C)(1) and (2) qualify for the fee regardless of whether or not the sponsor affiliate was part of the inducement agreement, so long as sponsor affiliates are approved specifically by the county and agree to be bound by agreements with the county relating to the fee; except that sponsor affiliates are not bound by agreements, or portions of agreements, to the extent those agreements do not affect the county. The investments pursuant to this subsection must be at the same project. The inducement agreement or the lease agreement may provide for a process for approval of sponsor affiliates.</p> <p>(ii) The department must be notified in writing of all sponsor affiliates that have investments subject to the fee on or before ninety days after the end of the calendar year during which the project or pertinent phase of the project is placed in service. The department may extend this period upon written request. Failure to meet this notice requirement does not affect adversely the fee, but a penalty of up to ten thousand dollars a month or portion of a month with the total penalty not to exceed one hundred twenty thousand dollars may be assessed by the department for late notification.</p> <p>(iii) A. Except as provided in subsection (D)(4) if, at any time, a sponsor no longer has the minimum level of investment as provided in subsection (B)(3), that sponsor no longer qualifies for the fee.</p> <p>B. Except as provided in subsection (Q), if a sponsor qualifies for the fee pursuant to subsection (D)(4), the sponsor must maintain the applicable level of investment, without regard to depreciation, and any applicable job requirements provided in</p>
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			<p>(D)(4). If the sponsor fails to maintain the applicable investment or any job requirements provided in (D)(4), it no longer qualifies for the fee.</p> <p>C. Except as provided in subsection (Q), if an inducement agreement or a lease agreement provides for an investment above the minimum investment provided in subsection (B)(3), and the sponsor fails to maintain the investment provided for in the agreement, the sponsor no longer qualifies for the fee.</p>
22.	4-33-10	County Fairs	<b>Recommendation + Explanation:</b>
			Amend Department names to conform with Act 60.
			<b>Suggested Revision:</b>
			The Commissioner of Agriculture, who is the authorized custodian of the State exhibit property, <del>and the Department of Public Health, and the Department of Environmental Control Services</del> shall, whenever application is made to either or both by the officials of county fairs held in the State and upon the guarantee by such officials of all expenses connected with the undertaking, prepare and send to such fairs exhibits of such educational character as will be instructive and beneficial to the people attending the fairs.
23.	4-33-20	County Fairs	<b>Recommendation + Explanation:</b>
			Amend Department names to conform with Act 60.
			<b>Suggested Revision:</b>
			The Commissioner of Agriculture, <del>and the Department of Public Health, and the Department of Environmental Control Services</del> shall send in charge of these exhibits demonstrators competent to explain fully to visitors at the fairs the educational value of such exhibits.
24.	4-33-30	County Fairs	<b>Recommendation + Explanation:</b>
			Amend Department names to conform with Act 60.
			[Recommend changing “men” to “staff”.]
			<b>Suggested Revision:</b>
			The Commissioner of Agriculture, <del>and the Department of Public Health, and the Department of Environmental Control Services</del> may detail necessary <del>men</del> <u>staff</u> to this service, though they may be employed and paid for other purposes, and may expend such funds as may be at their command and as may be necessary to prepare and arrange the exhibits contemplated by Section 4-33-10.

<b>25.</b>	<b>5-31-2010</b>	<b>Additional Powers of Municipalities as to Sewage Collection and Disposal</b>	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>The General Assembly takes note of the fact that incorporated cities and towns (municipalities) throughout the State have in many instances experienced considerable growth with the result that sewage collection and treatment facilities must be extended and enlarged in order to serve all of the persons residing within the corporate limits. Such extensions and enlargements are customarily paid from ad valorem taxes levied throughout the municipality and from sewer service charges. However, it appears that in some instances the cost of constructing all or a portion of such facilities can be more equitably distributed by assessing all or a portion of the cost of constructing sewer laterals against the properties facing thereon.</p> <p>The General Assembly concludes that in order to facilitate the construction and operation of sewer systems by municipalities, all municipalities should be granted all of the powers set forth in this article.</p> <p>In view of the foregoing, the General Assembly has determined to confirm in the governing body of each municipality the power: (1) To place into effect, revise, enforce, and collect a schedule of charges for its sewage collection service and (2) to adopt and enforce regulations requiring all properties to which sewer service is available to connect to the municipality's sewage collection facilities as now existing or hereafter improved; and to give the governing body of each municipality in addition to those powers already vested in them, the power: (a) To contract with any public or private agency operating a water system for the collection of such sewer charges; (b) to make regulations generally with respect to the discharge of sewage and the use of privies, septic tanks and any other type of sewage facilities; (c) to impose front-foot assessments against properties abutting the sewage collection laterals; and (d) to make unpaid sewer service charges a lien against the property served.</p> <p>It is the legislative intent of this article that it shall be deemed complementary and supplementary to existing laws relating to any municipalities and to add to the powers, functions and duties committed to the several governing bodies thereof in order that all municipalities may fulfill their function of preserving the public health, and provide for all those who own, use or occupy dwellings, commercial buildings or other structures therein. In enacting this article, the General Assembly exercises its general police powers having found that such exercise was necessary for the maintenance and preservation of the health of the inhabitants of the State. Nothing</p>

			herein contained shall be construed to be in derogation of the powers of the Department of <del>Health and Environmental Control</del> <u>Services</u> .
26.	6-1-150 (A)(1)(a)(ii)	Local Government, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) For purposes of this section: (1) "Derelict mobile home" means a mobile home: (a) that is: (i) not connected to electricity or not connected to a source of safe potable water supply sufficient for normal residential needs, or both; (ii) not connected to a Department of <del>Health and Environmental Control</del> <u>Services</u> -approved wastewater disposal system; or (iii) unoccupied for a period of at least thirty days and for which there is clear and convincing evidence that the occupant does not intend to return on a temporary or permanent basis; and
27.	6-11-290	Special Purpose or Public Service Districts Generally, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			SECTION 6-11-290. Construction of article; no effect on Department of <del>Health and Environmental Control</del> <u>Services</u> . This article being necessary for the public health, safety and welfare, it shall be liberally construed to effectuate the purposes thereof. But all functions, powers and duties of the Department of <del>Health and Environmental Control</del> <u>Services</u> shall remain unaffected by this article.
28.	6-11-1210	Additional Powers of Special Purpose or Public Service Districts as to Sewage Collection and Disposal	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The General Assembly has from time to time created and established special purpose or public service districts throughout the State of South Carolina for the purpose, inter alia, of providing for the establishing of appropriate facilities for the collection, disposal or the treatment of sewage. Generally the cost of constructing such facilities has been defrayed from the proceeds of a districtwide ad valorem tax upon all property lying within the district involved. This method of financing such facilities was based upon the General Assembly's conclusion that all properties within the district benefited by the proposed improvement in proportion to their

			<p>assessed value. However, it appears that in some instances the cost of constructing all or a portion of such facilities can be more equitably distributed by assessing the cost of constructing sewer laterals against the properties facing thereon. In addition a sewer service charge is likewise proper in many instances.</p> <p>The General Assembly concludes that in order to facilitate the construction and operation of sewer systems by special purpose or public service districts, all of such districts should be granted all of the powers set forth in this article.</p> <p>In view of the foregoing, the General Assembly has determined to give the governing body of each such district, in addition to those powers already vested in them respectively, the power: (a) To place into effect, revise, enforce, and collect a schedule of charges for its sewage collection service; (b) to contract with any public or private agency operating a water system for the collection of such sewer charges; (c) to adopt and enforce regulations requiring all properties to which sewer service is available to connect to the district's sewage collection facilities as now existing or hereafter improved; (d) to make regulations generally with respect to the discharge of sewage and the use of privies, septic tanks and any other type of sewage facilities; (e) to impose front-foot assessments against properties abutting the sewage collection laterals; and (f) to make unpaid sewer service charges a lien against the property served.</p> <p>It is the legislative intent of this article that it shall be deemed complementary and supplementary to existing laws relating to each such district and to add to the powers, functions and duties committed to the several governing bodies thereof in order that such districts may fulfill their function of preserving the public health and provide for all those who own, use or occupy dwellings, commercial buildings or other structures therein. In enacting this law, the General Assembly exercises its general police powers having found that such exercise was necessary for the maintenance and preservation of the health of the inhabitants of the State. Nothing herein contained shall be construed to be in derogation of the powers of the Department of Health and Environmental Control Services.</p>
29.	6-11-1230(4)	<p><b>Additional Powers of Special Purpose or Public Service Districts as to Sewage Collection and Disposal</b></p>	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (4) To provide by resolution that the actual cost of the establishment and construction of a water distribution line or sewer lateral collection line hereafter constructed by the commission and an extension of a line within the district, or so much of the actual cost as the commission considers appropriate, must be assessed</p>



			<p>subject to the provisions of the next paragraph upon the lots and parcels of land abutting directly on the lateral line or extension of a line according to the extent of the respective frontage on them, by an equal rate per foot of frontage; but the commission may provide, in the instance of corner lots, for an assessment considered to be equitable. If the area to be served is part of a development plan or zoned for residential use, then an assessment may be levied by the commission on a parcel or per unit basis rather than on a front-foot basis. As used in this section, "front-foot assessment" includes assessments levied on a parcel or per unit basis. The commission may provide in the resolution that the front-foot assessments to be levied in connection with the installations may be paid in equal installments covering a period of not exceeding twenty years. The deferred payments are payable annually within the period that county taxes are payable and late payments must be penalized to the same extent as in the case of county taxes.</p> <p>The General Assembly does not intend through this article to permit assessments against abutting property where no benefit results to the property or where a benefit results only at some remote future time. Accordingly, no commission pursuant to this article may impose a front-foot assessment against any property unless the property is being used for or is devoted to commercial or residential purposes at the time of the assessment or unless, in the case of properties on which no buildings are situate, those properties have been platted, zoned, or otherwise developed as a part of a subdivision devoted to residential or commercial purposes. If any property pursuant to the provisions of this paragraph is exempt from front-foot assessment at the time the assessment is originally levied, is later converted to commercial, industrial, or residential purposes, or is later platted, zoned, or otherwise developed then at that time front-foot assessments may be levied against the property. No individual residential parcel may be assessed on the basis of more than two hundred fifty feet of frontage.</p> <p>If, on the effective date of this paragraph, the area to be served is a residential subdivision that received conceptual approval under Regulation 61-57 for septic tank use and has five or more lots later denied permits for a septic tank system for which the Department of <del>Health and Environmental Control</del> <u>Health and Environmental Control Services</u> has developed standards, an assessment may be levied on the abutting parcels in the subdivision for the actual costs of sewer lateral collection lines in the subdivision and for transmission lines and associated infrastructure, including, but not limited to, trunk lines, force mains, pump stations, and lift stations, to be constructed to connect the sewer lateral collection lines to other infrastructure of the district. The satisfaction of the preconditions to this subsection may be conclusively established by a letter or certificate of the department.</p>
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30.	6-11-1430	Emergency Powers of Fire Districts	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> The Fire Authority having jurisdiction may, within the means of its resources, evacuate or cause to be evacuated all persons within and adjacent to burning structures, open fires, dangerous gas leaks, flammable liquid spills, and transportation incidents. The following are exempt from the provisions of this article (1) Industrial processing and manufacturing plants which have a State Labor Department (OSHA) or Department of Health and Environmental Control Services approved emergency evacuation plans; (2) Hospitals and similar type health care facilities which conduct surgery or administer care through the use of life support systems and which have approved emergency evacuation plans by the authority having jurisdiction; (3) The Forestry Commission in the carrying out of its forest fire protection duties and responsibilities as provided in Sections 48-23-90, 48-33-30, 48-33-40, and 48-33-70. The Fire Authority having jurisdiction does not have the power and authority to declare a state of emergency and order and compel an evacuation of the scope and magnitude that would be necessary during an actual or threatened enemy attack, sabotage, flood, storm, epidemic, earthquake, riot, or other public calamity.</p>
31.	6-15-30	Sewage Collection, Disposal and Treatment by Governmental Entities	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> Any contract made between governmental entities shall be executed on behalf of each contracting party, after it has been approved by resolution or other action taken by the governing body. Wherever any such contract shall be the basis for the issuance of revenue bonds or general obligation bonds by any of the contracting parties, such contract shall become a part of the transcript of proceedings incident to the issuance of such bonds and shall be filed in the manner prescribed by Section 11-15-10. Copies of all contracts made pursuant to this chapter shall also be filed with the Department of Health and Environmental Control Services.</p>
32.	6-19-30	State Grants for Water and Sewer Authorities, Districts or Systems	<p><b>Recommendation + Explanation:</b> Amend Department name and Commissioner name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p>

			<p>The fund for such grants must be from either revenue-sharing trust funds or from general appropriations to the Department of <del>Health and Environmental Control</del><u>Services</u>, which shall administer the grants for intermission to public water supply authorities or districts, sewer authorities or districts, water and sewer authorities, rural community water or sewer systems, nonprofit corporations, or municipal sewer systems to which the grant is made. The Governor, with the advice and consent of the Senate, shall appoint an advisory committee composed of seven members, one from each congressional district of the State. In addition an employee of the Department of <del>Health and Environmental Control</del><u>Services</u>, designated by the <del>commissioner</del><u>director</u> thereof, shall serve ex officio as a member of the committee. The Governor may invite a director, or his representative, from an agency providing water and sewer funds to serve as an advisory nonvoting member to the committee. All members must be appointed for terms of three years. In the event of a vacancy a successor shall be appointed for the unexpired term in the manner of original appointment. The advisory committee shall meet as soon after its appointment as may be practicable and shall organize by electing a chairman, vice chairman, secretary, and such other officers as it may deem desirable. The advisory committee shall select the projects to be funded pursuant to Section 6-19-40. Funds also may be expended from gifts or grants from any source which are made available for the purpose of carrying out the provisions of this chapter. Appropriations made to the fund but not expended at the end of the fiscal year for which appropriated shall not revert to the general fund but shall accrue to the credit of the fund. Grants must be made only for water supply and waste water facilities projects on which construction was not commenced before April 1, 1974.</p>
33.	6-19-35(2)	State Grants for Water and Sewer Authorities, Districts or Systems	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(2) The Department of <del>Health and Environmental Control</del> <u>Services</u> may, upon approval of the advisory committee, by a memorandum of understanding entered into with other funding agencies, designate one of such agencies, including itself, to administer or supervise any portion of a project funded under this act.
34.	6-19-40(A)	State Grants for Water and Sewer Authorities, Districts or Systems	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			(a) Application for a grant hereunder may be made to the advisory committee and accompanied by an application to the primary financial source and processed by the Department of <del>Health and Environmental Control</del> <u>Services</u> . The Department of <del>Health and Environmental Control</del> <u>Services</u> , on approval of the advisory committee, shall make the necessary rules and regulations for the consideration and processing of all State grant requests appropriated under this chapter, which shall generally conform to those used by Federal grant and loan agencies, which rules shall be filed in the office of the Secretary of State. The rules shall contain, but shall not be limited to the following criteria:
35.	6-21-400	Revenue Bond Act for Utilities	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Rates charged for services furnished by any system, project or combined system purchased, constructed, improved, enlarged, extended or repaired under the provisions of this chapter shall not be subject to supervision or regulation by any State bureau, board, commission or other like instrumentality or agency of the State and it shall not be necessary for any borrower operating under the provisions of this chapter to obtain any franchise or other permit from any State bureau, board, commission or other instrumentality of the State in order to construct, improve, enlarge, extend or repair any system, project or combined system named in this chapter. But the functions, powers and duties of the Department of <del>Health and Environmental Control</del> <u>Services</u> shall remain unaffected by this chapter.
36.	7-5-186(B)	Requirement of and Qualifications for Registration	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) State agencies including, but not limited to, the Department of <del>Public Health's and Environmental Control</del> , Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity providing the data, remains confidential while in the possession of the State Election Commission.

37.	7-5-310(B)(2)	Multiple Site Voter Registration and Responsibilities of the State Election Commission in Implementing the National Voter Registration Act of 1993	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (B) There are designated the following voter registration agencies: (1) Department of Social Services; (2) Department of <del>Public Health and Environmental Control</del> - WIC program; (3) Department of Disabilities and Special Needs; (4) Commission for the Blind; (5) Department of Vocational Rehabilitation; (6) South Carolina Protection and Advocacy System for the Handicapped; (7) Armed Forces recruiting offices; (8) Alcohol and Other Drug Abuse Services; (9) Department of Mental Health.</p>
38.	10-5-270(A)(3)	Construction Of Public Buildings For Access By Persons With Disabilities	<p><b>Recommendation + Explanation:</b> Amend Division and Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) All plans for buildings, structures, and facilities to be constructed or altered must be reviewed and approved for compliance with this chapter and must be submitted to one of the following officials for approval: (1) for state owned or leased facilities, to the State Engineer, Office of General Services, Department of Administration; (2) for elementary and secondary public schools, to the Director, Office of Facilities Management, State Department of Education; (3) for health care facilities, to the Director, <del>Bureau</del> <u>Division</u> of Health Facilities Construction, <del>Licensing and Certification, State Department of</del> <u>Public Health and Environmental Control</u>; (4) for buildings not covered by this subsection or subsections (B) or (C), to the local building officials appointed by a municipal or county government within their respective jurisdictions; (5) in jurisdictions without building officials, to the Administrator, Building Codes Council.</p>
39.	10-9-10	Minerals and Mineral Interests in Public Lands,	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p>

		<b>General Provisions</b>	The Public Service Authority may, through its board of directors, make and execute leases of gas, oil, and other minerals and mineral rights, excluding phosphate and lime and phosphatic deposits, over and upon the lands and properties owned by said authority; and the Department of <del>Health and Environmental Control</del> <u>Services</u> and the forfeited land commissions of the counties of this State may, with the approval of the Attorney General, make and execute such leases over and upon the lands and waters of the State and of the counties under the ownership, management, or control of the department and commissions respectively.
40.	10-9-30	<b>Minerals and Mineral Interests in Public Lands, General Provisions</b>	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Nothing contained in this article shall estop the State from enacting proper laws for the conservation of the oil, gas and other mineral resources of the State and all leases and contracts made under authority of this article shall be subject to such laws; provided, that the Department of <del>Health and Environmental Control</del> <u>Services</u> may negotiate for leases of oil, gas, and other mineral rights upon all of the lands and waters of the State, including offshore marginal and submerged lands.
41.	10-9-40	<b>Minerals and Mineral Interests in Public Lands, General Provisions</b>	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The authority conferred upon the Public Service Authority, the Department of <del>Health and Environmental Control</del> <u>Services</u> , and the forfeited land commissions by this article shall be cumulative and in addition to the rights and powers heretofore vested by law in such authority, the Department of <del>Health and Environmental Control</del> <u>Services</u> , and such commissions, respectively.
42.	10-9-110	<b>Phosphate</b>	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			SECTION 10-9-110. Department of <del>Health and Environmental Control</del> <u>Services</u> has exclusive control of the state's phosphate interest. The Department of <del>Health and Environmental Control</del> <u>Services</u> shall be charged with the exclusive control and protection of the rights and interest of the State in the phosphate rocks and phosphatic deposits in the navigable streams and in the marshes thereof.

43.	10-9-200	Phosphate	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Health and Environmental Control</del> <u>Services</u> , within twenty days after the grant of any license as aforesaid, shall notify the Comptroller General of the issuing of such license, with the name of the person to whom issued, the time of the license, and the location for which it was issued.
44.	10-9-260	Phosphate	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Any person wilfully interfering with, molesting, or obstructing or attempting to interfere with, molest, or obstruct the State or the Department of <del>Health and Environmental Control</del> <u>Services</u> or anyone by it authorized or licensed in the peaceable possession and occupation of any of the marshes, navigable streams, or waters of the State, including the Coosaw River phosphate territory, or who shall dig or mine or attempt to dig or mine any of the phosphate rock or phosphatic deposits of this State without a license so to do issued by the department shall be punished for each offense by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not less than one nor more than twelve months, or both, at the discretion of the court.
45.	10-9-320	Geothermal Resources	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Health and Environmental Control</del> <u>Services</u> may lease development rights to geothermal resources underlying surface lands owned by the State. The department must promulgate regulations regarding the method of lease acquisition, lease terms, and conditions due the State under lease operations. The South Carolina Department of Natural Resources is designated as the exclusive agent for the department in selecting lands to be leased, administering the competitive bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to geothermal resource leases as may be included herein as responsibilities of the department.
46.	11-11-170	State Budget System,	<b>Recommendation + Explanation:</b>

	<b>(B)(1)(d)-(e)</b>	<b>General Provisions</b>	<p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(B)(1) Seventy-three percent of the revenues must be used for healthcare programs. These revenues, or the funds obtained pursuant to Chapter 49, Title 11, must be deposited in a fund separate and distinct from the general fund and all other funds, which is hereby established in the State Treasury styled the Healthcare Tobacco Settlement Trust Fund. Earnings on this fund must be credited to the fund. The principal must remain in the fund and only the interest earnings may be appropriated and used for the following purposes:</p> <ul style="list-style-type: none"> <li>(a) for fiscal year 2000-2001 only, the first twenty million dollars available from the principal derived from securitization must be used for hospital base increase;</li> <li>(b) the South Carolina Seniors' Prescription Drug Program, as provided in Chapter 130, Title 44;</li> <li>(c) home and community-based programs for seniors coordinated by the Department of Health and Human Services;</li> <li>(d) youth smoking cessation and prevention programs coordinated by the Department of <del>Public Health and Environmental Control</del> and the Department of Alcohol and Other Drug Abuse Services;</li> <li>(e) newborn infants hearing screening initiatives coordinated by the Department of <del>Public Health and Environmental Control</del>;</li> <li>(f) disease prevention and elimination of health disparities: diabetes, HIV/AIDS, hypertension, and stroke, particularly in minority populations;</li> <li>(g) other health related issues as determined by the General Assembly.</li> </ul>
47.	11-11-230(A)	<b>State Budget System, General Provisions</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) There is created in the State Treasury the Smoking Prevention and Cessation Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The trust fund must transfer five million dollars annually to the Department of <del>Public Health and Environmental Control</del> to administer a statewide smoking prevention and cessation program. The funds must not be appropriated for any other purpose and the Department of <del>Public Health and Environmental Control</del> may not use the funds for any purposes other than administering a statewide smoking prevention and cessation program.</p>



48.	11-37-200(A)	South Carolina Resources Authority Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) There is established by this section the Water Resources Coordinating Council which shall establish the priorities for all sewer, wastewater treatment, and water supply facility projects addressed in this chapter, except as otherwise established by Section 48-6-40. The council shall consist of a representative of the Governor, the Director of the Department of Health and Environmental Control Services, the Director of the South Carolina Department of Natural Resources, the Director of the Rural Infrastructure Authority, the Secretary of Commerce, the Chairman of the Jobs Economic Development Authority, and the Chairman of the Joint Bond Review Committee. These representatives may designate a person to serve in their place on the council, and the Governor shall appoint the chairman from among the membership of the council for a one-year term. The council shall establish criteria for the review of applications for projects. Not less often than annually, the council shall determine its priorities for projects. The council after evaluating applications shall notify the authority of the priority projects. The South Carolina Jobs Economic Development Authority shall provide the staff to receive, research, investigate, and process applications for projects made to the coordinating council and assist in the formulating of priorities. Upon notification by the council, the authority shall proceed under the provisions of this chapter. The authority may consider applications for projects based upon the existence of a documented emergency consistent with regulations that may be promulgated by the authority. In determining which local governments are to receive grants, the local governments shall provide not less than a fifty percent match for any project. The authority may provide financing for the local matching funds on terms and conditions determined by the authority.</p>
49.	11-58-70(B)(4)	South Carolina Opioid Recovery Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (B) The South Carolina Opioid Recovery Fund Board shall be comprised of nine members, who shall be appointed as follows: (1) the Governor shall appoint one member, who shall serve as chairperson; (2) the President of the Senate shall appoint one member; (3) the Speaker of the House of Representatives shall appoint one member;</p>

			<p>(4) the Governor shall appoint three members, the Speaker one member, and the President of the Senate one member from a list provided by the South Carolina Association of Counties, with at least one member selected from each of the South Carolina public health regions as defined by the South Carolina Department of <u>Public Health and Environmental Control</u>; and</p> <p>(5) the Governor shall appoint one member from a list provided by the Municipal Association of South Carolina.</p>
50.	11-58-80(F)	South Carolina Opioid Recovery Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(F) The South Carolina Opioid Recovery Fund Board shall be considered “qualified personnel for the purpose of bona fide research or education” for the purpose of Section 44-53-1650, and the Department of <u>Public Health and Environmental Control</u> shall enter into a written agreement with the board to enable the sharing of prescription information with appropriate redactions.
51.	12-6-3370(D)	Credits	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(D) To qualify for the credit the taxpayer must obtain a construction permit issued by the Department of <u>Health and Environmental Control Services</u> or proof of exemption from permit requirements issued by the department, the Natural Resources Conservation Service, or a local Soil and Water Conservation District.
52.	12-6-3420(C)(2)	Credits	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(C) For purposes of this section:</p> <p>(1) An infrastructure project includes water lines or sewer lines, their related facilities, and roads that:</p> <ul style="list-style-type: none"> <li>(a) do not exclusively benefit the taxpayer;</li> <li>(b) are built to applicable standards; and</li> <li>(c) are dedicated to public use or, in the case of water and sewer lines and their related facilities in areas served by a private water and sewer company, the water and sewer lines are deeded to a qualified private entity.</li> </ul> <p>(2) A qualified private entity is an entity holding the required permits, certifications,</p>

			and licenses from the South Carolina Department of <del>Health and Environmental Control Services</del> , the South Carolina Public Service Commission, and any other state agencies, departments, or commissions, from which approvals must be obtained in order to operate as a utility furnishing water supply services or sewage collection or treatment services, or both, to the public.
53.	12-6-3550 (C)-(H)	Credits	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) A taxpayer is allowed a credit against taxes due for costs of voluntary cleanup activity by a nonresponsible party pursuant to Article 7, Chapter 56 of Title 44, the Brownfields/Voluntary Cleanup Program, in the manner provided in this section.</p> <p>(B) For expenses paid or accrued by the taxpayer in cleaning up a site under the applicable article, the credit is equal to fifty percent of the expenses of the cleanup or cash contributions to the cleanup but not more than fifty thousand dollars in a taxable year. The credit is available only for site rehabilitation conducted during the taxable year in which the tax credit application is submitted. Any unused credit, up to a total of one hundred thousand dollars, may be carried forward five years. Multiple taxpayers working jointly to clean up a single site are allowed the credit in the same proportion as their contribution to payment of cleanup costs.</p> <p>(C) The taxpayer is allowed an additional ten percent of the total cleanup costs, not to exceed fifty thousand dollars, in the final year of clean up as evidenced by the Department of <del>Health and Environmental Control Services</del> issuing a certificate of completion for that site.</p> <p>(D) To be eligible for the tax credit the applicant must have entered into a nonresponsible party voluntary cleanup contract with the Department of <del>Health and Environmental Control (DHEC) Services (DES)</del> pursuant to Section 44-56-750.</p> <p>(E) To obtain the tax credit certificate, an applicant must annually file an application for certification, which must be received by <del>DHEC</del><u>DES</u> by December thirty-first. The applicant shall provide all pertinent information requested on the tax credit application form including, at a minimum, the name and address of the applicant and the address and tracking identification of the eligible site. Along with the application form, the applicant shall submit the following:</p> <p>(1) copies of contracts and documentation of contract negotiations, accounts, invoices, sales tickets, or other payment records for purchases, sales, leases, or other transactions involving the actual costs incurred for that taxable year related to site rehabilitation under the voluntary cleanup contract; and</p>

			<p>(2) proof that the documentation submitted pursuant to item (1) has been reviewed and verified by an independent certified public accountant who must attest to the accuracy and validity of the costs incurred and paid by conducting an independent review of the data presented by the applicant. A copy of the accountant's report must be submitted to <u>DHECDES</u> with the tax credit application.</p> <p>(F) If upon review of the tax credit application and any supplemental documentation submitted by each applicant, <u>DHECDES</u> determines that the applicant has met all requirements for the tax credit, it shall issue a tax credit certificate before April first. The applicant shall pay the administrative costs of this review pursuant to the provisions of Section 44-56-750(D).</p> <p>(G) <u>DHECDES</u> may prescribe the necessary forms required to claim the credit under this section and to provide the administrative guidelines and procedures required to administer this section.</p> <p>(H) <u>DHECDES</u> may revoke or modify any written decision granting eligibility for partial tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive the credit under this section. <u>DHECDES</u> shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the taxpayer shall notify the Department of Revenue of any change in tax credit claimed.</p> <p>(I) This section applies for eligible cleanup expenses incurred after 2001.</p>
54.	12-6-3775 (B)(1)(a)(iii)-(iv)	Credits	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (B)(1) A taxpayer is allowed an income tax credit equal to twenty-five percent of the cost, including the cost of installation, of a solar energy property if he constructs, purchases, or leases a solar energy property that is located in the State of South Carolina and if:</p> <ul style="list-style-type: none"> <li>(a) the property is located on: <ul style="list-style-type: none"> <li>(i) the Environmental Protection Agency's National Priority List;</li> <li>(ii) the Environmental Protection Agency's National Priority List Equivalent Sites;</li> <li>(iii) a list of related removal actions, as certified by the Department of Health and Environmental Control <del>Services</del>;</li> <li>(iv) land that is subject to a Voluntary Cleanup Contract with the Department of Health and Environmental Control as of December 31, 2017, <u>or with the Department of Environmental Services</u>, or to corrective action under the Federal Resource</li> </ul> </li> </ul>

			Conservation and Recovery Act of 1976; or (v) land that is owned by the Pinewood Site Custodial Trust; and
55.	12-23-810(A)	Indigent Health Care	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Every hospital licensed as a general hospital by the Department of <u>Public Health and Environmental Control</u> is subject to the payment of an excise, license, or privilege tax. Each hospital's tax must be based on the total expenditures of each hospital as a percentage of total hospital expenditures statewide.
56.	12-23-815	Indigent Health Care	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of Revenue shall issue assessments for the tax provided by this article based on information provided by the Department of <u>Public Health and Environmental Control</u> and the Revenue and Fiscal Affairs Office.
57.	12-28-2355(B)	Petroleum and Petroleum Product	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) In addition to the inspection fee of one-fourth cent a gallon imposed pursuant to subsection (A), an environmental impact fee of one-half cent a gallon is imposed which must be used by the department for the purposes of carrying out the provisions of this chapter. This one-half cent a gallon environmental impact fee must be paid and collected in the same manner that the one-fourth cent a gallon inspection fee is paid and collected, except that the monies generated from these environmental impact fees must be transmitted by the Department of Revenue to the Department of <u>Health and Environmental Control Services</u> which shall deposit the fees as provided in Section 44-2-40.
58.	12-37-220(A)(8)	Property Tax; Exemptions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Pursuant to the provisions of Section 3, Article X of the State Constitution and subject to the provisions of Section 12-4-720, there is exempt from ad valorem taxation:

			<p>(1) all property of the State, counties, municipalities, school districts, Water and Sewer Authorities and other political subdivisions, if the property is used exclusively for public purposes, and it shall be the duty of the Department of Revenue and county assessor to determine whether such property is used exclusively for public purposes;</p> <p>(2) all property of all schools, colleges, and other institutions of learning and all charitable institutions in the nature of hospitals and institutions caring for the infirmed, the handicapped, the aged, children and indigent persons, except where the profits of such institutions are applied to private use;</p> <p>(3) all property of all public libraries, churches, parsonages, and burying grounds, but this exemption for real property does not extend beyond the buildings and premises actually occupied by the owners of the real property;</p> <p>(4) all property of all charitable trusts and foundations used exclusively for charitable and public purposes, but this exemption for real property does not extend beyond the buildings and premises actually occupied by the owners of the real property;</p> <p>(5) all household goods and furniture used in the home of the owner of such goods and furniture, such to include built-in equipment such as ranges, dishwashers and disposals, but this exemption shall not apply to household goods used in hotels, rooming houses, apartments, or other places of business;</p> <p>(6) all inventories of manufacturers, except manufactured articles which have been offered for sale at retail or which have been available for sale at retail. Fuel, including but not limited to uranium, special nuclear material, nuclear fuel, fossil fuel, coal, cellulose, wood or solid, liquid or gaseous hydrocarbons, held by a public utility, an affiliated interest of such public utility as defined in Section 58-27-2090 or a subsidiary of such public utility, or held by a corporation, entity or trust for the use and benefit of such public utility under orders or regulations of the Public Service Commission, shall be deemed to be inventories of manufacturers;</p> <p>(7) all new manufacturing establishments located in any of the counties of this State after July 1, 1977, for five years from the time of establishment and all additions to the existing manufacturing establishments located in any of the counties of this State for five years from the time each such addition is made if the cost of such addition is fifty thousand dollars or more. Such additions shall include additional machinery and equipment installed in the plant. Provided, however, that the exemptions authorized in this item for manufacturing establishments, and additions thereto, shall not include exemptions from school taxes or municipal taxes but shall include only county taxes. Provided, further, that all manufacturing establishments and all additions to existing manufacturing establishments exempt under statutes in effect</p>
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			<p>February 28, 1978, shall be allowed their exemptions provided for by statute until such exemptions expire;</p> <p>(8) all facilities or equipment of industrial plants which are designed for the elimination, mitigation, prevention, treatment, abatement, or control of water, air, or noise pollution, both internal and external, required by the state or federal government and used in the conduct of their business. At the request of the Department of Revenue, the Department of <del>Health and Environmental Control</del><u>Services</u> shall investigate the property of any manufacturer or company, eligible for the exemption to determine the portion of the property that qualifies as pollution control property. Upon investigation of the property, the Department of <del>Health and Environmental Control</del><u>Services</u> shall furnish the Department of Revenue with a detailed listing of the property that qualifies as pollution control property. For equipment that serves a dual purpose of production and pollution control, the value eligible for the ad valorem exemption is the difference in cost between this equipment and equipment of similar production capacity or capability without the ability to control pollution. For the purposes of this item, twenty percent of the cost of any piece of machinery and equipment placed in service in a greige mill qualifies as internal air and noise pollution control property and is exempt from property taxes. "Greige mill" means all textile processes from opening through fabric formation before dyeing and finishing;</p> <p>(9) a homestead exemption for persons sixty-five years of age and older, for persons permanently and totally disabled and for blind persons in an amount to be determined by the General Assembly of the fair market value of the homestead under conditions prescribed by the General Assembly by general law;</p> <p>(10) intangible personal property.</p> <p>(11) all property of public benefit corporations established by a county or municipality used exclusively for economic development purposes which serve a governmental purpose as defined in Section 115 of the U.S. Internal Revenue Code.</p>
59.	12-37-220(B)(44)	Property Tax; Exemptions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(44) subject to the approval by resolution of the county governing body, property and improvements subject to a nonresponsible party voluntary cleanup contract for which a certificate of completion has been issued by the Department of <del>Health and Environmental Control</del> <u>Services</u> pursuant to Article 7, Chapter 56, Title 44, the Brownfields Voluntary Cleanup Program, is exempt from ad valorem taxation in the

			same manner and to the same extent as the exemption allowed pursuant to subsection (A)(7) of this section. This exemption applies beginning with the taxable year in which the certificate of completion is issued;
60.	12-44-30(14)	Fee in Lieu of Tax Simplification Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(14) "Minimum investment" means an investment in the project of at least two and one-half million dollars within the investment period. If a county has an average annual unemployment rate of at least twice the state average during the last twenty-four month period based on data available on the most recent November first, the minimum investment is one million dollars. The department shall designate these reduced investment counties by December thirty-first of each year using data from the South Carolina Department of Employment and Workforce and the United States Department of Commerce. The designations are effective for a sponsor whose fee agreement is signed in the calendar year following the county designation. For all purposes of this chapter, the minimum investment may include amounts expended by a sponsor or sponsor affiliate as a nonresponsible party in a voluntary cleanup contract on the property pursuant to Article 7, Chapter 56, Title 44, the Brownfields Voluntary Cleanup Program, if the Department of Health and Environmental Control Services certifies completion of the cleanup. If the amounts under the Brownfields Voluntary Cleanup Program equal at least one million dollars, the investment threshold requirement of this chapter is deemed to have been met.
61.	13-1-380(E)	Division of State Development	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(E) The chairman shall be designated by the Secretary of Commerce and the advisory council shall select its own vice-chairman. The advisory council shall adopt operating procedures and shall meet on the call of the chairman or of a majority of the members. Members shall promulgate regulations concerning meeting attendance. A majority of the members shall constitute a quorum to do business. The division shall provide the necessary staff and administrative facilities and services to the advisory council. The Department of Health and Environmental Control Services shall provide technical assistance to the council at the request of the chairman or of the vice-chairman, or by majority vote of the advisory council.



62.	13-2-10	<b>Authority to Agree-Governing Board Membership</b>	<p><b>Recommendation + Explanation:</b> Amend Department names to conform with Act 60.</p> <p><b>Suggested Revision:</b> Notwithstanding any other provision of law, the South Carolina Department of Social Services, <del>and</del> the South Carolina Department of <u>Public Health</u>, and <del>the South Carolina Department of Environmental Control</del> <u>Services</u>, or any other state agency, are hereby authorized to enter into written agreements with any other state agency or interagency council, whether created by statute or executive order, to ensure that the purposes and function of comprehensive development programs can be more effectively and efficiently implemented. Provided, however, that no agency shall commit any funds by contract unless previously appropriated by the General Assembly. Provided, that any state agency which is created by executive order, and exercising the provisions of this section, shall contain at least four members of the legislature on its governing board, two of whom shall be selected from the membership of the Senate by the President of that body and two of whom shall be selected from the membership of the House of Representatives by the Speaker of that body.</p>
63.	13-7-10 (8), (11), and (12)	<b>Atomic Energy and Radiation Control Act</b>	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> For the purpose of this article, the following words shall have the meaning indicated: (1) "By-product material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material. (2) "Ionizing radiation" means gamma rays and X rays, alpha and beta particles, electrons, neutrons, protons, and other atomic particles; but not sound or radio waves, or visible, infrared, or ultraviolet light. (3) "General license" means a license effective pursuant to regulations promulgated under the provisions of this article without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing by-product, source, special atomic energy materials, or other radioactive materials occurring naturally or produced artificially. (4) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing by-product, source, special atomic energy materials, or other radioactive materials occurring naturally or produced artificially.</p>

			<p>(5) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear fusion or other atomic transformations.</p> <p>(6) "Source material" means (a) uranium, thorium, or any other material which the Governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (b) ores containing one or more of the foregoing materials, in such concentration as the Governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.</p> <p>(7) "Special atomic energy materials" mean (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Governor declares by order to be special nuclear materials after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.</p> <p>(8) "Emergency" means any condition existing outside the bounds of nuclear operating sites owned or licensed by a Federal agency and any condition existing within or outside of the jurisdictional confines of a facility licensed by the Department of <u>Environmental Services</u> arising out of the handling or the transportation of by-product material, source material or special atomic energy materials, as hereinabove defined, and hereinafter referred to as radioactive material, which is endangering or could reasonably be expected to endanger the health and safety of the public, or to contaminate the environment.</p> <p>(9) "Nonionizing radiation" for the purpose of this section shall mean only ultraviolet radiation used for the purpose of tanning the human body, and shall include ultraviolet radiation with wavelengths in air between two hundred and four hundred nanometers.</p> <p>(10) "Decommissioning trust fund" means the trust fund established pursuant to a Trust Agreement dated March 4, 1981, among Chem-Nuclear Systems, Inc. (grantor), the State Fiscal Accountability Authority (beneficiary as the successor in interest to the South Carolina Budget and Control Board), and the South Carolina State Treasurer (trustee), whose purpose is to assure adequate funding for decommissioning of the disposal site, or any successor fund with a similar purpose.</p> <p>(11) "Extended care maintenance fund" means the "escrow fund for perpetual care" that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post-closure observation period specified by the Department of <del>Health and Environmental Control</del> <u>Environmental Services</u>, and for activities associated with closure of the site as provided for in Section 13-7-30(4).</p>
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			(12) "Maintenance" means active maintenance activities as specified by the Department of Health and Environmental Control Services including pumping and treatment of groundwater and the repair and replacement of disposal unit covers.
64.	13-7-20(3)	Atomic Energy and Radiation Control Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(3) Coordinate the atomic energy industrial development activities of the State, recognizing the regulatory authority of the State Department of Health <del>Health</del> Environmental Services and the duties of other departments of state government.
65.	13-7-30(4)	Atomic Energy and Radiation Control Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(4) assume responsibility for extended custody and maintenance of radioactive materials held for custodial purposes at any publicly or privately operated facility located within the State, in the event the parties operating these facilities abandon their responsibility, or when the license for the facility is ultimately transferred to an agency of the State, and whenever the federal government or any agency of the federal government has not assumed the responsibility. In order to finance such extended custody and maintenance as the board may undertake, the board may collect fees from private or public parties holding radioactive materials for custodial purposes. These fees must be sufficient in each individual case to defray the estimated cost of the board's custodial management activities for that individual case. The fees collected for such custodial management activities shall also be sufficient to provide additional funds for the purchase of insurance which shall be purchased for the protection of the State and the general public for the period such radioactive material considering its isotope and curie content together with other factors may present a possible danger to the general public in the event of migration or dispersal of such radioactivity. All such fees, when received by the board, must be transmitted to the State Treasurer. The Treasurer must place the money in a special account, in the nature of a revolving trust fund, which may be designated "extended care maintenance fund", to be disbursed on authorization of the board. Monies in the extended care maintenance funds must be invested by the board in the manner as other state monies. However, any interest accruing as a result of investment must accrue to this extended care maintenance

			fund. Except as authorized in Section 48-46-40(B)(7)(b) and (D)(2), the extended care maintenance fund must be used exclusively for custodial, surveillance, and maintenance costs during the period of institutional control and during any post-closure and observation period specified by the Department of <del>Health and Environmental Control</del> <u>Services</u> , and for activities associated with closure of the site. Funds from the extended care maintenance fund shall not be used for site closure activities or for custodial, surveillance, and maintenance performed during the post-closure observation period until all funds in the decommissioning trust account are exhausted.
66.	13-7-40, Title and (A)	Atomic Energy and Radiation Control Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			SECTION 13-7-40. Powers and duties of Department of <del>Health and Environmental Control</del> <u>Services</u> ; Technical Advisory Radiation Control Council; regulation of persons controlling or using sources of ionizing radiation. (A) The Department of <del>Health and Environmental Control</del> <u>Services</u> is designated as the agency of the State which is responsible for the control and regulation of radiation sources but, notwithstanding anything in this article, does not have the power to regulate, license, or control nuclear reactors of facilities or operations incident to them in duplication of an activity of the federal government which has not been discontinued by agreement pursuant to Section 13-7-60.
67.	13-7-45(A)(1)	Atomic Energy and Radiation Control Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A)(1) The South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> shall promulgate regulations and establish a schedule for the collection of annual fees for the licensing, registration, and certification of users of the sources of ionizing radiation. The fees collected must be sufficient, in the judgment of the department, to protect the public health and safety and the environment and to recover the costs incurred by the department in regulating the use of ionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to the provisions of law.
68.	13-7-50, Title	Atomic Energy and Radiation Control Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.

			<p><b>Suggested Revision:</b></p> <p>SECTION 13-7-50. Emergency powers of Department of <del>Health and Environmental Control</del><u>Services</u>.</p>
69.	13-7-60(B)	Atomic Energy and Radiation Control Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(B) Any person who on the effective date of an agreement under subsection (A) of this section possesses a license issued by the Federal Government authorizing activities, the regulation of which is assumed by the State under such agreement, shall be deemed to possess a license issued under this article, which shall expire either ninety days after receipt from the Department of <del>Health and Environmental Control</del><u>Services</u> of a notice of expiration of such license, or upon the date of expiration specified in the Federal license; whichever is earlier.</p>
70.	13-7-70(1)	Atomic Energy and Radiation Control Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(1) The South Carolina Department of <del>Health and Environmental Control</del><u>Services</u> (the Department) shall adopt rules and regulations governing the transportation of radioactive materials in South Carolina which, in the judgment of the Department, shall protect the public health and safety and protect the environment. Such rules and regulations shall include, but not be limited to, provisions for the use of signs designating radioactive material cargo; for the packing, marking, loading and handling of radioactive materials and the precautions necessary to determine whether the material which is offered for transport is in proper condition. Nothing in this section shall be deemed applicable to the transportation of radioactive waste which is regulated by Article 2 of this chapter.</p>
71.	13-7-90	Atomic Energy and Radiation Control Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>Any person who is practicing as an operator of sources of ionizing radiation on May 26, 1986 is exempt from the certification requirements promulgated by the Department of <del>Health and Environmental Control</del><u>Services</u> provided that such person applies for certification as an operator within sixty days of May 26, 1986.</p>

72.	13-7-120.B.	<p align="center"><b>South Carolina Radioactive Waste Transportation and Disposal Act</b></p>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p>In J(3), the Department reference will not be amended, as the requirement has been met.</p> <p><b>Suggested Revision:</b></p> <p>Definitions as used in this article:</p> <p>A. "Carrier" means any person transporting radioactive wastes into or within the State for storage, disposal or delivery.</p> <p>B. "Department" means the Department of <del>Health and Environmental Control Services</del>, including personnel authorized to act on behalf of the Department.</p> <p>C. "Disposal facility" means any facility located within the State which accepts radioactive waste for storage or disposal.</p> <p>D. "Emergency" means any condition existing outside the bounds of nuclear operating sites owned or licensed by a federal agency and any condition existing within or outside of the jurisdictional confines of a facility licensed by the Department arising out of the handling or the transportation of radioactive waste, as hereinabove defined, which is endangering or could reasonably be expected to endanger the health and safety of the public, or to contaminate the environment.</p> <p>E. "Generation" means the act or process of producing radioactive wastes.</p> <p>F. "Manifest" means the document used for identifying the quantity, composition, origin, and destination of radioactive waste during its transport to a disposal facility.</p> <p>G. "Operator" means every person who drives or is in actual physical control of a vehicle transporting radioactive waste.</p> <p>H. "Permit" means an authorization issued by the Department to any person to transport such radioactive wastes or offer such waste for transport.</p> <p>I. "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership or any other entity whatsoever.</p> <p>J. "Radioactive waste" means any and all equipment or materials which are radioactive or have radioactive contamination and which are required pursuant to any governing laws, regulations or licenses to be disposed of or stored as radioactive waste. Such waste may also be defined as:</p> <p>(1) "High-level waste" means either irradiated nuclear reactor fuel or the portion of the material generated in the reprocessing of such irradiated fuel that contains virtually all of the fission products and most of the actinides not separated out during reprocessing.</p>
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			<p>(2) "Transuranic waste" means waste containing more than ten nanocuries of transuranic activity per gram of material.</p> <p>(3) "Low-level radioactive waste" means all radioactive waste which contains less than ten nanocuries of transuranic activity per gram or which is free of any transuranic contaminants; provided, however, that as this subitem does not define "low-level radioactive waste" by its isotope and curie content except as to transuranic waste and does not define "low-level radioactive waste" as to its danger to the public, the South Carolina Department of Health and Environmental Control is directed to contact the United States Nuclear Regulatory Commission, the United States Department of Energy and the National Academy of Science and seek their assistance in defining the term "low-level radioactive waste" as to its isotope and curie strength and as to its potential danger to the general public, and the Department of Health and Environmental Control shall further make a public report as to its findings by September 15, 1981, and shall make recommendations to the General Assembly no later than February 15, 1982, as to its suggestions for changes in the definition of the term "low-level radioactive waste."</p> <p>K. "Shipper" means any person, whether a resident of South Carolina or a nonresident (1) who transports radioactive waste generated by him into or within the State; (2) who transports radioactive waste generated by another person into or within the State; or (3) who transfers radioactive waste to a carrier for transportation into or within the State; or (4) who transfers radioactive waste to another person if such wastes are transported into or within the State. Nothing contained herein shall relieve a person whose activities result in the generation of radioactive waste from primary responsibility under Section 13-7-140 unless provided by regulation of the Department.</p> <p>L. "Transport" means the movement of radioactive wastes into or within South Carolina.</p>
<b>73.</b>	<b>13-7-160.B.</b>	<b>South Carolina Radioactive Waste Transportation and Disposal Act</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>B. Final regulations shall be promulgated by the Department within one hundred twenty days from the effective date of the article and shall be subject to the procedures set forth in chapter 23 of title 1 provided that the regulations at a minimum shall include, but not be limited to, provisions for the use of signs designating radioactive material cargo; for the packing, marking, loading and handling of radioactive materials and the precautions necessary to determine</p>

			<p>whether the material which is offered for transport is in proper condition, requiring the shippers to state the estimated date of arrival at the disposal facility, to identify the primary route within the State to give at least seventy-two hours written notice to the Department prior to any transportation of radioactive waste into or within this State, and establishing a schedule of fees for permits, which fees shall be assessed annually.</p> <p>In preparing its regulations, the Department of <del>Health and Environmental Control</del> <u>Services</u> is authorized to distinguish as to the radioactive isotope and its curie strength so as to protect the general public.</p>
74.	14-1-201(2)	Courts, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>The revenue from the twelve dollar additional assessments imposed pursuant to Section 56-5-2995 must be distributed as follows:</p> <p>(1) eighty-four percent to the Department of Disabilities and Special Needs for the Head and Spinal Cord Injuries Family Support Program; and</p> <p>(2) sixteen percent to the Department of <del>Public Health and Environmental Control</del> <u>for Emergency Medical Services - Aid to Counties, restricted.</u></p>
75.	14-7-1610(F)	State Grand Jury Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(F) The General Assembly finds that there is a need to enhance the grand jury system to improve the ability of the State to detect and investigate knowing and wilful crimes which result in actual and substantial harm to the environment. These crimes include knowing and wilful offenses specified in Titles 13, 44, and 48, or any knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages including, but not limited to, the cost of remediation, are two million dollars or more, as certified by an independent environmental engineer who shall be contracted by the Department of <del>Health and Environmental Control</del> <u>Services.</u></p> <p>(1) The General Assembly finds that the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> possesses the expertise and knowledge to determine whether there has occurred an alleged environmental offense as defined in this article.</p>



			<p>(2) The General Assembly finds that, because of its expertise and knowledge, the Department of <del>Health and Environmental Control</del> <u>Services</u> must play a substantial role in the investigation of any such alleged environmental offense.</p> <p>(3) The General Assembly finds that, while the Department of <del>Health and Environmental Control</del> <u>Services</u> must not make prosecutorial decisions regarding such alleged environmental offense as defined in this article, the department must be integrally involved in the investigation of any such alleged environmental offense before and after the impaneling of a state grand jury pursuant to Section 14-7-1630.</p>
76.	14-7-1630 (A)(12), (C), and (C)(1)	State Grand Jury Act	<b>Recommendation + Explanation:</b>
			Amend Department name and Commissioner name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) The jurisdiction of a state grand jury impaneled pursuant to this article extends throughout the State. The subject matter jurisdiction of a state grand jury in all cases is limited to the following offenses:</p> <p>(1) a crime involving narcotics, dangerous drugs, or controlled substances, or a crime arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances, including, but not limited to, money laundering as specified in Section 44-53-475, obstruction of justice, perjury or subornation of perjury, or any attempt, aiding, abetting, solicitation, or conspiracy to commit one of the aforementioned crimes, if the crime is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State;</p> <p>(2) a crime involving criminal gang activity or a pattern of criminal gang activity pursuant to Article 3, Chapter 8, Title 16;</p> <p>(3) a crime, statutory, common law or other, involving public corruption as defined in Section 14-7-1615, a crime, statutory, common law or other, arising out of or in connection with a crime involving public corruption as defined in Section 14-7-1615, and any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime, statutory, common law or other, involving public corruption as defined in Section 14-7-1615;</p> <p>(4) a crime involving the election laws, including, but not limited to, those named offenses specified in Title 7, or a common law crime involving the election laws if not superseded, or a crime arising out of or in connection with the election laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving the election laws;</p> <p>(5) a crime involving computer crimes, pursuant to Chapter 16, Title 16, or a conspiracy or solicitation to commit a crime involving computer crimes;</p>

			<p>(6) a crime involving terrorism, or a conspiracy or solicitation to commit a crime involving terrorism. Terrorism includes an activity that:</p> <ul style="list-style-type: none"> <li>(a) involves an act dangerous to human life that is a violation of the criminal laws of this State;</li> <li>(b) appears to be intended to: <ul style="list-style-type: none"> <li>(i) intimidate or coerce a civilian population;</li> <li>(ii) influence the policy of a government by intimidation or coercion; or</li> <li>(iii) affect the conduct of a government by mass destruction, assassination, or kidnapping; and</li> </ul> </li> <li>(c) occurs primarily within the territorial jurisdiction of this State;</li> </ul> <p>(7) a crime involving a violation of Chapter 1, Title 35 of the Uniform Securities Act, or a crime related to securities fraud or a violation of the securities laws;</p> <p>(8) a crime involving obscenity, including, but not limited to, a crime as provided in Article 3, Chapter 15, Title 16, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving obscenity;</p> <p>(9) a crime involving the knowing and wilful making of, aiding and abetting in the making of, or soliciting or conspiring to make a false, fictitious, or fraudulent statement or representation in an affidavit regarding an alien's lawful presence in the United States, as defined by law, if the number of violations exceeds twenty or if the public benefit received by a person from a violation or combination of violations exceeds twenty thousand dollars;</p> <p>(10) a crime involving financial identity fraud or identity fraud involving the false, fictitious, or fraudulent creation or use of documents used in an immigration matter as defined in Section 16-13-525, if the number of violations exceeds twenty, or if the value of the ascertainable loss of money or property suffered by a person or persons from a violation or combination of violations exceeds twenty thousand dollars;</p> <p>(11) a crime involving the knowing and wilful making of, aiding or abetting in the making of, or soliciting or conspiring to make a false, fictitious, or fraudulent statement or representation in a document prepared or executed as part of the provision of immigration assistance services in an immigration matter, as defined by law, if the number of violations exceeds twenty, or if a benefit received by a person from a violation or combination of violations exceeds twenty thousand dollars;</p> <p>(12) a knowing and wilful crime involving actual and substantial harm to the water, ambient air, soil or land, or both soil and land. This crime includes a knowing and wilful violation of the Pollution Control Act, the Atomic Energy and Radiation Control Act, the State Underground Petroleum Environmental Response Bank Act, the State Safe Drinking Water Act, the Hazardous Waste Management Act, the Infectious Waste Management Act, the Solid Waste Policy and Management Act, the Erosion</p>
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			<p>and Sediment Control Act, the South Carolina Mining Act, and the Coastal Zone Management Act, or a knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages, including, but not limited to, the cost of remediation, is two million dollars or more, as certified by an independent environmental engineer who must be contracted by the Department of <del>Health and Environmental Control</del><u>Services</u>. If the knowing and wilful crime is a violation of federal law, a conviction or an acquittal pursuant to federal law for the same act is a bar to the impaneling of a state grand jury pursuant to this section;</p> <p>(13) a crime involving or relating to the offense of trafficking in persons, as defined in Section 16-3-2020, when a victim is trafficked in more than one county or a trafficker commits the offense of trafficking in persons in more than one county; and</p> <p>(14) a crime involving a violation of the South Carolina Anti-Money Laundering Act as set forth in Chapter 11, Title 35, or a crime related to a violation of the Anti-Money Laundering Act.</p> <p>(B) When the Attorney General and the Chief of the South Carolina Law Enforcement Division consider a state grand jury necessary to enhance the effectiveness of investigative or prosecutorial procedures, the Attorney General may notify in writing to the chief administrative judge for general sessions in the judicial circuit in which he seeks to impanel a state grand jury that a state grand jury investigation is being initiated. This judge is referred to in this article as the presiding judge. The notification must allege the type of offenses to be inquired into and, in the case of those offenses contained in subsection (A)(1), must allege that these offenses may be of a multicounty nature or have transpired or are transpiring or have significance in more than one county of the State. The notification in all instances must specify that the public interest is served by the impanelment.</p> <p>(C) In all investigations of crimes specified in subsection (A)(12), except in matters where the Department of <del>Health and Environmental Control</del><u>Services</u> or its officers or employees are the subjects of the investigation, the <del>Commissioner</del><u>Director</u> of the Department of <del>Health and Environmental Control</del><u>Services</u> must consult with and, after investigation, provide a formal written recommendation to the Attorney General and the Chief of the South Carolina Law Enforcement Division. The Attorney General and the Chief of the South Carolina Law Enforcement Division must consider the impaneling of a state grand jury necessary and the commissioner must sign a written recommendation before the Attorney General notifies the chief administrative judge pursuant to subsection (B).</p> <p>(1) In the case of evidence brought to the attention of the Attorney General, the</p>
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			<p>Chief of the South Carolina Law Enforcement Division, or the Department of Health and Environmental Control Services by an employee or former employee of the alleged violating entity, there also must be separate, credible evidence of the violation in addition to the testimony or documents provided by the employee or former employee of the alleged violating entity.</p> <p>(2) When an individual employee performs a criminal violation of the environmental laws that results in actual and substantial harm pursuant to subsection (A)(12) and which prompts an investigation authorized by this article, only the individual employee is subject to the investigation unless or until there is separate, credible evidence that the individual's employer knew of, concealed, directed, or condoned the employee's action.</p> <p>(D) If the notification properly alleges inquiry into crimes within the jurisdiction of the state grand jury and the notification is otherwise in order pursuant to the requirements of this section, the presiding judge must impanel a state grand jury. State grand juries are impaneled for a term of twelve calendar months. Upon the request by the Attorney General, the then chief administrative judge for general sessions in the judicial circuit in which a state grand jury was impaneled, by order, must extend the term of that state grand jury for a period of six months but the term of that state grand jury, including an extension of the term, must not exceed two years. If at the conclusion of a state grand jury's term a particular investigation is not completed, the Attorney General may notify the presiding judge in writing that the investigation is being transferred to the subsequently impaneled state grand jury. A decision by the presiding judge not to impanel a state grand jury after notification by the Attorney General may be appealed to the Supreme Court and shall be handled in an expedited fashion.</p> <p>(E) The chief administrative judge of the circuit wherein a state grand jury is sitting shall preside over that state grand jury during his tenure as chief administrative judge. The successor chief administrative judge shall assume all duties and responsibilities with regard to a state grand jury impaneled before his term including, but not limited to, presiding over the state grand jury and ruling on petitions to extend its term.</p> <p>(F) Upon the request of the Attorney General, the presiding judge may discharge a state grand jury prior to the end of its original term or an extension of the term.</p> <p>(G) An order limiting or ending a state grand jury investigation only shall be granted upon a finding of arbitrary action, compelling circumstances, or serious abuses of law or procedure by or before the state grand jury, and does not become effective less than ten days after the date on which it is issued and actual notice given to the Attorney General and the foreman of the state grand jury, and may be appealed by</p>
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			the Attorney General or the legal advisor to the state grand jury to the Supreme Court. If an appeal from the order is made, the state grand jury, except as is otherwise ordered by the Supreme Court, shall continue to exercise its powers pending disposition of the appeal. Appeals by the Attorney General or the legal advisor to the state grand jury of orders limiting or ending a state grand jury investigation, and appeals from orders granting or denying motions to quash or contempt citations therefrom which are immediately appealable under the law, must be handled by the South Carolina Supreme Court in an expedited fashion.
77.	14-23-1150(b)	Establishment, Jurisdiction, and Operation of Probate Courts	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(b) to issue marriage licenses, in form as provided by the bureau of vital statistics of the Department of <del>Public Health and Environmental Control</del> ; to record, index, and dispose of copies of marriage certificates; and to issue certified copies of such licenses and certificates;
78.	15-74-40	Liability Exemption for Donors of Food	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			SECTION 15-74-40. Neither regulatory authority of Department of <del>Health and Environmental Control</del> <u>Agriculture</u> nor liability of producer or processor of defective food affected. The provisions of this act shall not be deemed to in any manner restrict the authority of the Department of <del>Health and Environmental Control</del> <u>Agriculture</u> to regulate or ban the use or consumption of distressed food donated, collected or received for charitable purposes but deemed unfit for human consumption, nor shall the exemption from liability provided for in this chapter in any manner affect the liability of a producer or processor of food products for defects existing in a food product prior to the time such product became "distressed food" as defined in Section 15-74-10.
79.	16-3-740 (C) and (E)	Assault and Criminal Sexual Conduct	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) For purposes of this section: (1) "Body fluid" means blood, amniotic fluid, pericardial fluid, pleural fluid, synovial

			<p>fluid, cerebrospinal fluid, semen or vaginal secretions, or any body fluid visibly contaminated with blood.</p> <p>(2) "HIV" means the Human Immunodeficiency Virus.</p> <p>(3) "Offender" includes adults and juveniles.</p> <p>(B) Upon the request of a person who is the victim of a criminal offense which involves the sexual penetration of the victim's body or who has been exposed to body fluids during the commission of a criminal offense, or upon the request of the legal guardian of a person who is the victim of a criminal offense which involves the sexual penetration of the victim's body or who has been exposed to body fluids during the commission of a criminal offense, the solicitor, after the offender is charged, must petition the court for an order to have the offender tested for Hepatitis B and HIV. An offender must be tested pursuant to this section for Hepatitis B and HIV as soon as practicable after the court order is issued but not later than forty-eight hours after the date the person is indicted for the offense or waives indictment for the offense. If the offender is subject to the jurisdiction of the family court, he must be tested not later than forty-eight hours after the petition is filed with the family court alleging he is delinquent for committing the offense. If the offender cannot be located before the end of the forty-eight hour period as provided in this subsection, the forty-eight hour period is tolled until the offender is located by law enforcement. To obtain a court order, the solicitor must demonstrate the following, that the:</p> <p>(1) victim or the victim's legal guardian requested the tests;</p> <p>(2) offender has been charged with, indicted for, or waived indictment for an offense which involved the sexual penetration of the victim's body or that there is probable cause that during the commission of the criminal offense there was a risk that body fluids were transmitted from one person to another; and</p> <p>(3) offender has received notice of the petition and notice of his right to have counsel represent him at a hearing.</p> <p>The results of the tests must be kept confidential but disclosed to the solicitor who obtained the court order. As soon as practicable, the solicitor shall notify only those persons designated in subsection (C) of the results of the initial Hepatitis B and HIV tests and the results of any follow-up HIV tests.</p> <p>(C) The tests must be administered by the Department of <u>Public Health and Environmental Control</u> through the local county health department or the medical professional at the state or local detention facility where the offender is imprisoned or detained. The solicitor shall notify the following persons of the tests results:</p> <p>(1) the victim or the legal guardian of a victim who is a minor or is a person with intellectual disability or mentally incapacitated;</p>
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			<p>(2) the victim's attorney;  (3) the offender and a juvenile offender's parent or guardian; and  (4) the offender's attorney.</p> <p>The results of the tests shall be provided to the designated recipients with the following disclaimer: "The tests were conducted in a medically approved manner, but tests cannot determine infection by Hepatitis B or HIV with absolute accuracy. Additionally, the testing does not determine exposure to, or infection by, other sexually transmitted diseases. Persons receiving the test results should continue to monitor their own health, seek retesting in approximately six months, and should consult a physician as appropriate".</p> <p>The solicitor also shall provide to the state or local correctional facility where the offender is imprisoned or detained and the Department of <del>Public Health and Environmental Control</del> the test results for HIV and Hepatitis B which indicate that the offender is infected with the disease. The state or local correctional facility where the offender is imprisoned or detained shall use this information solely for the purpose of providing medical treatment to the offender while the offender is imprisoned or detained. The State shall pay for the tests. If the offender is subsequently convicted or adjudicated delinquent, the offender or the parents of an adjudicated offender must reimburse the State for the costs of the tests unless the offender or the parents of the adjudicated offender are determined to be indigent.</p> <p>If the tests given pursuant to this section indicate infection by Hepatitis B or HIV, the Department of <del>Public Health and Environmental Control</del> shall be provided with all test results and must provide counseling to the offender regarding the disease, syndrome, or virus. The Department of <del>Public Health and Environmental Control</del> must provide counseling for the victim, advise the victim of available medical treatment options, refer the victim to appropriate health care and support services, and, at the request of the victim or the legal guardian of a victim, test the victim for HIV and Hepatitis B and provide post-testing counseling to the victim.</p> <p>(D) If deemed medically appropriate, the offender must undergo follow-up testing for HIV. The follow-up testing, and any counseling which may be ordered, shall be performed on dates that occur six weeks, three months, and six months following the initial test. Any follow-up testing shall be terminated if the offender obtains an acquittal on, dismissal of, or is not adjudicated delinquent for all charges for which testing was ordered.</p> <p>(E) If, for any reason, the testing requested under subsection (B) has not been undertaken, upon request of the victim or the victim's legal guardian, the court shall order the offender to undergo testing for Hepatitis B and HIV following conviction or delinquency adjudication. The testing shall be administered by the Department of</p>
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			<p><del>Public Health and Environmental Control</del> through the local county health department or the medical professional at the state or local detention facility where the offender is imprisoned or detained. The results shall be disclosed in accordance with the provisions of subsection (C).</p> <p>(F) Upon a showing of probable cause that the offender committed a crime, the collection of additional samples, including blood, saliva, head or pubic hair may be contemporaneously ordered by the court so that the State may conduct scientific testing, including DNA analysis. The results of the scientific testing, including DNA analysis, may be used for evidentiary purposes in any court proceeding.</p> <p>(G) Any person or entity who administers tests ordered pursuant to this section and who does so in accordance with this section and accepted medical standards for the administration of these tests shall be immune from civil and criminal liability arising from his conduct.</p> <p>(H) Any person who discloses information in accordance with the provisions of this section or who participates in any judicial proceeding resulting from the disclosure and who does so in good faith and without malice shall have immunity from civil or criminal liability that might otherwise be incurred or imposed in an action resulting from the disclosure.</p> <p>(I) Results of tests performed pursuant to this section shall not be used as evidence in any criminal trial of the offender except as provided for in subsection (F).</p>
80.	16-3-2050(B)	Trafficking in Persons	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(B) The task force shall consist of, at a minimum, representatives from:</p> <ol style="list-style-type: none"> <li>(1) the Office of the Attorney General, who must be chair;</li> <li>(2) the South Carolina Department of Labor, Licensing and Regulation;</li> <li>(3) the South Carolina Police Chiefs Association;</li> <li>(4) the South Carolina Sheriffs' Association;</li> <li>(5) the State Law Enforcement Division;</li> <li>(6) the Department of <del>Public Health and Environmental Control Board</del>;</li> <li>(7) the Office of the Attorney General, South Carolina Crime Victim Services Division;</li> <li>(8) the South Carolina Commission on Prosecution Coordination;</li> <li>(9) the Department of Social Services;</li> <li>(10) a representative from the Office of the Governor;</li> <li>(11) a representative from the Department of Employment and Workforce; and</li> </ol>



			(12) two persons appointed by the Attorney General from nongovernmental organizations, especially those specializing in trafficking in persons, those representing diverse communities disproportionately affected by trafficking, agencies devoted to child services and runaway services, and academic researchers dedicated to the subject of trafficking in persons.
81.	16-17-500(F)(3) and J(2)(b)	Miscellaneous Offenses	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) It is unlawful for an individual to sell, furnish, give, distribute, purchase for, or provide a tobacco product to a minor under the age of eighteen years. (B) It is unlawful to sell a tobacco product to an individual without a demand of proper proof of age. Failure to demand identification to verify an individual's age is not a defense to an action initiated pursuant to this subsection. Proof that is demanded, is shown, and reasonably is relied upon for the individual's proof of age is a defense to an action initiated pursuant to this subsection. (C) A person engaged in the sale of tobacco products made through the Internet or other remote sales methods shall perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is eighteen years of age or older and shall use a method of mailing, shipping, or delivery that requires the signature of a person at least eighteen years of age before a tobacco product will be released to the purchaser, unless the Internet or other remote sales methods employ the following protections to ensure age verification: (1) the customer creates an online profile or account with personal information including, but not limited to, name, address, social security information, and a valid phone number, and that personal information is verified through publicly available records; or (2) the customer is required to upload a copy of his government-issued identification in addition to a current photograph of the customer; and (3) delivery is made to the customer's name and address. (D) It is unlawful to sell a tobacco product through a vending machine. (E)(1) An individual who knowingly violates a provision of subsections (A), (B), (C), (D), or (J) in person, by agent, or in any other way is guilty of a misdemeanor and, upon conviction, must be:

			<p>(a) for a first offense, fined not less than two hundred dollars and not more than three hundred dollars;</p> <p>(b) for a second and subsequent offense, fined not less than four hundred dollars and not more than five hundred dollars, imprisoned for not more than thirty days, or both.</p> <p>(2) In lieu of the fine, the court may require an individual, at the expense of the tobacco retailer or tobacco retail establishment, to successfully complete a Department of Alcohol and Other Drug Abuse Services-approved merchant tobacco enforcement education program.</p> <p>(3) A tobacco retailer who knowingly violates or permits an employee to violate a provision of subsections (A), (B), (C), (D), or (J) in the tobacco retail establishment is subject to an administrative penalty as follows:</p> <p>(a) for a first violation, issued a warning;</p> <p>(b) for a second violation within a thirty-six-month period, fined not less than three hundred dollars;</p> <p>(c) for a third violation within a thirty-six-month period, fined not less than six hundred dollars;</p> <p>(d) for a fourth and subsequent violation within a thirty-six-month period, fined not less than one thousand two hundred dollars and the tobacco retailer is prohibited from selling or distributing tobacco products for a period of at least seven days and no greater than thirty days. For purposes of this subsection, a tobacco retailer that knowingly sells or distributes during the period that the tobacco retailer is prohibited from selling or distributing is subject to a fine of not more than two hundred dollars and is prohibited from selling or distributing tobacco products for an additional period of seven days; and</p> <p>(e) A tobacco retailer or tobacco retail establishment may request a contested case hearing for the fine or for the prohibition from selling or distributing tobacco products in front of the South Carolina Administrative Law Court, pursuant to the South Carolina Administrative Procedures Act, Section 1-23-310 et, seq.</p> <p>(4) In lieu of the fine and prohibition from selling or distributing tobacco products, the court may require the tobacco retailer or tobacco retail establishment's employees, at the expense of the tobacco retailer or tobacco retail establishment, to successfully complete a Department of Alcohol and Other Drug Services-approved merchant tobacco enforcement education program.</p> <p>(5) Failure to require identification for the purpose of verifying a person's age is prima facie evidence of a violation of this section.</p> <p>(6) Local law enforcement and the State Law Enforcement Division may enforce subsections (A), (B), (C), (D), (E), or (J). The Department of Revenue must administer</p>
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			<p>the provisions of subsection (E)(3) and the State Law Enforcement Division may enforce subsection (E)(3).</p> <p>(7) A violation of subsection (A), (B), (C), (D), or (J) is prima facie evidence of a violation of subsection (E)(3). The Department of Revenue is authorized to present evidence of a violation of subsection (A), (B), (C), (D), or (J) to establish the violation of subsection (E)(3). Evidence of compliance with a merchant tobacco enforcement education program is an affirmative defense to subsection (E)(3)(a) and (b).</p> <p>(F)(1)(a) A minor under the age of eighteen years must not present or offer proof of age that is false or fraudulent for the purpose of purchasing or possessing these products.</p> <p>(b) A minor under the age of eighteen years is prohibited from entering a tobacco retail establishment that has as its primary purpose the sale of tobacco products, unless the minor is actively supervised and accompanied by an adult.</p> <p>(c) The provisions of this subsection do not apply to a minor under the age of eighteen who is recruited and authorized by a law enforcement agency to test an establishment's compliance with laws relating to the unlawful transfer of tobacco products. The testing must be conducted under the direct supervision of a law enforcement agency, and the law enforcement agency must have the consent of a parent or legal guardian of the minor.</p> <p>(2) A minor who knowingly misrepresents his age to purchase or attempt to purchase a tobacco product commits a noncriminal offense and is subject to a civil fine of twenty-five dollars.</p> <p>(3) In lieu of the civil fine, the court may require a minor to successfully complete a Department of <del>Public Health and Environmental Control</del>-approved smoking cessation or tobacco prevention program, a South Carolina Department of Alcohol and other Drug Abuse Services tobacco prevention program, or to perform not more than five hours of community service for a charitable institution.</p> <p>(4) A violation of this subsection is not a criminal or delinquent offense and no criminal or delinquent record may be maintained. A minor may not be taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation of this subsection or for the failure to pay a fine, successfully complete a smoking cessation or tobacco prevention program, or perform community service.</p> <p>(5) A violation of this subsection is not grounds for denying, suspending, or revoking an individual's participation in a state college or university financial assistance program including, but not limited to, a Life Scholarship, a Palmetto Fellows Scholarship, or a need-based grant.</p>
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			<p>(6) The uniform traffic ticket, established pursuant to Section 56-7-10, may be used by law enforcement officers for a violation of this subsection, including civil penalties and warnings. A violation of subsection (F) does not constitute a criminal offense. A law enforcement officer issuing a uniform traffic ticket pursuant to this subsection must immediately seize the tobacco product.</p> <p>(G) This section does not apply to the possession of a tobacco product by a minor working within the course and scope of his duties as an employee or participating within the course and scope of an authorized inspection or compliance check.</p> <p>(H) Jurisdiction to hear a violation of this section is vested exclusively in the municipal court and the magistrates court. A hearing pursuant to subsection (F) must be placed on the municipal or magistrates court's appropriate docket for traffic violations, and not on the court's docket for civil matters. For the purposes of contesting a tobacco retailer being fined or prohibited from selling or distributing tobacco products under subsection (E)(3), the jurisdiction is vested in the South Carolina Administrative Law Court.</p> <p>(I) A retail establishment must train all tobacco retail sales employees regarding the unlawful distribution of tobacco products to minors.</p> <p>(J)(1) A tobacco retail establishment that has as its primary purpose the sale of tobacco products must prohibit minors under the age of eighteen years from entering the tobacco retail establishment, unless the minor is actively supervised and accompanied by an adult, and shall determine whether a person is at least eighteen years of age by requiring proper proof of age in accordance with subsection (B), prior to the sale of a tobacco product.</p> <p>(2) A tobacco retail establishment described in item (1) must conspicuously post on all entrances to the establishment the following:</p> <p>(a) a sign in boldface type that states "NOTICE: It is unlawful for a person under eighteen years of age to enter this store, unless the minor is actively supervised and accompanied by an adult. Age will be verified prior to sale.";</p> <p>(b) a sign printed in letters and numbers at least one-half inch high that displays a toll free number for assistance to callers in quitting smoking, as determined by the Department of <del>Public Health and Environmental Control</del>.</p> <p>(3) For purposes of this section, whether a tobacco retail establishment has as its primary purpose the sale of tobacco products must be based on the totality of the circumstances. Facts that must be considered, but not be limited to, are the tobacco retail establishment's business filings, business name and signage, marketing and other advertisements, and the percentage of revenue and inventory directly related to the sale of tobacco products.</p>
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			(K) Notwithstanding any other provision of law, a violation of this section does not violate the terms and conditions of an establishment's beer and wine permit and is not grounds for revocation or suspension of a beer and wine permit.
82.	16-17-650(E)	Miscellaneous Offenses	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(E) All game fowl breeders and game fowl breeder testing facilities must comply with the Department of <del>Public Health and Environmental Control</del> and the State Veterinarian's regulations, policies, and procedures regarding avian influenza preparedness and testing. In the event of an avian influenza outbreak in South Carolina, all game fowl breeders and game fowl breeder testing facilities must allow the Department of <del>Public Health and Environmental Control</del> and the State Veterinarian to conduct avian influenza testing of all game fowl.
83.	16-25-320(A)(3)	Domestic Violence Advisory Committee	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is created a multidisciplinary Domestic Violence Advisory Committee composed of: (1) the Attorney General of the State of South Carolina, or a designee, who serves ex officio; (2) the Director of the South Carolina Department of Social Services, or a designee, who serves ex officio; (3) the Director of the South Carolina Department of <del>Public Health and Environmental Control</del> , or a designee, who serves ex officio; (4) the Director of the South Carolina Criminal Justice Academy, or a designee, who serves ex officio; (5) the Chief of the South Carolina Law Enforcement Division, or a designee, who serves ex officio; (6) the Director of the South Carolina Department of Alcohol and Other Drug Abuse Services, or a designee, who serves ex officio; (7) the Director of the South Carolina Department of Mental Health, or a designee, who serves ex officio; (8) a county coroner or medical examiner, appointed by the Governor on the recommendation of the South Carolina Criminal Justice Academy, who serves ex officio;

			<p>(9) a solicitor, appointed by the Governor on the recommendation of the Attorney General, who serves ex officio;</p> <p>(10) a sheriff, appointed by the Governor on the recommendation of the Sheriffs' Association;</p> <p>(11) a victim advocate, appointed by the Governor on the recommendation of the Office of the Attorney General, South Carolina Crime Victim Services Division;</p> <p>(12) a physician with experience in treating victims of domestic violence, appointed by the Governor on the recommendation of the South Carolina Medical Association;</p> <p>(13) two members of the public at large dedicated to the issue of domestic violence, appointed by the Governor;</p> <p>(14) a police chief, appointed by the Governor on the recommendation of the Law Enforcement Officers' Association;</p> <p>(15) one member of the South Carolina Senate, appointed by the Senate Judiciary Committee Chairman; and</p> <p>(16) one member of the South Carolina House of Representatives, appointed by the House Judiciary Committee Chairman.</p>
84.	20-1-240(1)	Marriage License	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			All authorized offices, officials, or individuals empowered to issue a marriage license shall, at the time of application, provide to applicants for marriage licenses: (1) family planning information supplied to the issuing officials by the Department of <del>Public Health and Environmental Control</del> ; and (2) the "South Carolina Family Respect" information pamphlet published and provided by the office of the Governor.
85.	20-1-320	Marriage License	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Division of Vital Statistics of the Department of <del>Public Health and Environmental Control</del> shall, for the purpose of uniformity, print and distribute necessary forms of marriage license and certificate to be used by all probate courts of this State in the issuance of marriage licenses.
86.	20-1-340	Marriage License	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.

			<p><b>Suggested Revision:</b></p> <p>The probate judge or clerk of court who issued any such license shall, upon the return of the two copies to him by the person who performs the wedding ceremony, record and index such certificate in a book kept for that purpose and send one copy to the Division of Vital Statistics of the Department of <del>Public Health and Environmental Control</del> within fifteen days after the marriage license is returned to his offices. The judge of probate shall issue a certified copy of any such license and certificate to any person and he may charge the sum of fifty cents for so doing unless otherwise prohibited by law.</p>
87.	20-1-350	Marriage License	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>SECTION 20-1-350. Filing of license and certificate and issuance of certified copies by Department of <del>Public Health and Environmental Control</del>.  The Department of <del>Public Health and Environmental Control</del> shall properly file and index every marriage license and certificate and may provide a certified copy of any license and certificate upon application of proper parties except that upon request the Department of Social Services or its designee must be provided at no charge with a copy or certified copy of a license and certificate for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation.</p>
88.	20-1-720(B)(4)	South Carolina Family Respect Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(B) The informational pamphlet must be distributed to:</p> <ol style="list-style-type: none"> <li>(1) all probate judges and clerks of court who issue marriage licenses who shall give it to each couple at the time they apply for the license;</li> <li>(2) all family court judges who shall give it to all couples who file a petition for divorce or a petition for approval of a separation agreement;</li> <li>(3) the Department of Social Services who shall give it to each person who applies for welfare benefits;</li> <li>(4) the Department of <del>Public Health and Environmental Control</del> to be included and mailed out with each certified birth certificate issued, as provided in Section 44-63-80;</li> <li>(5) all public school districts in the State that teach sex education programs. All public school districts must include a discussion of the pamphlet in its sex and family</li> </ol>

			<p>education curriculum;</p> <p>(6) all state and local agencies and institutions that provide health services including, but not limited to, family planning services and distribution of contraceptives, to be given to all pregnant minors, persons receiving birth control, and persons receiving information on family planning or sexually transmitted diseases;</p> <p>(7) all local mental health centers to be distributed where appropriate in particular counseling situations;</p> <p>(8) all county programs for adolescent pregnancy prevention initiatives, as provided in Section 44-122-40. Each initiative must include a discussion of the pamphlet with the adolescents it counsels;</p> <p>(9) all public colleges, universities, and other institutions of higher learning to be distributed to all first year students during their orientation; and</p> <p>(10) the pamphlet must be made available for voluntary distribution to:</p> <p>(i) all clergy and counselors who provide marriage counseling;</p> <p>(ii) all private high schools;</p> <p>(iii) all private institutions of higher learning; and</p> <p>(iv) the general public.</p>
89.	20-3-230	Divorces in This State	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Whenever a divorce or annulment is decreed by a court having jurisdiction, the clerk of court shall, no later than thirty days following the filing of the final decree, send a report to the Registrar of the Division of Vital Statistics of the Department of <u>Public Health and Environmental Control</u> showing such information as may be required on a certificate to be furnished by the Division of Vital Statistics of the Department of <u>Public Health and Environmental Control</u> .
90.	20-3-235	Divorces in This State	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			A decree of divorce shall set forth the social security numbers, or the alien identification numbers assigned to resident aliens who do not have social security numbers, of the parties in the divorce. Filing the required form with the Department of <u>Public Health and Environmental Control</u> complies with the requirements of this section.



91.	23-1-230(A)(1)(f)	Law Enforcement and Public Safety, General Provisions	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) There is hereby created the First Responders Advisory Committee which shall consist of: (1) the following eleven members, or their designees: (a) the Chairman of the Governor's Security Council; (b) the Director of the State Law Enforcement Division; (c) the Director of the Department of Public Safety; (d) the Adjutant General; (e) the Director of the Emergency Management Division; (f) the Director of the Emergency Medical Services Division of the Department of <del>Public Health and Environmental Control</del>; (g) the State Fire Marshal; (h) the President Pro Tempore of the Senate; (i) the Speaker of the House of Representatives; (j) the State Chief Information Officer; and (k) the Chairman of the Commercial Mobile Radio Services Emergency Telephone Services Advisory Committee; and</p>
92.	23-3-535(C)(4)-(5)	Sex Offender Registry	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (C) This section does not apply to a sex offender who: (1) resided within one thousand feet of a school, daycare center, children's recreational facility, park, or public playground before the effective date of this act; (2) resided within one thousand feet of a school, daycare center, children's recreational facility, park, or public playground on property the sex offender owned before the sex offender was charged with any of the offenses enumerated in subsection (B); (3) resides within one thousand feet of a school, daycare center, children's recreational facility, park, or public playground as a result of the establishment of a new school, daycare center, children's recreational facility, park, or public playground; (4) resides in a jail, prison, detention facility, group home for persons under the age of twenty-one licensed by the Department of Social Services, residential treatment</p>

			<p>facility for persons under the age of twenty-one licensed by the Department of <del>Public Health and Environmental Control</del>, or other holding facility, including a mental health facility;</p> <p>(5) resides in a homeless shelter for no more than one year, a group home for persons under the age of twenty-one licensed by the Department of Social Services, or a residential treatment facility for persons under the age of twenty-one licensed by the Department of <del>Public Health and Environmental Control</del>, and the site was purchased by the organization prior to the effective date of this act;</p> <p>(6) resides in a community residential care facility, as defined in Section 44-7-130(6); or</p> <p>(7) resides in a nursing home, as defined in Section 44-7-130(13).</p>
93.	25-11-70(A)	Department of Veterans' Affairs, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The department shall assist the South Carolina Agent Orange Advisory Council and the Agent Orange Information and Assistance Program at the Division of <del>Public Health and Environmental Control</del> in carrying out the purposes of Chapter 40, Title 44. The department shall:
94.	25-11-75(B)	Department of Veterans' Affairs, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) Subject to the direction of the secretary, and in addition to other duties prescribed in this section, the claims representative appointed pursuant to this section may represent the department on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition established by the Department of <del>Public Health and Environmental Control</del> , assist the department in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent the secretary in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the secretary.
95.	27-16-90(G)	Catawba Indian Claims Settlement Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(G) Before the Tribe's comprehensive planning process, the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> shall consult with the Tribe

			about the location of future sewage treatment facilities that may serve the Primary and Secondary Expansion Zones in the manner described in the Settlement Agreement. The Tribe is responsible for the design, construction, operation, and maintenance of its own sewage collection system and for the cost of constructing an extension line and tap to the transmission line. The Tribe also is subject to fees for use of the treatment system and transmission line and subject to all regulations imposed on users of the system. The Department of <del>Health and Environmental Control</del> <u>Services</u> shall endeavor to ensure that the fees, charges, and rules are the same as those applied to municipal users of the system. If the Tribe is required to construct an extension line to connect with a transmission line, the Tribe may charge non-Reservation users along the extension line reasonable tap and user fees.
96.	27-31-100(f)	Horizontal Property Act, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(f) A description of the full legal rights and obligations, both currently existing and which may occur, of the apartment owner, the co-owners, and the person establishing the regime. The master deed of any horizontal property regime developed under the provisions of this chapter that contains any submerged land shall contain a notice of restriction stating that all activities on or over and all uses of the submerged land or other critical areas are subject to the jurisdiction of the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> , including, but not limited to, the requirement that any activity or use must be authorized by the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> . The notice shall further state that any owner is liable to the extent of his ownership for any damages to, any inappropriate or unpermitted uses of, and any duties or responsibilities concerning any submerged land, coastal waters, or any other critical area.
97.	30-2-30(4)	The Family Privacy Protection Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(4) "Medical information" includes, but is not limited to, blood samples and test results obtained and kept by the Department of <del>Public Health and Environmental Control</del> pursuant to Section 44-37-30.
98.	30-2-320(4)		<b>Recommendation + Explanation:</b>

		<b>Personal Identifying Information Privacy Protection</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (4) on certified copies of vital records issued by the director of the Department of <del>Public Health and Environmental Control</del> as the state registrar, pursuant to Section 44-63-30 and authorized officials pursuant to Section 44-63-40. The state registrar may disclose personal identifying information other than social security number on an uncertified vital record;
99.	31-13-30	<b>State Housing Finance and Development Authority</b>	<b>Recommendation + Explanation:</b> Amend Commissioner name and Department name to conform with Act 60. <b>Suggested Revision:</b> The Governor shall appoint, with the advice and consent of the Senate, seven persons to be commissioners of the South Carolina State Housing Finance and Development Authority. The seven persons so appointed shall have experience in the fields of mortgage finance, banking, real estate, and home building. The Governor shall appoint a chairman from among the seven commissioners. The commissioners must be appointed for terms of four years, except that all vacancies must be filled for the unexpired term. A commissioner shall hold office until his successor has been appointed and qualifies. A certificate of the appointment or reappointment of any commissioner must be filed in the office of the Secretary of State and in the office of the Authority, and the certificate is conclusive evidence of the due and proper appointment of the commissioner. The Governor or his designee and the <del>State Commissioner</del> <u>Director of the Department of Public Health and Environmental Control</u> or his designee from his administrative staff shall serve ex officio as commissioners of the Authority with the same powers as the other commissioners.
100.	32-8-305(17)	<b>Cremation Authorizations and Procedures</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (17) "Department" means the Department of <del>Public Health and Environmental Control</del> .
101.	33-36-1315(A)	<b>Election to Become Public Body Politic and Corporate</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b>

			(A) Corporations not-for-profit incorporated for the purposes of providing water service which, pursuant to the provisions of this chapter, serve a population of at least twenty thousand persons as shown in the most recent sanitary survey of the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> , and provide water service in two or more counties within the State, may determine, by resolution adopted by the board of directors of the corporation and subject to the additional conditions provided in this section, to become a public service district, a public body politic and corporate. The resolution shall make findings as to: (1) whether the corporation owns assets, including, but not limited to, reserves, that are not reasonably required to continue its operations following its conversion to a public service district and, if so, the amount of the assets; and (2) whether the assets of the corporation have appreciated in value over their original cost and, if so, the amount of the value appreciation. The procedures provided in this section are valid, complete, and sufficient to effect the conversion notwithstanding any contrary provisions of law or the corporation's organizational documents or bylaws.
102.	37-11-20(2)	Licensing and Regulation of Continuing Care Retirement Communities	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (2) "Continuing care retirement community" means a community in which there is furnished, pursuant to a continuing care contract, to two or more persons not related to the administrator or owner of the facility within the third degree of consanguinity, board or lodging together with nursing, medical, or other health-related services, regardless of whether the services or lodging are provided at the same location or not. It does not include an institution operating solely as a nursing home or community residential care facility licensed by the South Carolina Department of <del>Public Health and Environmental Control</del>.</p>
103.	37-11-50(B)(4)	Licensing and Regulation of Continuing Care Retirement Communities	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (B) The department shall issue a license to a person filing an application pursuant to Section 37-11-30 if, upon payment of the application fee, the department is satisfied that: (1) the persons responsible for the conduct of the affairs of the applicant are competent and trustworthy and possess good reputations; (2) the continuing care retirement community is financially responsible and can</p>

			<p>meet its obligations to residents;</p> <p>(3) the operator has demonstrated the willingness and potential ability to assure that the health care or health-related services will be provided in a manner to assure both availability and accessibility of adequate personnel and facilities and in a manner assuring availability, accessibility, and continuity of service;</p> <p>(4) the operator has complied with all requirements of the Department of <del>Public Health and Environmental Control</del> concerning the furnishing of nursing, medical, or other health-related services.</p>
104.	38-7-20(B)(3)	Fees and Taxes	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(B) Effective July 1, 2013, through June 30, 2030, of the revenue of the premium taxes collected pursuant to this section:</p> <p>(1) one percent must be transferred to the South Carolina Forestry Commission and used by that agency for firefighting and firefighting equipment replacement;</p> <p>(2) one percent must be transferred to the V-SAFE program pursuant to Section 23-9-25;</p> <p>(3) one quarter of one percent must be transferred to the aid to emergency medical services regional councils within the Department of <del>Public Health and Environmental Control</del> and used for grants to fund emergency medical technician and paramedic training; and</p> <p>(4) the remaining insurance premium taxes collected pursuant to this section must be deposited to the credit of the general fund of the State.</p>
105.	38-55-530(A)	Insurance Fraud and Reporting Immunity	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department names to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(A) "Authorized agency" means any duly constituted criminal investigative department or agency of the United States or of this State; the Department of Insurance; the Department of Revenue; the Department of Public Safety; the Department of Motor Vehicles; the Workers' Compensation Commission; the State Accident Fund; the Second Injury Fund; the Department of Employment and Workforce; the Department of Consumer Affairs; the Human Affairs Commission; the Department of <del>Public Health</del>; and <del>the Department of Environmental Control Services</del>; the Department of Social Services; the Department of Health and Human Services; the Department of Labor, Licensing and Regulation; all other state boards, commissions, and agencies; the Office of the Attorney General of South</p>

			Carolina; or the prosecuting attorney of any judicial circuit, county, municipality, or political subdivision of this State or of the United States, and their respective employees or personnel acting in their official capacity.
106.	38-70-60	Utilization Reviews and Private Review Agents	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The department, after consultation with payers, providers, utilization review agents, the Department of <del>Public Health and Environmental Control</del> and other interested parties, shall promulgate regulations to implement and enforce the requirements of this chapter in accordance with the State Administrative Procedures Act.
107.	38-71-46(B)	Accident and Health Insurance, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) Services and payment for diabetes education programs shall conform to regulations of the Health Care Financing Administration, US Department of Health and Human Services, pursuant to Section 4105 of the Balanced Budget Act of 1997. Diabetes outpatient self-management training and education shall be provided by a registered or licensed health care professional with certification in diabetes by the National Certification Board of Diabetes Educators, or other accredited program approved by the Diabetes Initiative of South Carolina, or by the Diabetes Control Program of the SC Department of <del>Public Health and Environmental Control</del> in order to meet the needs of rural communities wherein certified health care professionals providing this service are not available.
108.	38-71-145(E)(1)	Accident and Health Insurance, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(E) For purposes of this section: (1) "Mammogram" means a radiological examination of the breast for purposes of detecting breast cancer when performed as a result of a physician referral or by a health testing service which utilizes radiological equipment approved by the Department of <del>Health and Environmental Control</del> <u>Services</u> , which examination may be made with the following minimum frequency:
109.	38-71-1520(3)		<b>Recommendation + Explanation:</b>

		<b>Access to Emergency Medical Care Act</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (3) "Emergency medical provider" means hospitals licensed by the South Carolina Department of <del>Public Health and Environmental Control</del> , hospital-based services, physicians licensed by the State Board of Medical Examiners, and oral surgeons and dentists licensed by the State Board of Dentistry who provide emergency medical care.
110.	38-78-10(B)(4)	<b>Service Contracts</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (B) This chapter does not apply to: (1) warranties; (2) maintenance agreements; (3) commercial transactions; (4) warranties, service contracts, or maintenance agreements offered by public utilities on their transmission devices to the extent they are regulated by the Public Service Commission or the Department of <del>Health and Environmental Control</del> <del>Services</del> ; (5) service contracts sold or offered for sale to persons other than consumers.
111.	39-23-20(a)	<b>Adulterated, Misbranded, or New Drugs and Devices</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (a) The "Director of <del>Public Health and Environmental Control</del> " means the Director of <del>the Department of Public Health and Environmental Control</del> or his designated agent.
112.	39-23-30(b)	<b>Adulterated, Misbranded, or New Drugs and Devices</b>	<b>Recommendation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (b) If it purports or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from or its quality or purity falls below the standard set forth in such compendium. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, except that whenever tests or methods of assay have not been prescribed in such compendium, or those prescribed under authority of the Federal act, or such tests or methods of assay as are prescribed are, in the judgment



			<p>of the Director of <del>the Department of Public Health and Environmental Control</del>, insufficient for the making of such determination, the Director shall bring such fact to the attention of the appropriate body charged with the revision of such compendium, and if such body fails within a reasonable time to prescribe tests or methods of assay, which, in the judgment of the Director, are sufficient for purposes of this paragraph, then the Director shall promulgate regulations prescribing appropriate tests or methods of assay in accordance with which such determination as to strength, quality, or purity shall be made. No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standards is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.</p>
113.	39-23-40(b), (d), (e)(1), (f), (g) and (h)	Adulterated, Misbranded, or New Drugs and Devices	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>A drug or device shall be deemed to be misbranded:</p> <p>(a) If its label is false or misleading in any particular.</p> <p>(b) If in a package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that reasonable variations shall be permitted under regulations issued by the Director of <del>the Department of Public Health and Environmental Control</del> or issued under the Federal act. Provided, further, that in the case of any drug subject to Section 39-23-50(b)(1), the label shall contain the name and place of business of the manufacturer of the finished dosage form and, if different, the name and place of business of the packer or distributor. For the purpose of this paragraph, the finished dosage form of a drug is that form of the drug which is, or is intended to be, dispensed or administered to the ultimate user upon prescription or as otherwise dispensed by the pharmacist.</p> <p>(c) If any word, statement, or other information required by or under the authority of this chapter or the Federal Food, Drug, and Cosmetic Act to appear on the label or</p>

			<p>labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.</p> <p>(d) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphonmethane, or any chemical derivative of such substance, which derivative, after investigation, has been found to be, and designated as, habit forming, by regulations issued by the Director of <u>the Department of Public Health and Environmental Control</u> under this chapter, or by regulations issued pursuant to Section 502(d) of the Federal act, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning - May be habit forming."</p> <p>(e)(1) If it is a drug, unless (A) its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula), (i) the established name (as defined in subparagraph (2)) of the drug, if such there be, and (ii) in case it is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein; provided, that the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall apply only to prescription drugs; and (B) for any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) is printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient; and provided, that to the extent that compliance with the requirements of clause (A)(ii) or clause (B) of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Director of <u>the Department of Public Health and Environmental Control</u> or under the Federal act.</p> <p>(2) As used in this paragraph (e), the term "established name," with respect to a drug or ingredient thereof, means (A) the applicable official name designated pursuant to Section 508 of the Federal Food, Drug, and Cosmetic Act as amended, or</p>
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			<p>(B) if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then the common or usual name, if any, of such drug or of such ingredient; provided, further, that where clause (B) of this paragraph applies to an article recognized in the United States Pharmacopoeia and in the Homeopathic Pharmacopoeia under different official titles, the official title used in the United States Pharmacopoeia shall apply unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homeopathic Pharmacopoeia shall apply.</p> <p>(f) Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; provided, that where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Director of <del>the Department of Public Health and Environmental Control</del> shall promulgate regulations exempting such drug or device from such requirement; provided, further, that articles exempted under regulations issued under Section 502(f) of the Federal act shall also be exempt.</p> <p>(g) If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein; provided, that the method of packing may be modified with the consent of the Director of <del>the Department of Public Health and Environmental Control</del> or if consent is obtained under the Federal act. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging, and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia; provided, further, that, in the event of inconsistency between the requirements of this paragraph and those of paragraph (e) as to the name by which the drug or its ingredients shall be designated, the requirements of paragraph (e) shall prevail.</p> <p>(h) If it has been found by the Director of <del>the Department of Public Health and Environmental Control</del> or under the Federal act to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Director of <del>the Department of Public Health and Environmental Control</del> or under the Federal act shall by regulations require as</p>
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			<p>necessary for the protection of the public health. No such regulation shall be established for any drug recognized in an official compendium until the Director of <del>the Department of Public Health and Environmental Control</del> shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.</p> <p>(i)(1) If it is a drug and its container is so made, formed, or filled as to be misleading; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.</p> <p>(j) If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.</p> <p>(k) In the case of any prescription drug distributed or offered for sale in any state, unless the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug a true statement of (1) the established name as defined in Section 39-23-40(e), printed prominently and in type at least half as large as that used for any trade or brand name thereof, (2) the formula showing quantitatively each ingredient of such drug to the extent required for labels under Section 39-23-40(e), and (3) such other information in brief summary relating to side effects, contraindications, and effectiveness as shall be required in regulations which shall be issued under the Federal act.</p>
114.	39-23-50 (a) and (b)(3)	Adulterated, Misbranded, or New Drugs and Devices	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (a) The Director of <del>the Department of Public Health and Environmental Control</del> is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of this chapter drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded, under the provisions of this chapter upon removal from such processing, labeling, or repacking establishment.</p> <p>(b)(1) A drug intended for use by man which (A) is a habit-forming drug to which Section 39-23-40(d) applies; or (B) because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law</p>

			<p>to administer such drug; or (C) is limited by an effective application under Section 39-23-70 to use under the professional supervision of a practitioner licensed by law to administer such drug, shall be dispensed only (i) upon a written prescription of a practitioner licensed by law to administer such drug, or (ii) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist, or (iii) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in the drug being misbranded while held for sale.</p> <p>(2) Any drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug shall be exempt from the requirements of Section 39-23-40, except paragraphs (a), (i)(2) and (3), (k), and the packaging requirements of paragraphs (g) and (h), if the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or of its filling, the name of the prescriber, and if stated in the prescription the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of paragraph (1) of this subsection.</p> <p>(3) The Director of <del>the Department of Public Health and Environmental Control</del> may by regulation remove drugs subject to Section 39-23-40(d) and Section 39-23-70 from the requirements of paragraph (1) of this subsection when such requirements are not necessary for the protection of the public health. Drugs removed from the prescription requirements of the Federal act by regulations issued thereunder may also by regulations issued by the Director of <del>the Department of Public Health and Environmental Control</del>, be removed from the requirements of paragraph (1) of this subsection.</p> <p>(4) A drug which is subject to paragraph (1) of this subsection shall be misbranded if at any time prior to dispensing its label fails to bear the statement "Caution: Federal law prohibits dispensing without prescription." A drug to which paragraph (1) of this subsection does not apply shall be deemed to be misbranded if at any time prior to dispensing its label bears the caution statement quoted in the preceding sentence.</p> <p>(5) Nothing in this subsection shall be construed to relieve any person from any requirement prescribed by or under authority of law with respect to drugs now included or which may hereafter be included within the classifications stated in Sections 44-49-10, 44-49-40, 44-49-50 and 44-53-110 to 44-53-580.</p>
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115.	39-23-60	Adulterated, Misbranded, or New Drugs and Devices	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> In accordance with Federal standards, the Director of <del>the Department of Public Health and Environmental Control</del> shall promulgate regulations providing for the listing of coal-tar colors which are harmless and suitable for use in drugs for purposes of coloring only and for the certification of batches of such colors, with or without harmless dilutents.</p>
116.	39-23-70(b), (c), (d), (e), (f), (g), (h), and (i)	Adulterated, Misbranded, or New Drugs and Devices	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (a) No person shall introduce or deliver for introduction into intrastate commerce any new drug unless an application filed pursuant to subsection (b) is effective with respect to such drug, or an application with respect thereto has been approved and such approval has not been withdrawn under Section 505 of the Federal act. (b) Any person may file with the Director of <del>the Department of Public Health and Environmental Control</del> an application with respect to any drug subject to the provisions of subsection (a). Such persons shall submit to the Director of <del>the Department of Public Health and Environmental Control</del> as a part of the application (1) full reports of investigations which have been made to show whether or not such drug is safe for use; (2) a full list of the articles used as components of such drug; (3) a full statement of the composition of such drug; (4) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug; (5) such samples of such drug and of the articles used as components thereof as the Director of <del>the Department of Public Health and Environmental Control</del> may require; and (6) specimens of the labeling proposed to be used for such drug. (c) An application provided for in subsection (b) shall become effective on the one hundred eightieth day after the filing thereof, except that if the Director of <del>the Department of Public Health and Environmental Control</del> finds, after due notice to the applicant and giving him an opportunity for a hearing, (1), that the drug is not safe or not effective for use under the conditions prescribed, recommended or suggested in the proposed labeling thereof; or (2) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drugs are inadequate to preserve its identity, strength, quality, and purity; or (3) based on a fair</p>

			<p>evaluation of all material facts, such labeling is false or misleading in any particular; he shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.</p> <p>(d) If the Director of <del>the Department of Public Health and Environmental Control</del> finds, after due notice to the applicant and giving him an opportunity for a hearing, that (1) the investigations, reports of which are required to be submitted to the Director pursuant to subsection (b), do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof; (2) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions; (3) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; or (4) upon the basis of the information submitted to him as part of the application or upon the basis of any other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions, he shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.</p> <p>(e) The effectiveness of an application with respect to any drug shall, after due notice and opportunity for hearing to the applicant, by order of the Director of <del>the Department of Public Health and Environmental Control</del> be suspended if the Director finds (1) that clinical experience, tests by new methods, or tests by methods not deemed reasonably applicable when such application became effective show that such drug is unsafe for use under conditions of use upon the basis of which the application became effective, or (2) that the application contains any untrue statement of a material fact. The order shall state the findings upon which it is based.</p> <p>(f) An order refusing to permit an application with respect to any drug to become effective shall be revoked whenever the Director of <del>the Department of Public Health and Environmental Control</del> finds that the facts so require.</p> <p>(g) Orders of the Director of <del>the Department of Public Health and Environmental Control</del> issued under this section shall be served (1) in person by an officer or employee of the Department of <del>Public Health and Environmental Control</del> designated by the Director or (2) by mailing the order by registered mail addressed to the applicant or respondent at his last known address in the records of the Director.</p> <p>(h) An appeal may be taken by the applicant from an order of the Director of <del>the Department of Public Health and Environmental Control</del> refusing to permit the application to become effective, or suspending the effectiveness of the application.</p>
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			<p>Such appeal shall be taken by filing in the circuit court within any circuit wherein such applicant resides or has his principal place of business, within sixty days after the entry of such order, a written petition praying that the order of the Director be set aside. A copy of such petition shall be forthwith served upon the Director or upon any officer designated by him for that purpose, and thereupon the Director shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm or set aside such order. No objection to the order of the Director shall be considered by the court unless such objection shall have been argued before the Director or unless there were reasonable grounds for failure so to do. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive. If any person shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Director, the court may order such additional evidence to be taken before the Director and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The Director may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified findings which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the setting aside of the original order. The judgment and decree of the court affirming or setting aside any such order of the Director shall be final, subject to review as provided by statute. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court to the contrary, operate as a stay of the Director's orders.</p> <p>(i) The Director of <del>the Department of Public Health and Environmental Control</del> shall promulgate regulations for exempting from the operation of this section drugs intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs.</p>
117.	39-23-100(a), (b), and (d)	Adulterated, Misbranded, or New Drugs and Devices	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (a) Any drug or device that is adulterated or misbranded when introduced into or while in intrastate commerce or while held for sale (whether or not the first sale) after shipment in intrastate commerce, or which may not, under the provisions of Section 39-23-50, be introduced into intrastate commerce, shall be liable to be</p>



			<p>proceeded against while in intrastate commerce or at any time thereafter, on libel of information and condemned in any circuit court of the State within the jurisdiction of which the article is found; provided, however, that no libel for condemnation shall be instituted under this chapter, for any alleged misbranding if there is pending in any court a libel for condemnation proceeding under this chapter based upon the same alleged misbranding, and not more than one such proceeding shall be instituted if no such proceeding is so pending, except that such limitations shall not apply (1) when such misbranding has been the basis of a prior judgment in favor of the State, in a criminal injunction, or libel for condemnation proceeding under this chapter, or (2) when the Director of <del>the Department of Public Health and Environmental Control</del> has probable cause to believe from facts found, without hearings, by him or any officer or employee of the Department of <del>Public Health and Environmental Control</del> that the misbranding is dangerous to health, or that the labeling of the misbranded article is fraudulent, or would be in a material respect misleading to injury or damage of the purchaser or consumer. In any case where the number of libel for condemnation proceedings is limited as above provided the proceeding pending or instituted shall, on application of the claimant, reasonably made, be removed for trial to any circuit agreed upon by stipulation between the parties, or, in case of failure to so stipulate within a reasonable time, the claimant may apply to the court of the circuit in which the seizure has been made, and such court (after giving the Attorney General or other attorney for the Department of <del>Public Health and Environmental Control</del> reasonable notice and opportunity to be heard), shall by order, unless good cause to the contrary is shown, specify a circuit of reasonable proximity to the claimant's principal place of business to which the case shall be removed for trial.</p> <p>(b) The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this section, involving the same claimant and the same issues of adulteration or misbranding, are pending in two or more jurisdictions, such pending proceedings, upon application of the claimant reasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (1) any circuit selected by the claimant where one of such proceedings is pending; or (2) a circuit agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the claimant may apply to the court of one such jurisdiction, and such court (after giving the Attorney General or other attorney for the Department of <del>Public Health and Environmental Control</del> reasonable notice and opportunity to be heard) shall by order, unless good cause to</p>
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			<p>the contrary is shown, specify a circuit of reasonable proximity to the claimant's principal place of business, in which all pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.</p> <p>(c) The court at any time after seizure up to a reasonable time before trial shall by order allow any party to a condemnation proceeding, his attorney or agent, to obtain a representative sample of the article seized.</p> <p>(d) Any drug or device condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the State of South Carolina; but such article shall not be sold under such decree contrary to the provisions of this chapter or the laws of the jurisdiction in which sold; provided, that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this chapter or the laws of any state or territory in which sold, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this chapter under the supervision of an officer or employee duly designated by the Director of <del>the Department of Public Health and Environmental Control</del>, and the expenses of such supervision shall be paid by the person obtaining release of the article under bond. Any article condemned by reason of its being an article which may not, under Section 39-23-70, be introduced into intrastate commerce, shall be disposed of by destruction.</p> <p>(e) When a decree of condemnation is entered against the article, court costs of fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the article.</p> <p>(f) In the case of removal for trial of any case as provided by subsection (a) or (b):</p> <p>(1) The clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction.</p> <p>(2) The court to which such case was removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.</p>
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118.	39-23-110	Adulterated, Misbranded, or New Drugs and Devices	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b> Before any violation of this chapter is reported by the Director of <u>the Department of Public Health and Environmental Control</u> to the Attorney General for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.
119.	39-23-120	Adulterated, Misbranded, or New Drugs and Devices	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b> Nothing in this chapter shall be construed as requiring the Director of <u>the Department of Public Health and Environmental Control</u> to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice or warning.
120.	39-23-130	Adulterated, Misbranded, or New Drugs and Devices	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b> The Director of <u>the Department of Public Health and Environmental Control</u> may, upon service of written notice, embargo any drug, device, or other substance for a period not to exceed fifteen days if such drug, device, or substance is suspected of being adulterated or misbranded, the purpose of such embargo being to prevent the removal of such drug, device, or substance from the jurisdiction of the Director of <u>the Department of Public Health and Environmental Control</u> until an investigation of such suspected adulteration or misbranding may be conducted.
121.	40-7-60	Barbers and Barbering	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b> The board may adopt rules governing its proceedings as provided for in Section 40-1-60 and shall adopt a seal for the authentication of its orders and records. The board may promulgate regulations necessary to carry out the provisions of this chapter including, but not limited to, regulations for the sanitary management of

			barbershops and barber schools which must be approved by the Department of <del>Public Health and Environmental Control</del> and which must be furnished by the board to the owner or manager of each barbershop or barber school in the State.
122.	40-7-230 (A)(2) and (B)(2)	Barbers and Barbering	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The board shall issue a license to practice as a barber assistant to a person who: <ul style="list-style-type: none"> <li>(1) is at least sixteen years of age;</li> <li>(2) has passed a physical examination prescribed by the Department of <del>Public Health and Environmental Control</del>;</li> <li>(3) has been issued a student permit and completed six weeks' training as a barber assistant under the supervision of a registered barber who is qualified to train an assistant barber as provided for in Section 40-7-290;</li> <li>(4) has been examined by the board and has been determined to be qualified to give shampoos and manicures.</li> </ul> A barber assistant only may work under the direct supervision of a licensed registered barber. The board may promulgate regulations for the purpose of examination, supervision, and licensing of these persons. A barber assistant employed as of February 1, 1976, may within sixty days obtain a barber assistant license without further training or examination by paying the required fee.
			(B) The board shall issue a certificate of registration as a registered barber apprentice to a person who: <ul style="list-style-type: none"> <li>(1) is at least sixteen years of age and has achieved a ninth grade education or its equivalent;</li> <li>(2) has passed a physical examination prescribed by the Department of <del>Public Health and Environmental Control</del>;</li> <li>(3) has completed at least nine months' course of fifteen hundred hours in a reliable barber school or college approved by the board; or twelve months' training under the personal supervision of a registered barber who has been examined by the board and who has been determined to be qualified to train student barbers under laws governing barber training in this State;</li> <li>(4) has passed the examination prescribed by the board;</li> <li>(5) has submitted the applicable fees established by the board in regulation.</li> </ul>

123.	40-10-230 (5) and (7)	Fire Protection Sprinkler Systems Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> The provisions of this chapter do not apply to: (1) licensed mechanical plumbing contractors holding a group four or five plumbing classification who install standpipe systems, including hose connections, hose cabinets, and related branch lines if they do not supply water to fire sprinkler systems. Under this exception for these systems, shop drawings must be submitted and approved by the State Fire Marshal's Office or his designee before installation, and the installation must comply with NFPA Standard 14; (2) a manufacturer's factory trained and certified individual or entity performing maintenance or repair on fire pumps, fire pump control panels, and fire pump drivers; a manufacturer's factory trained and certified individual or entity shall contact the authority having jurisdiction to approve the work and witness any testing that is required by NFPA standards; (3) licensed mechanical contractors holding a group four or five plumbing classification performing emergency repair work on a fire sprinkler system if the total cost of the labor does not exceed one thousand dollars per occurrence; the plumbing contractor shall contact the authority having jurisdiction to approve the work and witness any testing that is required by NFPA standards; (4) persons engaged in emergency repair work of fire sprinkler systems on their own property or that of their full-time employer or persons engaged in the repair, maintenance, testing, or inspection of a fire sprinkler system, water spray system, or water foam system, who are employed by a public institution of the State, as defined in Section 59-103-5, to repair, maintain, test, or inspect fire sprinkler systems, water spray systems, or water foam systems on property owned by the public institution, provided that such work shall be conducted by persons under the direct control or supervision of a person holding certification in NICET Level III, Inspection and Testing of Water Based Systems; provided that the State Fire Marshal may review inspection and maintenance records upon request; and provided that the public institution shall remain responsible for the actions or omissions of its employees exempted under this subsection; (5) an individual or entity who is certified by and has successfully passed the Department of Health and Environmental Control Services (DHEC/DES) approved backflow prevention assembly training seminar and who holds a current Tester Certification Certificate to test backflow prevention assemblies. The backflow test must be conducted in accordance with applicable NFPA Standards. DHEC's/DES's</p>
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			<p>certified tester assumes full responsibility and liability when testing the backflow prevention assembly; the appropriate people must be notified including, but not limited to, the fire department, fire marshal, customer/owner, building official, or insurance company, when the backflow prevention assembly is shut down for testing; if repairs to the backflow prevention assembly are necessary, any such repair must be made by a <del>DHECDES</del> certified backflow prevention assembly tester;</p> <p>(6) licensed water and sewer line contractors holding a group four or five classification limitation installing underground water mains, hydrant mains, fire pumps, and fire hydrants, or fire protection sprinkler system underground mains to a flanged outlet 1'- 0" above the finished floor in compliance with National Fire Protection Association Standard 24. The water and sewer line contractor shall use design or shop drawings approved by the State Fire Marshal's Office or his designee. Flushing and testing certificates must be delivered to the authority having jurisdiction and upon request to the performing licensed fire sprinkler contractor. General contractors in this license classification may not engage in water and sewer line work from the right-of-way to a residential structure unless the entity is a subcontractor to a licensee holding a plumbing classification;</p> <p>(7) an individual who installs, repairs, trouble shoots, provides diagnostic analysis, or provides services in any manner to a backflow prevention assembly if the individual has current certification from the Department of <del>Health and Environmental Control Services</del> approved backflow assembly prevention training seminar and has completed some level of educational training or certification with backflow prevention assembly.</p> <p>(8) properly licensed alarm and electrical contractors that connect to a fire sprinkler system for the purpose of monitoring the activation of the system.</p>
124.	40-13-60	Cosmetology and Cosmetologists	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The board may adopt rules governing its proceedings and may promulgate regulations necessary to carry out the provisions of this chapter. Regulations relating to the sanitary management of salons and schools must not be promulgated until approved by the Department of <del>Public Health and Environmental Control</del> .
125.	40-13-110(A)(7)	Cosmetology and Cosmetologists	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			<p>(A) In addition to the grounds for disciplinary action provided for in Section 40-1-110, the board may revoke, suspend, or restrict a license upon a satisfactory showing to the board that the holder of the license has:</p> <p>(1) violated or failed to comply with any provision of this chapter, a regulation promulgated under this chapter, or an order of the board;</p> <p>(2) permitted a person in one's employ or under one's supervision or control to practice as a cosmetologist, esthetician, or nail technician without that person being licensed as a cosmetologist, esthetician, or nail technician;</p> <p>(3) obtained or attempted to obtain a license for money other than the required fee or any other thing of value or by fraudulent misrepresentation;</p> <p>(4) practiced or attempted to practice cosmetology by fraudulent misrepresentation;</p> <p>(5) wilfully failed to display a salon license as required by Section 40-13-300, a school license as required by Section 40-13-320, or a license as required by Section 40-13-280 or the sanitary regulations as required by Section 40-13-350;</p> <p>(6) practiced or attempted to practice cosmetology in any place other than a licensed salon, except in case of an emergency including, but not limited to, illness, invalidism, or death when a licensed operator may perform services for a person in another place by appointment only;</p> <p>(7) wilfully and continuously violated the reasonable regulations adopted by the board and approved by the Department of <del>Public Health and Environmental Control</del> for the sanitary management and operation of salons and schools;</p> <p>(8) used a substance or device which is not labeled for cosmetic use.</p>
126.	40-15-85(6)	Dentists, Dental Hygienists, and Dental Technicians, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(6) "General supervision" means that a licensed dentist or the South Carolina Department of <del>Public Health's and Environmental Control's</del> public health-dentist has authorized the procedures to be performed but does not require that a dentist be present when the procedures are performed.
127.	40-15-102(D)-(E)	Dentists, Dental Hygienists, and Dental Technicians, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(D) A dentist authorizing treatment by a dental hygienist in school settings or nursing home settings is subject to the general supervision restrictions provided for in this

			<p>section unless the dentist or dental hygienist is working in a public health setting with the Department of <del>Public Health and Environmental Control</del>, as provided for in Section 40-15-110.</p> <p>(E) A dentist billing for services for treatment provided by a dental hygienist in a public health setting with the Department of <del>Public Health and Environmental Control</del> as provided for in Section 40-15-110, is the provider of services and is clinically responsible for the care and treatment of the patient.</p>
128.	40-15-110(A)(10), (E), (F), and (G)	Dentists, Dental Hygienists, and Dental Technicians, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60 and to correct punctuation.
			<b>Suggested Revision:</b>
			<p>(A) Nothing in this chapter may be construed to prevent:</p> <p>(1) the practice of medicine by a licensed physician or the administration of anesthesia by those persons qualified by law to do so;</p> <p>(2) the performance of official duties by commissioned dental or medical officers of the United States Army, Navy, Air Force, Veterans' Administration, or United States Public Health Service;</p> <p>(3) a person from teaching or demonstrating dentistry or related procedures at a dental society meeting or at a dental convention or at an accredited dental college;</p> <p>(4) a licensed dentist of another state or country from performing duties in connection with a specific case for which he is called into the State by a dentist licensed in this State;</p> <p>(5) dental students from performing dental procedures under the supervision of instructors in any dental school in this State accredited by the commission;</p> <p>(6) licensed dental hygienists or registered dental technicians from teaching in programs accredited by the Commission;</p> <p>(7) a person from making roentgenograms or X-ray exposures under the supervision of a licensed dentist or prevents persons licensed to practice dental hygiene from performing an intra-oral dental hygiene procedure if it is performed under the direction and control of a licensed dentist present on the premises;</p> <p>(8) a person from performing dental or orthodontic technological work if:</p> <p>(a) the intra-oral procedures relative to such work are performed by a licensed dentist;</p> <p>(b) the work is performed by or under the direction and control of a licensed dentist on his premises, or by or under the direction and control of a registered</p>



			<p>dental or orthodontic technician present on the premises; however, orthodontic work performed under the direction and control of a registered orthodontic technician is limited to orthodontic technological work; and</p> <p>(c) the work is performed pursuant to a properly executed work authorization, as provided for in this chapter, if the work is to be done by or under the direction and control of a registered dental or orthodontic technician.</p> <p>(9) a certified or qualified dental assistant or licensed dental hygienist from taking impressions for dental study casts under the direct supervision of a licensed dentist present on the premises;</p> <p>(10) a licensed dental hygienist employed within or contracted through the public health system from providing education and primary preventive care that is reversible. Primary preventive care and education are defined as promotion and protection of health to avoid the occurrence of disease through community, school, and individual measures or improvements in lifestyle. These services are to be performed under the direction of the Department of <del>Public Health's and Environmental Control</del> State Dental Coordinator or the department's designee but do not require that the director or a licensed dentist be present when any public health dental program services are provided. Public health dental program services include oral screenings using a Department of <del>Public Health, and Environmental Control</del> approved screening system, oral prophylaxis, application of topical fluoride including varnish, and the application of dental sealants.</p> <p>(B) A dentist licensed in another state teaching in a dental college in this State accredited by the commission is exempt from the licensure requirement unless he engages in the intramural or private practice of dentistry.</p> <p>(C) Nothing in this chapter may be construed to require licensure for interns or residents enrolled in an intern or residency training program approved by the commission.</p> <p>(D) Unlicensed personnel in a dental office may perform those tasks as authorized by the board and for which minimal training standards and qualifications are established by regulation. All tasks permitted to be performed by other than licensed personnel must be under the direct supervision of a dentist present on the premises and licensed in this State.</p> <p>(E) The Department of <del>Public Health and Environmental Control</del> shall target services in a public health setting to under-served populations. A public health setting is defined as a hospital, nursing home, long term care facility, rural or community health clinic, health facility operated by federal, state, county, or local governments, hospice, an educational institution, a bona fide charitable institution, or a mobile delivery program operated in one of these settings under the direction of the</p>
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			<p>Department of <del>Public Health and Environmental Control</del>. Mobile delivery programs are defined as those that are not confined to a single building and can be transported from place to place.</p> <p>(F) Dental assistants may perform oral screenings utilizing the Department of <del>Public Health and Environmental Control</del>-approved screening system in school and public health settings under direction of the Department of <del>Public Health and Environmental Control</del>-public health dental program.</p> <p>(G) Dental assistants employed within or contracted through the public health system may assist in the delivery of public health dental program services as defined in this section. Program activities are performed under the direction of the Department of <del>Public Health and Environmental Control</del>-State Dental Coordinator or the department's designee but do not require that the coordinator be present when services are performed.</p> <p>(H) Licensed dental hygienists and dental assistants within the public health system may perform other duties authorized by regulations of the State Board of Dentistry.</p>
129.	40-23-10(A)	Environmental Certification Board	<b>Recommendation + Explanation:</b>
			Amend Department name and Commissioner name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is created the South Carolina Environmental Certification Board composed of nine members appointed by the Governor. Of the nine members, one must be a licensed public water treatment operator and one must be a licensed public water distribution system operator; two must be licensed wastewater operators, one of whom must be certified in the physical chemical specialty; one must be a licensed well driller; one must be a member of the public at large; one must be a representative from the Land, Water, and Conservation Division of the Department of Natural Resources; one must be a member of the Department of <del>Health and Environmental Control</del> <del>Services</del> , designated by the <del>Commissioner</del> <del>Director</del> of the Department of <del>Health and Environmental Control</del> <del>Services</del> ; and one must be a representative from a technical education or other higher education institution actively involved in operator training.
130.	40-23-20 (20)(c)(ii)-(iii)	Environmental Certification Board	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(20) "Public water system" means: (a) any publicly or privately owned waterworks system which provides water,

			<p>whether bottled, piped, or delivered through some other constructed conveyance, for human consumption, including the source of supply whether the source of supply is of surface or subsurface origin;</p> <p>(b) all structures and appurtenances used for the collection, treatment, storage, or distribution of water delivered to point of meter of consumer or owner connection;</p> <p>(c) any part or portion of the system, including any water treatment facility, which in any way alters the physical, chemical, radiological, or bacteriological characteristics of the water; however, a public water system does not include a water system serving a single private residence or dwelling. A separately owned system with its source of supply from another waterworks system must be a separate public water system. A connection to a system that delivers water by a constructed conveyance other than a pipe must not be considered a connection if:</p> <p>(i) the water is used exclusively for purposes other than residential uses consisting of drinking, bathing, and cooking or similar uses;</p> <p>(ii) the Department of <del>Health and Environmental Control</del> <u>Services</u> determines that alternative water sources to achieve the equivalent level of public health protection provided by the applicable State Primary Drinking Water Regulations is provided for residential or similar uses for drinking or cooking; or</p> <p>(iii) the Department of <del>Health and Environmental Control</del> <u>Services</u> determines the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level or protection provided by the applicable State Primary Drinking Water Regulations.</p>
131.	40-23-110(A)(15) and (A)(20)	Environmental Certification Board	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) In addition to the grounds for disciplinary action provided in Section 40-1-110, the board may revoke, suspend, or otherwise restrict a licensee's right to practice or reprimand or otherwise discipline a licensee if, upon a satisfactory showing to the board, the licensee:</p> <p>(1) has used a false, fraudulent, or forged statement or document or practiced a fraudulent, deceitful, or dishonest act in connection with any of the licensing, registration, or certificate requirements of the board;</p> <p>(2) has practiced while under the influence of alcohol or drugs to such a degree as to affect adversely the licensee's ability to practice;</p> <p>(3) uses alcohol or drugs to such a degree as to affect adversely the licensee's ability</p>

			<p>to practice;</p> <p>(4) has knowingly performed an act which in any way assists a person to practice illegally;</p> <p>(5) has sustained physical or mental impairment or disability which renders further practice by the licensee dangerous to the public;</p> <p>(6) has violated the principles of ethics as adopted by the board in regulation;</p> <p>(7) is guilty of obtaining fees or assisting in obtaining fees under deceptive, false, or fraudulent circumstances;</p> <p>(8) is guilty of the use of intentionally false or fraudulent statements in a document connected with his work;</p> <p>(9) is guilty of misrepresentation or the omission of a material fact in a transaction involving the public, the board, or any government entity with authority to regulate actions performed in the course of a licensed activity;</p> <p>(10) is guilty of making a false or fraudulent representation or of engaging in a deceitful practice in offering, selling, or providing a product or service;</p> <p>(11) is guilty of engaging in dishonorable, unethical, or unprofessional conduct that is likely to deceive, defraud, or harm the public;</p> <p>(12) has been found by the board to lack the professional or ethical competence to practice a licensed activity;</p> <p>(13) has engaged in substandard work or is guilty of gross negligence in the course of a licensed activity;</p> <p>(14) has engaged in a pattern of failure to perform pursuant to an oral or written contract, in the course of a licensed activity or has failed to timely pay employees or suppliers;</p> <p>(15) has failed to timely abate or remediate deficient or substandard work after receiving notice of deficient or substandard work from regulating authorities including, but not limited to, the board, the department, or the Department of Health and Environmental Control Services;</p> <p>(16) has violated a provision of this chapter or of the State Safe Drinking Water Act or a regulation or standard adopted pursuant to this chapter or the State Safe Drinking Water Act;</p> <p>(17) has knowingly violated a statute, regulation, or ordinance that in any way controls, regulates, limits, or affects the performance of an action associated with a licensed activity;</p> <p>(18) failed to obtain a license before doing business in this State;</p> <p>(19) has been convicted of, or has pled guilty or nolo contendere to, a felony or to any other crime involving fraud, moral turpitude, or drugs or to any criminal violation of any law that controls, regulates, limits, or affects the performance of any action</p>
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			<p>associated with a licensed activity. For purposes of this section, "drugs" includes a substance whose possession, use, or distribution is governed by Section 44-53-110 through Section 44-53-580 or which is listed in the current edition of the Physician's Desk Reference;</p> <p>(20) has incurred any disciplinary sanction including, but not limited to, a denial, revocation, suspension, or restriction of a license to practice a profession or occupation in any state or jurisdiction if the disciplinary action taken in the state or jurisdiction is based upon grounds that would constitute misconduct under this section or Section 40-1-110-;</p> <p>(21) has constructed or supervised the construction of any well in violation of the bonding requirements of this chapter.</p>
132.	40-23-280(C)	Environmental Certification Board	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) After a hearing the board may initiate claims on the bond of any licensee for the cost of remediation or abatement of deficiencies or losses found to be the responsibility of the licensee. Claims are limited to actual damages and may not include attorney's fees or consequential or punitive damages. Claims may also be initiated upon the bond by the Department of Health and Environmental Control Services for remediation of deficiencies or losses determined, in accordance with that agency's procedures, to be the responsibility of a licensee.
133.	40-23-300(A)	Environmental Certification Board	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) A person employed as an operator of a public water treatment facility must hold a water treatment operator license issued by the board in the certification class required by this section. The required certification class must be determined based upon the treatment group of the public water system treatment facility where the operator is employed, as established by the Department of Health and Environmental Control Services pursuant to Section 44-55-40(K). The certification class required for each treatment group is as follows: <ul style="list-style-type: none"> <li>(1) Group I treatment facilities require operators with at least a Class "E" certification.</li> <li>(2) Group II treatment facilities require operators with at least a Class "D" certification.</li> </ul>

			<p>(3) Group III treatment facilities require operators with at least a Class "C" certification.</p> <p>(4) Group IV treatment facilities require operators with at least a Class "C" certification.</p> <p>(5) Group V treatment facilities require operators with at least a Class "B" certification.</p> <p>(6) Group VI treatment facilities require operators with at least a Class "A" certification.</p>
134.	40-23-305	Environmental Certification Board	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>A person employed as an operator of a public wastewater treatment plant must hold a wastewater treatment operator license issued by the board in the certification class required by this section and the regulations of the board. The required certification class must be determined by the treatment group of the public wastewater treatment plant where the operator is employed, as established by the Department of Health and Environmental Control Services pursuant to Section 48-1-110. The board shall establish in regulations the certification class required for each treatment group of public wastewater treatment plants defined in Section 40-23-20.</p>
135.	40-23-310(A)	Environmental Certification Board	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(A) A person employed as an operator of a public water distribution system facility must hold a water distribution system operator license issued by the board in the certification class as required by this section. The required certification class must be determined based upon the distribution group of the public water distribution system facility where the operator is employed, as established by the Department of Health and Environmental Control Services pursuant to Section 44-55-40(L). The certification class required for each distribution group is as follows:</p> <p>(1) Group I distribution facilities do not require a certified operator.</p> <p>(2) Group II distribution facilities require operators with at least a Class "D" certification.</p> <p>(3) Group III distribution facilities require operators with at least a Class "C" certification.</p> <p>(4) Group IV distribution facilities require operators with at least a Class "B" certification.</p>

			(5) Group V distribution facilities require operators with at least a Class "A" certification.
136.	40-25-20(1)	Practice of Specializing in Hearing Aids Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(1) "Department" means the Department of <u>Public Health and Environmental Control</u> .
137.	40-25-30, Section Title	Practice of Specializing in Hearing Aids Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			40-25-30. Powers and duties of Department of <u>Public Health and Environmental Control</u> .
138.	40-25-170	Practice of Specializing in Hearing Aids Act	<b>Recommendation + Explanation:</b>
			Amend appeals process language to conform with controlling law and Act 60.
			<b>Suggested Revision:</b>
			(A) The final order of the department in proceedings for the suspension or revocation of certificates of registration are subject to <del>review by the circuit court of Richland County, the county in which the registrant has his principal place of business, or the county in which the books and records of the department are kept.</del> Other final orders of the department under this chapter are subject to review in the same courts appeal pursuant to Section 44-1-60 and applicable law. (B) Appeals to the circuit court must be upon the original records before the department, and the court in its discretion may affirm, reverse, or modify an order made by the department.
139.	40-33-20(62)(a)	Nurse Practice Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			DHEC has recommended changing "care" to "healthcare."
			<b>Suggested Revision:</b>
			(62) "Underserved population" means a population residing in a rural or urban area, which includes, but is not limited to: (a) persons receiving Medicaid, Medicare, Department of <u>Public Health and Environmental Health care healthcare</u> , or free clinic care;

			<p>(b) those residing in long-term care settings or receiving care from a licensed hospice;</p> <p>(c) those in institutions including, but not limited to, incarceration institutions and mental health institutions; and</p> <p>(d) persons including, but not limited to, the homeless, HIV patients, children, women, the economically disadvantaged, the uninsured, the underinsured, the developmentally disabled, the medically fragile, the mentally ill, migrants, military persons and their dependents, and veterans and their dependents.</p>
140.	40-33-30(D)(7) and (E)	Nurse Practice Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) A person may not practice nursing without an active license issued in accordance with this chapter. A South Carolina license as an advanced practice registered nurse or registered nurse is required for a person located in another state to provide nursing services to a recipient located in this State at the time nursing services are provided. A licensee located in this State who provides nursing services to a recipient located in another state must be properly licensed in this State and comply with any applicable licensing requirements where the recipient of nursing services is located at the time the services are provided.</p> <p>(B) It is unlawful for a person to practice as an advanced practice registered nurse, a registered nurse, or a licensed practical nurse in this State, or to use the abbreviation "APRN", "RN", or "LPN" or any variation or subdesignation of these, or use any title, sign, card, or device to indicate that the person is a nurse, or that the person is practicing as a nurse, within the meaning of this chapter, unless the person is actively licensed under the provisions of this chapter.</p> <p>(C) A person may not use the word "nurse" as a title, or use an abbreviation to indicate that the person is practicing in this State as a nurse, unless the person is actively licensed as a nurse as provided for in this chapter. If the term "nurse" is part of a longer title, such as "nurse's aide", a person who is entitled to use that title shall use the entire title and may not abbreviate the title to " nurse". This does not prohibit the use of the title "nurse" by persons who hold a temporary permit pending licensure by endorsement from another jurisdiction, and it does not prohibit the use of the title "nurse" by persons enrolled in a board-approved refresher course for the purpose of obtaining an active South Carolina license.</p> <p>(D) A provision of this chapter may not be construed to prohibit:</p> <p>(1) gratuitous nursing care by friends or members of the family;</p>



			<p>(2) the incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter;</p> <p>(3) nursing assistance in case of an emergency;</p> <p>(4) the practice of nursing by students enrolled in approved nurse education programs;</p> <p>(5) the practice of nursing in this State by a legally qualified nurse of another state whose engagement requires the nurse to accompany and care for a patient temporarily residing in this State during the period of one engagement, not to exceed six months, if the person does not represent or hold herself or himself out as a nurse licensed to practice in this State;</p> <p>(6) the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency of the United States government, while in the discharge of official duties;</p> <p>(7) care given to maternity patients, in the performance of their duties by licensed midwives trained and supervised under the authority of the South Carolina Department of <del>Public Health and Environmental Control</del>, so long as these midwives confine care to maternity patients only and do not claim to be licensed nurses or certified nurse-midwives;</p> <p>(8) the practice of nursing by a licensed nurse of another state who is enrolled in a board-approved course of study or board-approved experimental or experiential project requiring nursing practice as a part of the educational program;</p> <p>(9) a person not licensed under this chapter from providing attendant care services directed by or on behalf of an individual in need of in-home care; and</p> <p>(10) performance of an act which a person would normally perform if the person were physically and cognitively able.</p> <p>(E) The South Carolina Department of <del>Public Health and Environmental Control</del> may establish policies that authorize licensed registered nurses to provide health care under the direction of a physician licensed to practice medicine in this State and under the guidance of a registered pharmacist including, but not limited to, the dispensing of drugs for the treatment of tuberculosis and sexually transmitted diseases, HIV/AIDS, maternal and child care, children with special health care needs, family planning, immunizations, and any other public health program. The original diagnosis and treatment as prescribed by the physician must be maintained on the individual patient's records. The provisions of this chapter must not be construed to require the employment of registered pharmacists at local health clinics for the guidance of registered nurses in the dispensing of drugs in accordance with these provisions.</p>
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141.	40-35-10(A)(5)	Long Term Health Care Administrators	<p><b>Recommendation + Explanation:</b> Amend Commissioner name and Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) There is created the South Carolina Board of Long Term Health Care Administrators composed of nine members who must be appointed by the Governor, with the advice and consent of the Senate, for three-year terms and until their successors are appointed and qualify. Of the nine members:  (1) three must be qualified nursing home administrators licensed under this chapter; one must be from a proprietary nursing home; one must be from a nonproprietary nursing home; and one must be a qualified hospital administrator;  (2) three must be community residential care facility administrators, licensed under this chapter, at least one of whom must be from a community residential care facility with ten or fewer residents;  (3) one must be a consumer, sponsor, or family member of a consumer of nursing home services;  (4) one must be a consumer, sponsor, or family member of a consumer of community residential care services;  (5) one must be a voting member of the Long Term Care Committee of the Health and Human Services Coordinating Council who must be nominated by election of the committee from among its voting members. If the Governor does not accept the nomination, an additional nominee must be selected in the same manner.  The <del>Commissioner</del>Director of the Department of <del>Public Health and Environmental Control</del>, or his designee, also shall serve as a nonvoting member on the board, ex officio.  An individual, group, or association may submit the names of qualified individuals to the Governor for his consideration in making these appointments.  A vacancy must be filled in the manner of the original appointment for the unexpired portion of the term. A member may not serve more than two consecutive full terms.</p>
142.	40-35-20(3), (7) and (8)	Long Term Health Care Administrators	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> As used in this chapter:  (1) "Accredited college or university" means a college or university whose accreditation is recognized by the Council on Higher Education Accreditation and the</p>

			<p>United States Department of Education.</p> <p>(2) "Board" means the South Carolina Board of Long Term Health Care Administrators.</p> <p>(3) "Community residential care facility" or "CRCF" means a facility defined for licensing purposes under law or pursuant to regulations for community residential care facilities by the Department of <del>Public Health and Environmental Control</del>, whether proprietary or nonprofit.</p> <p>(4) "Community residential care facility administrator" or "CRCFA" means a person who has attained the required education and experience, is otherwise qualified, has been issued a license by the board, and is eligible to administer, manage, supervise, or be in administrative charge of a community residential care facility.</p> <p>(5) "Consumer" means a person who is or has been a resident of a nursing home or community residential care facility.</p> <p>(6) "Department" means the Department of Labor, Licensing and Regulation.</p> <p>(7) "Habilitation center for persons with intellectual disability or persons with related conditions" means a facility which is licensed by the Department of <del>Public Health and Environmental Control</del> and that serves four or more persons with intellectual disability or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.</p> <p>(8) "Nursing home" means an institution or facility defined for licensing purposes under law or pursuant to regulations for nursing homes promulgated by the Department of <del>Public Health and Environmental Control</del>, whether proprietary or nonprofit including, but not limited to, nursing homes owned or administered by the State or a political subdivision of the State. The term does not include habilitation centers for persons with intellectual disability or persons with related conditions.</p> <p>(9) "Nursing home administrator" or "NHA" means a person who has attained the requisite education and experience, is otherwise qualified, and has been issued a license by the board and is eligible to administer, manage, supervise, or be in administrative charge of a nursing home.</p> <p>(10) "Practical experience in nursing home administration" means full-time employment, with a minimum of thirty-six hours each week, under the on-site supervision by a licensed nursing home administrator in a state-licensed nursing home. During the on-site supervision by a licensed NHA, the applicant is responsible and accountable for at least a six-month period in at least two of the following areas:</p> <ul style="list-style-type: none"> <li>(a) business and fiscal management;</li> <li>(b) a direct patient-care service such as nursing, physical therapy, occupational</li> </ul>
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			<p>therapy, speech therapy, chaplaincy, social work, or activities; and</p> <p>(c) a supporting service such as dietary, maintenance, engineering, laundry, environmental services, or pharmacy.</p> <p>(11) "Qualified intellectual disability professional" means a person who, by training and experience, meets the requirements of applicable federal law and regulations for a qualified intellectual disability professional, as determined by the Department of Disabilities and Special Needs.</p> <p>(12) "Related health care administration" means the administration of a facility that provides direct nursing care on a twenty-four hour basis to persons who require health services because of illness, age, or chronic disability. Administration of a CRCF or an Independent Living Community is not considered related health care administration.</p> <p>(13) "Community residential care facility administrator work experience" means on-site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed CRCFA in a licensed CRCF.</p> <p>(14) "Work experience in a health related field other than in a Community Residential Care Facility" means a satisfactory demonstration through the application for licensure that the applicant has sufficient knowledge of and experience with business and fiscal management responsibilities, coordinating patient care, and direct contact in a health care facility as determined by the board.</p> <p>(15) "Sponsor" means a person who is financially or legally responsible for an individual currently residing in a nursing home or residential care facility.</p>
143.	40-43-72(A)(1)	South Carolina Pharmacy Practice Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) For purposes of this section:</p> <p>(1) "Narcotic treatment program" or "NTP" means a program licensed by the Department of <del>Public Health and Environmental Control</del> that dispenses and administers methadone or other narcotic treatment medications.</p> <p>(2) "NTP permit" means a permit issued by the South Carolina Board of Pharmacy that governs dispensing and administration of medications in an NTP.</p> <p>(3) "NTP satellite permit" means a permit issued by the South Carolina Board of Pharmacy that governs dispensing and administration of medication in a mobile component or satellite medication unit operated by a licensed NTP.</p> <p>(4) "Pharmacist" means an individual licensed as a pharmacist pursuant to Chapter 43.</p>

			<p>(5) "Practitioner" means a physician, physician assistant, or advanced practice registered nurse licensed in South Carolina and registered under South Carolina and federal law to prescribe, dispense, and administer opioid drugs.</p> <p>(6) "Practitioner agent" means a registered nurse or licensed practical nurse supervised by and under the order of a practitioner.</p> <p>(7) "Stat box" means an additional drug box that contains stock doses of medications prepared by a pharmacist prior to receipt of a patient-specific order from a practitioner.</p>
144.	40-43-83(K)	South Carolina Pharmacy Practice Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(K) The Department of <del>Public Health and Environmental Control</del> is exempt from the provisions of this section that require facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy and from the provisions of this section that require each pharmacy to have a pharmacist-in-charge; however, each health district in this State must have a permit to distribute or dispense prescription drugs.
145.	40-43-86(C)(4)	South Carolina Pharmacy Practice Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(C) Except for a pharmacy, wholesaler, or a permitted facility that supplies only oxygen, every holder of a permit from the board shall designate a pharmacist duly licensed by the Board of Pharmacy as a consultant pharmacist to be responsible for the duties as stated in this chapter at the permit holder's location. The consultant pharmacist shall sign a new or renewal application along with the permit holder and agree in writing to assume the responsibilities of consultant pharmacist.</p> <p>(1) The consultant pharmacist must be consistent with the accepted standards of professional conduct and practice and responsible for compliance with all applicable laws and regulations including:</p> <ul style="list-style-type: none"> <li>(a) establishing as applicable to the permit, policies, and procedures for the procurement, storage, compounding, dispensing, and distribution of drugs;</li> <li>(b) establishing and supervising the recordkeeping system for the purchase, sale, possession, storage, safekeeping, and return of drugs;</li> <li>(c) facilitating drug recalls and the removal of outdated and adulterated drugs;</li> <li>(d) supervising all employees of the permit holder whose duties relate to the</li> </ul>

			<p>procurement, compounding, sale, distribution, and storage of drugs;</p> <p>(e) acting as a drug information resource for the staff by bringing new and current drug information to their attention and being available by phone for questions;</p> <p>(f) performing written monthly inspections that are readily available.</p> <p>(2) The outgoing consultant pharmacist and the permit holder shall notify the board in writing within ten days of a change of consultant pharmacist.</p> <p>(3) No designation of an individual as a consultant pharmacist or delegation of duties to a consultant pharmacist by a holder of a pharmacy permit shall relieve the permit holder of any of the permit holder's duties under state or federal laws or regulations.</p> <p>(4) Emergency medical services licensed by the Department of <del>Public Health and Environmental Control</del> are exempt from permit fees and the provisions of this section requiring a consultant pharmacist to perform the duties set forth in this chapter at the permit holder's location, and the medical director or a consultant pharmacist may perform the duties of the consultant pharmacist pursuant to this chapter.</p> <p>(5) A facility supplying durable medical equipment is exempt from the provisions of this section requiring a consultant pharmacist to perform the duties set forth in this chapter at the permit holder's location, and a medical director, respiratory therapist, registered nurse, or consultant pharmacist may perform the duties of the consultant pharmacist pursuant to this chapter.</p>
146.	40-43-86(FF)	South Carolina Pharmacy Practice Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(FF) The Department of <del>Public Health and Environmental Control</del> is exempt from the provisions of this section that prohibit a pharmacist from serving as a pharmacist-in-charge unless he is physically present in the pharmacy and that prohibits a pharmacist from serving as a pharmacist-in-charge for more than one pharmacy at a time, so that one pharmacist-in-charge may be designated by the department to serve more than one health district.</p>
147.	40-43-87(B)	South Carolina Pharmacy Practice Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(B) Revocation of the radioactive materials license from the Department of <del>Health and Environmental Control</del> <del>Services</del> voids the pharmacy permit immediately and the permit must be returned to the board within ten days.</p>

148.	40-43-190 (B)(2)(d)	South Carolina Pharmacy Practice Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (B) The written protocol must provide that: (1) A pharmacist seeking authorization to administer a vaccine approved pursuant to this section shall successfully complete a course of training accredited by the Accreditation Council for Pharmacy Education or a similar health authority or professional body approved by the Board of Pharmacy and the Board of Medical Examiners. Training must comply with current Centers for Disease Control guidelines and must include study materials, hands-on training, and techniques for administering vaccines and must provide instruction and experiential training in the following content areas: (a) mechanisms of action for vaccines, contraindications, drug interactions, and monitoring after vaccine administration; (b) standards for adult vaccination practices; (c) basic immunology and vaccine protection; (d) vaccine-preventable diseases; (e) recommended vaccination schedules; (f) vaccine storage management; (g) biohazard waste disposal and sterile techniques; (h) informed consent; (i) physiology and techniques for vaccine administration; (j) prevaccine and postvaccine assessment and counseling; (k) vaccination record management; (l) management of adverse events, including identification, appropriate response, emergency procedures, documentation, and reporting; (m) understanding of vaccine coverage by federal, state, and local entities; (n) needle stick management. (2) A pharmacist administering vaccinations without an order or prescription of a practitioner pursuant to this section shall: (a) obtain the signed written consent of the person being vaccinated or that person's guardian; (b) maintain a copy of the vaccine administration in that person's record and provide a copy to the person or the person's guardian; (c) notify that person's designated physician or primary care provider of a vaccine administered;</p>
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			<p>(d) report administration of all vaccinations to the South Carolina Immunization Registry in compliance with regulations established by the Department of <del>Public Health and Environmental Control</del> as the department may require; provided, however, that the phase-in schedule provided in Regulation 61-120 for reporting vaccinations does not apply to vaccinations administered pursuant to this section;</p> <p>(e) maintain a current copy of the written protocol at each location at which a vaccination is administered pursuant to this section.</p> <p>(3) A pharmacist may not delegate the administration of vaccines to a pharmacy technician or certified pharmacy technician.</p> <p>(4) A pharmacy intern may administer vaccinations under the direct supervision, as defined in Section 40-43-84(C), of a pharmacist who has completed vaccination training as required by item (1) if the pharmacy intern:</p> <p>(a) is certified through a basic life support or CPR provider-level course that is jointly approved by the Board of Medical Examiners and the Board of Pharmacy; and</p> <p>(b) completes this course of training described in item (1).</p> <p>(5) A pharmacist administering vaccinations shall, as part of the current continuing education requirements pursuant to Section 40-43-130, complete no less than one hour of continuing education each license year regarding administration of vaccinations.</p>
149.	40-43-195(B)(3) and (F)(2)	South Carolina Pharmacy Practice Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) For purposes of this section:</p> <p>(1) "Central fill" means the filling of a prescription drug order by one central fill pharmacy permitted by this State at the request of an originating pharmacy permitted by this State.</p> <p>(2) "Central fill pharmacy" means a permitted pharmacy facility that, upon the request of an originating pharmacy, fills a prescription drug order and returns the filled prescription to the originating pharmacy for delivery to the patient or patient's agent. A central fill pharmacy that returns filled prescriptions to an originating pharmacy must not be required to obtain a wholesaler/distributor permit.</p> <p>(3) "Originating pharmacy" means a pharmacy permitted by and located in this State that, upon receipt of a prescription drug order from a patient, requests a central fill pharmacy to fill the order and upon receipt of the filled prescription drug order, delivers the prescription to the patient or patient's agent.</p> <p>(B)(1) An originating pharmacy permitted by this State may outsource a prescription</p>



			<p>drug order filling to a central fill pharmacy permitted by this State if the pharmacies:</p> <ul style="list-style-type: none"> <li>(a) have the same owner or have entered into a written contract or agreement that outlines the services to be provided and the responsibilities and accountabilities of each pharmacy in compliance with federal and state laws and regulations;</li> <li>(b) share a common electronic file or have appropriate technology to allow access to sufficient information necessary or required to dispense or process a prescription drug order;</li> <li>(c) ensure all state and federal laws regarding patient confidentiality, network security, and use of shared databases are followed; and</li> <li>(d) maintain the prescription information in a readily retrievable manner.</li> </ul> <p>(2) The pharmacist-in-charge of a central fill pharmacy shall ensure that:</p> <ul style="list-style-type: none"> <li>(a) the pharmacy maintains and uses adequate storage or shipment containers and shipping processes to ensure drug stability and potency. These shipping processes must include the use of appropriate packaging material or devices, or both, to ensure that the drug is maintained at an appropriate temperature range to maintain the integrity of the medication throughout the delivery process; and</li> <li>(b) the filled prescriptions are shipped in containers that are sealed in a manner that would show evidence of having been opened or tampered with.</li> </ul> <p>(3) To the extent that a central fill pharmacy dispenses controlled substances, the central fill pharmacy must obtain a registration from the Department of <del>Public Health and Environmental Control</del>, Bureau of Drug Control. Controlled substance prescriptions filled by a central fill pharmacy must comply with both state and federal statutes and regulations.</p> <p>(4) To the extent a pharmacy is acting as a central fill pharmacy, it may not:</p> <ul style="list-style-type: none"> <li>(a) fill prescriptions for controlled substances listed in Schedule II;</li> <li>(b) fill prescriptions provided directly by a patient or an individual practitioner;</li> <li>(c) mail or otherwise deliver a prescription directly to a patient or an individual practitioner; or</li> <li>(d) provide or dispense cannabis products not approved by the Federal Drug Administration.</li> </ul> <p>(C)(1) An originating pharmacy that outsources prescription filling to a central fill pharmacy must, prior to outsourcing the prescription:</p> <ul style="list-style-type: none"> <li>(a) notify patients that their prescription may be filled by another pharmacy; and</li> <li>(b) provide the name of that pharmacy or notify the patient if the pharmacy is part of a network of pharmacies under common ownership and that any of the network pharmacies may fill the prescription.</li> </ul> <p>(2) Patient notification may be provided through a one-time written notice to the patient or through use of a sign in the pharmacy.</p>
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			<p>(D)(1) A central fill pharmacy must provide written information regarding the prescription with the filled prescription and a toll-free phone number for patient questions. The following statement must be provided with the prescription before delivery to the patient:</p> <p>"Written information about this prescription has been provided for you. Please read this information before you take the medication. If you have questions concerning this prescription, a pharmacist is available during normal business hours to answer these questions".</p> <p>(2) A pharmacist at the originating pharmacy shall offer the patient or the patient's agent information about the prescription drug or device in accordance with Section 40-43-86(L).</p> <p>(3) This subsection does not apply to patients in facilities including, but not limited to, hospitals or nursing homes, where drugs are administered to patients by a person authorized to do so by law.</p> <p>(E) The central fill pharmacy must:</p> <p>(1) place on the prescription label:</p> <p>(a) the name and address or name and pharmacy license number of the pharmacy filling the prescription;</p> <p>(b) the name and address of the originating pharmacy which receives the filled prescription for delivery to the patient or the patient's agent; and</p> <p>(c) in some manner indicate which pharmacy filled the prescription (e.g., "Filled by ABC Pharmacy for XYZ Pharmacy"); and</p> <p>(2) comply with all other labeling requirements of federal and state law including, but not limited to, Section 40-43-86.</p> <p>(F) A central fill policy and procedure manual must be maintained at both pharmacies and must be available for inspection. The originating and central fill pharmacies are required to maintain only those portions of the policy and procedure manual that relate to that pharmacy's operations. The manual must at minimum contain:</p> <p>(1) An outline of the responsibilities of the central fill pharmacy and the originating pharmacy including, but not limited to:</p> <p>(a) patient notification of central fill processing;</p> <p>(b) confidentiality and integrity of patient information procedures;</p> <p>(c) drug utilization review;</p> <p>(d) record keeping and logs, including a list of the names, addresses, phone numbers, and license or registration numbers of the pharmacies, pharmacists, and pharmacy technicians at the central fill pharmacy and at the originating pharmacy;</p> <p>(e) counseling responsibilities;</p>
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			<p>(f) procedures for return of prescriptions not delivered to a patient and procedures for invoicing medication transfers;</p> <p>(g) policies for operating a continuous quality improvement program for pharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems;</p> <p>(h) safe delivery of prescriptions to patients;</p> <p>(i) processes to ensure stability and potency of medication;</p> <p>(j) requirements for storage and shipment of prescription medication; and</p> <p>(k) procedures for conducting an annual review of written policies and procedures and for documentation of this review.</p> <p>(2) Other responsibilities regarding proper handling of a prescription and delivery to a patient or a patient's agent pursuant to this chapter and the Department of <del>Public Health and Environmental Control</del>, controlled substances laws and regulations.</p> <p>(G)(1) Records may be maintained in an alternative data retention system including, but not limited to, a data processing system or direct imaging system, if:</p> <p>(a) the records maintained in the alternative system contain all of the information required on the manual record; and</p> <p>(b) the data processing system is capable of producing a hard copy of the record upon the request of the board, its representative, or other authorized local, state, or federal law enforcement or regulatory agency.</p> <p>(2) Each pharmacy must maintain records in accordance with the provisions of Section 40-43-86 and must be able to produce records as requested by the board.</p> <p>(3) The originating pharmacy records must include the date the request for filling was transmitted to the central fill pharmacy.</p> <p>(4) The central fill pharmacy records must include:</p> <p>(a) the date the filled prescription was mailed by the central fill pharmacy; and</p> <p>(b) the name and address to which the filled prescription was shipped.</p> <p>(H)(1) A central fill pharmacy must complete a central fill pharmacy permit application provided by the board, following the procedures as specified in Section 40-43-83, and also provide the following information:</p> <p>(a) evidence that the applicant holds a pharmacy license, registration, or permit issued by the state in which the pharmacy is located;</p> <p>(b) the name of the owner, permit holder, and pharmacist-in-charge of the pharmacy for service of process;</p> <p>(c) evidence of the applicant's ability to provide to the board a record of a prescription drug order dispensed by the applicant to a resident of this State not later than seventy-two hours after the time the board requests the record;</p>
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			<p>(d) an affidavit by the pharmacist-in-charge which states that the pharmacist has read and understands the laws and regulations relating to a central fill pharmacy in this State; and</p> <p>(e) pay the required fee as set by the board through regulation.</p> <p>(2) A central fill pharmacy must comply with all provisions of this chapter.</p> <p>(I) Nothing in this section may be construed to circumvent any requirement of Section 40-43-86 of the South Carolina Pharmacy Practice Act.</p> <p>(J) A central fill pharmacy may not contact a patient for whom it has provided central fill services on behalf of an originating pharmacy for the purpose of soliciting or requesting to refill a prescription, or to fill a new prescription, for a period of five years after the originating pharmacy has stopped using the services of the central fill pharmacy.</p>
150.	40-43-200(A)	South Carolina Pharmacy Practice Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is created a Joint Pharmacist Administered Vaccines Committee as a committee to the Board of Medical Examiners which consists of seven members with experience regarding vaccines. The committee is comprised of two physicians selected by the Board of Medical Examiners, two pharmacists selected by the Board of Pharmacy, and two advanced practice nurse practitioners selected by the Board of Nursing. One member of the Department of <del>Public Health and Environmental Control</del> designated by the director of the department also shall serve on the committee. Members of the committee may not be compensated for their service on the board and may not receive mileage, per diem, and subsistence as otherwise authorized by law for members of state boards, committees, and commissions.
151.	40-45-300(B)	Physical Therapists, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) A physical therapist assistant shall function under the supervision of a licensed physical therapist. A person licensed under this chapter as a physical therapist assistant shall perform duties only after the initial evaluation of the patient is conducted by a licensed physical therapist. A patient plan of care may not be altered without the prior written, dated, and signed approval of a licensed physical therapist. A patient must be reevaluated and the plan of care must be reapproved by a physical therapist licensed in this State every eighth treatment day or every sixty calendar

			days, whichever comes first. The board may establish in regulation the number of physical therapist assistants a physical therapist may concurrently supervise except in hospitals licensed by the Department of <del>Public Health and Environmental Control</del> which may determine their own staffing ratios.
152.	40-47-31 (A) and (E)	Physicians and Miscellaneous Health Care Professionals, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Limited licenses may be issued for postgraduate medical residency training or for employment with a state agency, as approved by the board. A limited license entitles the licensee to apply for individual controlled substance registration through the Department of <del>Public Health and Environmental Control</del> . Each limited license is valid for one year or part of one year. Renewal may be considered upon approval of the board. A special limited license also may be issued to a physician licensed in another state for up to fourteen days not more than four times a year in order to authorize practice under supervision for training involving direct patient care or to explore potential employment relationships. (B) Applicants for a limited license for medical residency training who are graduates of an approved medical school located in the United States or Canada must complete and submit an application and the appropriate application fee. A completed application must include the following: (1) a copy of a contract in which the applicant has been offered a position in a medical residency training program accredited by the American Council for Graduate Medical Education or American Osteopathic Association or a fellowship or a letter from the institution stating the applicant has been recommended for a medical residency training program or a fellowship. The recommendation letter must be addressed and mailed directly to the board office from the institution; (2) a certification of medical education form approved by the board to be completed by the dean, the president, or the registrar of the applicant's medical school or as approved by the board; (3) a supervising physician form approved by the board to be completed by the chairman or residency director of the training program; (4) letters of recommendation from licensed physicians recommending the applicant for a limited license in this State; and (5) verification of licensure in other states, if applicable. (C) An applicant for a limited license for medical residency training who is a graduate of a medical school located outside the United States or Canada may be considered

			<p>on an individual basis. Such applicants shall complete and submit an application and the appropriate application fee. In addition to all other requirements, a completed application must include a copy of a current or permanent Educational Commission for Foreign Medical Graduates (ECFMG) certificate or documentation of successful completion of a Fifth Pathway program, or both. The board may waive this requirement if the applicant has a full-time academic faculty appointment at the rank of assistant professor or greater in a medical school in this State accredited by the American Council for Graduate Medical Education or the American Osteopathic Association. This requirement also may be waived if the applicant:</p> <p>(1) has been licensed for five years or more without significant disciplinary action; and</p> <p>(2) holds current certification by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association or another organization approved by the board.</p> <p>(D) A physician in a medical residency training program in this State may apply for a permanent license at least ninety days before his or her limited license expires. No part of a limited license application may be applied to an application for a permanent license. Each application must be filed separately.</p> <p>(E) A new application for a limited license for employment with a state agency may not be authorized after January 1, 2001. A current holder of a limited license for employment with a state agency may renew his or her limited license if no change of agency has occurred. A change in agency may be approved upon presentation to the board of a copy of a contract in which the limited license holder has been offered a position within the South Carolina Department of Corrections, the South Carolina Department of <del>Public Health and Environmental Control</del>, the South Carolina Department of Mental Health, or the South Carolina Department of Disabilities and Special Needs.</p> <p>(F) A special limited license may be issued to a physician licensed in another state to authorize practice under supervision for training involving direct patient care or to explore potential employment relationships. The applicant must submit the following items:</p> <p>(1) a completed application and payment of applicable fees; and</p> <p>(2) a documentation from the supervising physician relating the purpose and dates requested.</p> <p>(G) An emergency limited license may be issued to a physician actively licensed in another state who is in good standing in accordance with Section 40-47-160(B) and whose place of established practice has been the subject of an emergency disaster declaration by an appropriate federal or state authority. An emergency limited</p>
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			<p>license is valid for one year and may be renewed upon approval of the board. This license must be limited to practice in this State while associated with a licensed physician in this State who holds an unrestricted, permanent license or while employed by a licensed healthcare facility in this State. The applicant must submit the following items:</p> <ul style="list-style-type: none"> <li>(1) a completed application and payment of applicable fees; and</li> <li>(2) such documentation as may be acceptable to the board under the circumstances to demonstrate eligibility for the limited license, including documentation of an existing license in good standing authorizing professional practice in the state which is subject to the emergency disaster declaration.</li> </ul> <p>(H) A temporary license may be issued to an applicant who has met all requirements for the issuance of a permanent license, except such final verifications as may be required. A temporary license is valid for three months or more, if approved by the board. Renewal may be considered upon approval of the board.</p> <p>(I) The board may not issue a limited or temporary license to a licensed physician of another state of the United States:</p> <ul style="list-style-type: none"> <li>(1) whose license is currently revoked, suspended, restricted in any way, or on probationary status in that state; or</li> <li>(2) who currently has disciplinary action pending in any state.</li> </ul>
153.	40-47-32(E)	Physicians and Miscellaneous Health Care Professionals, General Provisions	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(E) The additional examination required pursuant to subsection (D) must be waived if the applicant is to practice in a position within the South Carolina Department of Corrections, the South Carolina Department of <del>Public Health and Environmental Control</del>, the South Carolina Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation. A license issued pursuant to this waiver is immediately invalid if the individual leaves that position or acts outside the scope of employment within the department. A change in agency may be approved upon presentation to the board of a copy of a contract in which the individual has been offered a position within the South Carolina Department of Corrections, the South Carolina Department of <del>Public Health and Environmental Control</del>, the South Carolina Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation.</p>

154.	40-47-34(A)	Physicians and Miscellaneous Health Care Professionals, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The board shall waive all application fees, examination fees, and annual reregistration fees for an applicant who applies for a special volunteer license and who otherwise meets permanent licensure requirements if the applicant documents, to the satisfaction of the board, that practice is to be exclusively and totally devoted to providing medical care to the needy and indigent in this State. To be eligible for the waiver of these fees, an applicant shall acknowledge that there is no expectation of payment or compensation for any medical services rendered, or compensation or payment to the applicant, either direct or indirect, monetary or in-kind, for the provision of medical services. A special volunteer license entitles the licensee to apply for individual controlled substance registration through the Department of <u>Public Health and Environmental Control</u> .
155.	40-69-255	Veterinarians, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			As part of the biennial continuing education required by the board or pursuant to law, including Regulation 120-6, South Carolina Code of State Regulations, a veterinarian authorized pursuant to state and federal law to prescribe controlled substances shall obtain a South Carolina Department of <u>Public Health and Environmental Control</u> Controlled Substances Registration and complete at least two hours of continuing education every two years related to approved procedures of prescribing and monitoring controlled substances listed in Schedules II, III, and IV of the schedules provided for in Sections 44-53-210, 44-53-230, and 44-53-250.
156.	40-71-10(B)	Liability of Members of Professional Committees	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) There is no monetary liability on the part of, and no cause of action for damages arising against, a member of an appointed committee which is formed to maintain professional standards of a state or local professional society as defined in this section or a committee appointed by the Department of Mental Health, or a committee appointed by the Department of <u>Public Health and Environmental Control</u> to review patient medical and health records in order to study the causes of death



			and disease for any act or proceeding undertaken or performed within the scope of the functions of the committee if the committee member acts without malice, has made a reasonable effort to obtain the facts relating to the matter under consideration, and acts in the belief that the action taken by him is warranted by the facts known to him.
157.	40-71-20 (B) and (C)	Liability of Members of Professional Committees	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) Confidentiality provisions do not prevent committees appointed by the Department of <del>Public Health and Environmental Control</del> from issuing reports containing solely nonidentifying data and information. (C) Nothing in this section affects the duty of a facility or activity licensed by the Department of <del>Public Health and Environmental Control</del> to report accidents or incidents pursuant to the department's regulations. Provided, however, anything reported pursuant to the department's regulations shall not be considered to waive any privilege or confidentiality provided in subsection (A).
158.	40-81-20(13)	State Athletic Commission	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(13) "Emergency medical technician" means a person who is certified by the Department of <del>Public Health and Environmental Control</del> pursuant to the Emergency Medical Services Act.
159.	40-84-120(2)	Sign Language Interpreters	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<i>Section effective January 1, 2024.</i>  The requirements of this chapter apply to all: (1) agencies as defined by Section 40-84-110(1); and (2) hospitals and health care facilities regulated by the Department of <del>Public Health and Environmental Control</del> under Title 44.
160.	41-27-280		<b>Recommendation + Explanation:</b>

		<b>Employment and Workforce-General Provisions, Definitions</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> "Hospital" means an institution which has been licensed or approved by the South Carolina Department of <del>Public Health and Environmental Control</del> as a hospital.
161.	43-5-24	<b>Public Aid and Assistance</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> When an individual applies for assistance through the Aid to Families with Dependent Children Program, the Department of Social Services must provide the applicant with information on methods of contraception and family planning, excluding abortion counseling. The Department of <del>Public Health and Environmental Control</del> shall provide a brochure or some similar information packet on contraceptive methods and family planning to the Department of Social Services which the Department of Social Services can easily reproduce and distribute. Abortion must not be included in the brochure or information packet provided by the department of <del>Public Health and Environmental Control</del> . If the applicant expresses an interest in scheduling an appointment with a local health department to obtain further information and counseling on contraceptive methods and family planning, the Department of Social Services shall assist the applicant in scheduling the appointment.
162.	43-5-910(1)	<b>Women, Infants and Children Supplemental Food Program</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (1) "Department" means the Department of <del>Public Health and Environmental Control</del> .
163.	43-5-1185	<b>South Carolina Family Independence Act of 1995</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> As a condition of eligibility for Family Independence benefits, each adult recipient determined to be in need of family skills by his Family Independence case manager, and minor mother recipient must participate in a family skills training program which must include, but is not limited to, parenting skills, financial planning, and health information. Whenever possible and practical, the department shall coordinate with comparable staff of other state and local agencies in providing these services.

			<p>This program must include an alcohol and other drug assessment when it is determined by the department that an assessment is appropriate. The department shall coordinate with the Department of Alcohol and Other Drug Abuse Services to provide the proper assessment of the recipient and training of the department personnel who are to conduct the assessment. If the recipient is determined to be in need of alcohol and other drug abuse treatment, the department shall coordinate the services with the Department of Alcohol and Other Drug Abuse Services and shall include the individually determined terms and conditions of the treatment in the recipient's agreement with the department.</p> <p>This program must include a family planning assessment if it is determined by the department that an assessment is appropriate. The department shall coordinate with the Department of <del>Public Health and Environmental Control</del> to provide the AFDC family with education, evaluation, and counseling, consistent with Medicaid regulations. State funds appropriated for family planning must not be used to pay for an abortion.</p>
164.	43-21-120	Department and Advisory Council on Aging	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>There is created the Coordinating Council to the Department on Aging to work with the department on the coordination of programs related to the field of aging, and to advise and make pertinent recommendations, composed of the following: the Director of the Department of <del>Public Health and Environmental Control</del>, the State Director of Social Services, the Director of the Department of Mental Health, the Superintendent of Education, the Director of the State Department of Labor, Licensing and Regulation, the Executive Director of the South Carolina State Department of Employment and Workforce, the Secretary of Commerce, the Commissioner of the State Department of Vocational Rehabilitation, the Director of the Clemson University Extension Service, the Director of the South Carolina Department of Parks, Recreation and Tourism, the Director of the South Carolina Retirement System, the Executive Director of the South Carolina Municipal Association, the Executive Director of the State Office of Economic Opportunity, the Executive Director of the South Carolina Association of Counties, the Commissioner of the Commission for the Blind, the Director of the Department of Health and Human Services, the Director of the Department of Alcohol and Other Drug Abuse Services, and the Chairperson of the Commission on Women.</p>

			<p>The council shall meet at least once each six months and special meetings may be called at the discretion of the chairman or upon request of a majority of the members.</p> <p>The chairman of the advisor' commission and the director of the Department on Aging, who shall serve as secretary to the council, shall attend the meetings of the council.</p> <p>The director of each agency or department making up the council shall serve as chairman of the council for a term of one year. The office of chairman is held in the order in which the membership of the council is listed in this section.</p>
165.	43-21-130(A)(3)	Department and Advisory Council on Aging	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) There is created the Long Term Care Council (council) composed of the following voting members:</p> <p>(1) the Governor or his designee;</p> <p>(2) the Director of the Department of Social Services;</p> <p>(3) the Director of the Department of <del>Public Health and Environmental Control</del>;</p> <p>(4) the Director of the Department of Mental Health;</p> <p>(5) the Director of the Department of Disabilities and Special Needs;</p> <p>(6) the Director of the Division on Aging;</p> <p>(7) the Director of the Department of Health and Human Services;</p> <p>(8) the Chairman of the Joint Legislative Health Care Planning and Oversight Committee, or his designee;</p> <p>(9) the Chairman of the Joint Legislative Committee on Aging, or his designee;</p> <p>(10) one representative of each of the following groups appointed by the Lieutenant Governor annually:</p> <p>(a) long term care providers;</p> <p>(b) long term care consumers;</p> <p>(c) persons in the insurance industry developing or marketing a long term care product.</p>
166.	43-25-30(7)	Commission for the Blind	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(7) Cooperate with the State Department of <del>Public Health and Environmental Control</del> in the adoption and enforcement of proper preventive measures.

167.	43-33-350(4)	Protection and Advocacy for People with Disabilities, Inc.	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> The system has the following powers and duties:  (1) It shall protect and advocate for the rights of all persons with a developmental or other disability, including the requirements of Section 113 of Public Law 94-103, Section 105 of Public Law 99-319, and Section 112 of Public Law 98-221, all as amended, and for the rights of other persons with disabilities by pursuing legal, administrative, and other appropriate remedies to insure the protection of the rights of these persons.  (2) It may investigate complaints by or on behalf of any person with a developmental or other disability.  (3) It may establish a priority for the delivery of protection and advocacy services according to the type, severity, and number of disabilities of the person making a complaint or on whose behalf a complaint has been made.  (4) It may conduct team advocacy inspections of a facility providing residence to a person with a developmental or other disability. Inspections must be completed by the system's staff and trained volunteers. Team advocacy inspections are unannounced visits to review the living conditions of a residential facility, including the plans of care for individuals in a residential care facility and a community mental health center day program. Only the coordinator of the team advocacy project or the coordinator's designee is authorized to perform reviews of plans of care. The system shall prepare a report based on the inspection which must be submitted to the South Carolina Department of <del>Public Health and Environmental Control</del> and State Department of Mental Health.  (5) It shall administer the Client Assistance Program, as established pursuant to 29 U.S.C. Section 732.</p>
168.	43-35-310 (A)(2)(d)	Adult Protection Coordinating Council	<p><b>Recommendation + Explanation:</b> Amend Department name and Commissioner name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) There is created the Adult Protection Coordinating Council under the auspices of the South Carolina Department of Health and Human Services and is comprised of:  (1) one member from the institutional care service provision system who is a consumer or a family member of a consumer of that system and one member from the home and community-based service provision system who is a consumer or a</p>

			<p>family member of a consumer of that system, both of whom must be appointed by the council for terms of two years; and</p> <p>(2) these members who shall serve ex officio:</p> <ul style="list-style-type: none"> <li>(a) Attorney General or a designee;</li> <li>(b) Office on Aging, Executive Director, or a designee;</li> <li>(c) Criminal Justice Academy, Executive Director, or a designee;</li> <li>(d) South Carolina Department of <u>Public Health and Environmental Control</u>, <del>Commissioner</del> <u>Director</u>, or a designee;</li> <li>(e) State Department of Mental Health, Director, or a designee;</li> <li>(f) South Carolina Department of Disabilities and Special Needs, Director, or a designee;</li> <li>(g) Adult Protective Services Program, Director, or a designee;</li> <li>(h) South Carolina Department of Health and Human Services, Executive Director, or a designee;</li> <li>(i) Police Chiefs' Association, President, or a designee;</li> <li>(j) South Carolina Commission on Prosecution Coordination, Executive Director, or a designee;</li> <li>(k) Protection and Advocacy for People with Disabilities, Inc., Executive Director, or a designee;</li> <li>(l) South Carolina Sheriff's Association, Executive Director, or a designee;</li> <li>(m) South Carolina Law Enforcement Division, Chief, or a designee;</li> <li>(n) Long Term Care Ombudsman or a designee;</li> <li>(o) South Carolina Medical Association, Executive Director, or a designee;</li> <li>(p) South Carolina Health Care Association, Executive Director, or a designee;</li> <li>(q) South Carolina Home Care Association, Executive Director, or a designee;</li> <li>(r) South Carolina Department of Labor, Licensing and Regulation, Director, or a designee;</li> <li>(s) executive director or president of a provider association for home and community-based services selected by the members of the council for terms of two years, or a designee;</li> <li>(t) South Carolina Court Administration, Executive Director, or a designee;</li> <li>(u) executive director or president of a residential care facility organization selected by the members of council for terms of two years, or a designee.</li> </ul>
<b>169.</b>	<b>43-35-560(A)(2)</b>	<b>Vulnerable Adult Fatalities</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Commissioner name and Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p>

			<p>(A) There is created a multidisciplinary Vulnerable Adults Fatalities Review Committee composed of:</p> <ul style="list-style-type: none"> <li>(1) the Director of the South Carolina Department of Social Services;</li> <li>(2) the <del>Commissioner</del>Director of the South Carolina Department of <u>Public Health and Environmental Control</u>;</li> <li>(3) the Executive Director of the South Carolina Criminal Justice Academy;</li> <li>(4) the Chief of the South Carolina Law Enforcement Division;</li> <li>(5) the Director of the South Carolina Department of Alcohol and Other Drug Abuse Services;</li> <li>(6) the Director of the South Carolina Department of Mental Health;</li> <li>(7) the Director of the South Carolina Department of Disabilities and Special Needs;</li> <li>(8) the Director of the Office on Aging;</li> <li>(9) the Executive Director of Protection and Advocacy for People with Disabilities, Inc.;</li> <li>(10) two representatives from two county boards of disabilities and special needs established pursuant to Section 44-20-375;</li> <li>(11) a county coroner or medical examiner;</li> <li>(12) an attorney with experience in prosecuting crimes against vulnerable adults;</li> <li>(13) a physician with experience in treating vulnerable adults, appointed from recommendations submitted by the South Carolina Medical Association;</li> <li>(14) a solicitor;</li> <li>(15) a forensic pathologist; and</li> <li>(16) two members of the public at large, one of whom must represent a private nonprofit community residential care facility and one of whom must represent a public for profit community residential care facility, both of which must provide services to vulnerable adults.</li> </ul>
170.	44-1-30	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Repeal to conform with Act 60.
			<b>Suggested Revision:</b>
			The Board shall meet at least quarterly and the members shall receive such compensation for their services as is provided by law for members of boards and commissions. <del>Repealed.</del>
171.	44-1-40	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Repeal to conform with Act 60.
			<b>Suggested Revision:</b>

			<p>The board shall select a director for the department who shall serve a four-year term and who shall have such authority and perform such duties as may be directed by the board. The salary of the director shall be fixed by the board, upon approval of the State Fiscal Accountability Authority. For any vacancy occurring in the office of director on or after February 1, 1995, the board, after consultation with and approval by the Governor, must submit the name of its appointee to the Senate for the Senate's advice and consent. On or after February 1, 1995, the board may remove a director only after consultation with and approval by the Governor. <u>Repealed.</u></p>
172.	44-1-50	Department of Health and Environmental Control	<p><b>Recommendation + Explanation:</b>  Repeal to conform with Act 60.</p> <p><b>Suggested Revision:</b>  <del>The board may conduct such administrative reviews as may be required by law, as considered necessary by the board to render a final agency determination in matters involving the issuance, denial, renewal or revocation of permits, licenses, or other actions of the department which may give rise to a contested case pursuant to Chapter 23 of Title 1.</del>  The board shall provide for the administrative organization of the department and shall consolidate and merge existing duties, functions, and officers of the former agencies as may be necessary for economic and efficient administration. Provided, however, that the board may appoint such advisory boards as it considers necessary to carry out the functions of Sections 44-1-10 to 44-1-70, and there shall be provided a compensation for their services as provided by the law for members of boards and commissions. <u>Repealed.</u></p>
173.	44-1-60 (B)-(J)	Department of Health and Environmental Control	<p><b>Recommendation + Explanation:</b>  S.C. Code Section 44-1-60(A) was amended as part of Act 60.</p> <p>DHEC has recommended statutory changes to subsections (B) through (J) as shown below, including deletion of Board references to conform with Act 60; clarifying notification and decision requirements; recodifying remaining subsection numbers, and other suggested edits.</p> <p><b>Suggested Revision:</b>  (B) The department <del>staff</del> shall comply with all requirements for public notice, receipt of public comments and public hearings before making a department decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.</p>



			<p><del>(C) The initial decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other action of the department shall be a staff decision.</del></p> <p><del>(D) In making a staff decision on any permit, license, certification or other approval, the department staff shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition such permit, license, certification or other approval. At the time that such staff a decision is made, the department shall issue a department written decision, and shall base its department decision on the administrative record which shall consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification or other approval. The administrative record may also include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such those materials are specifically referred to in the department decision. The department is not required to issue a written decision need not be issued for issuance of routine permits for which no the department has not received adverse public comments have been received.</del></p> <p><del>(E)(1) Notice of a department decision must be sent</del>The department shall send <u>notice of a decision</u> by certified mail, returned receipt requested to the applicant, permittee, licensee, <u>certificate holder</u>, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of <del>staff</del> decisions for which a department decision is not required pursuant to subsection <del>(D)</del> must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, <u>certificate holder</u>, and affected persons who have requested in writing to be notified.</p> <p><del>(2) The staff decision becomes the final agency decision fifteen calendar days after notice of the staff decision has been mailed to the applicant, unless a written request for final review accompanied by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person.</del></p> <p><del>(3) The filing fee must be in the amount of one hundred dollars unless the department establishes a fee schedule by regulation after complying with the requirements of Article 1, Chapter 23, Title 1. This fee must be retained by the department in order to help defray the costs of the proceedings and legal expenses.</del></p> <p><del>(F) No later than sixty calendar days after the date of receipt of a request for final review, a final review conference must be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. If the board</del></p>
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			<p>declines in writing to schedule a final review conference or if a final review conference is not conducted within sixty calendar days, the staff decision becomes the final agency decision, and an applicant, permittee, licensee, or affected person requests pursuant to subsection (G) a contested case hearing before the Administrative Law Court. The department shall set the place, date, and time for the conference; give the applicant and affected persons at least ten calendar days' written notice of the conference; and advise the applicant that evidence may be presented at the conference. The final review conference must be held as follows:</p> <p>(1) Final review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the moving party. During the course of the final review conference, the staff must explain the staff decision and the materials relied upon in the administrative record to support the staff decision. The applicant or affected party shall state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. The staff may rebut information and arguments presented by the applicant or affected party and the applicant or affected party may rebut information and arguments presented by the staff. Any final review conference officer may request additional information and may question the applicant or affected party, the staff, and anyone else providing information at the conference.</p> <p>(2) After the final review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue a written final agency decision based upon the evidence presented. The decision may be announced orally at the conclusion of the final review conference or it may be reserved for consideration. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court. In either event, the written decision must be mailed to the parties no later than thirty calendar days after the date of the final review conference. Within thirty calendar days after the receipt/mailling of the decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the final agency department decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.</p> <p>(3) Prior to the initiation of the final review conference, an applicant, permittee, licensee, or affected person must be notified of their right to request a transcript of the proceedings of the final review conference. If a transcript is requested, the</p>
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			<p>applicant, permittee, licensee, or affected person making the request is responsible for all costs.</p> <p>(G) An applicant, permittee, licensee, or affected person may file a request with the Administrative Law Court for a contested case hearing within thirty calendar days after:</p> <ul style="list-style-type: none"> <li>–(1) notice is mailed to the applicant, permittee, licensee, and affected persons that the board declined to hold a final review conference; or</li> <li>–(2) the sixty calendar day deadline to hold the final review conference lapses and no conference has been held; or</li> <li>–(3) the final agency decision resulting from the final review conference is received by the parties.</li> </ul> <p>(H) Applicants, permittees, licensees, and affected persons are encouraged to engage in mediation during the final review process.</p> <p>(I) The department may promulgate regulations providing for procedures for final reviews.</p> <p>(JE) Any statutory deadlines applicable to permitting and licensing programs administered by the department must be extended to all for this final review process. If any deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.</p>
174.	44-1-70	Department of Health and Environmental Control	<p><b>Recommendation + Explanation:</b></p> <p>Amend "Board" to "Department of Public Health" to conform with Act 60.</p> <p>Also, DHEC has identified this statute to be in conflict with the Administrative Procedures Act. DHEC has recommended that the statute be amended so as to clarify that all rules and regulations must be promulgated in accordance with the APA.</p> <p><b>Suggested Revision:</b></p> <p>All rules and regulations promulgated by the <del>Board</del> Department of Public Health shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General Assembly following their promulgation promulgated in compliance with the Administrative Procedures Act.</p>

175.	44-1-80(A), (B)(1), (B)(3) and (B)(4)	Department of Health and Environmental Control	<p><b>Recommendation + Explanation:</b> Delete Board reference and amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) The <del>Board of Health and Environmental Control</del><u>Department of Public Health</u> or its designated agents must investigate the reported causes of communicable or epidemic disease and must enforce or prescribe these preventive measures as may be needed to suppress or prevent the spread of these diseases by proper quarantine or other measures of prevention, as may be necessary to protect the citizens of the State. The <del>Board of Health and Environmental Control</del><u>Department of Public Health</u> or its designated agents shall declare, when the facts justify it, any place as infected and, in case of hydrophobia or other diseases transmitted from animals to man, must declare such animal or animals quarantined, and must place all such restrictions upon ingress and egress of persons or animals therefrom as may be, in its judgment, necessary to prevent the spread of disease from the infected locality.</p> <p>(B)(1) Whenever the <del>board</del><u>department</u> learns of a case of a reportable illness or health condition, an unusual cluster, or a suspicious event that it reasonably believes has the potential to cause a public health emergency, as defined in Section 44-4-130, it is authorized to notify the appropriate public safety authority, tribal authorities, and federal health and public safety authorities.</p> <p>(2) The sharing of information on reportable illnesses, health conditions, unusual clusters, or suspicious events between authorized personnel must be restricted to information necessary for the treatment, control, investigation, and prevention of a public health emergency. Restriction of access to this information to those authorized personnel for the protection of public health ensures compliance with all state and federal health information privacy laws.</p> <p>(3) The <del>board</del><u>department</u> and its agents must have full access to medical records and nonmedical records when necessary to investigate the causes, character, and means of preventing the spread of a qualifying health event or public health emergency. For purposes of this item, "nonmedical records" mean records of entities, including businesses, health facilities, and pharmacies, which are needed to adequately identify and locate persons believed to have been potentially exposed or known to have been infected with a contagious disease.</p> <p>(4) An order of the <del>board</del><u>department</u> given to effectuate the purposes of this subsection is enforceable immediately by the public safety authority.</p> <p>(5) For purposes of this subsection, the terms qualifying health event, public health</p>
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			emergency, and public safety authority have the same meanings as provided in Section 44-4-130.
176.	44-1-90	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Delete Board references and amend to "Department" and "Department of Public Health."
			DHEC has recommended that since subsection (d) sets forth responsibilities that are handled by DHEC's environmental programs, subsection (d) should be deleted from section 44-1-90, and these same responsibilities should be delegated to the Department of Environmental Services by adding a new statute to Title 48 of the South Carolina Code. (See item # 513 of this report for DHEC's proposed new statute.)
			<b>Suggested Revision:</b>
			SECTION 44-1-90. <del>Board</del> <del>Department</del> shall advise municipal and county authorities. The <del>State Board of Health and Environmental Control</del> <del>Department of Public Health</del> or its designated agents, when it is deemed necessary by the municipal officers of any town or city or the governing body of any county, may (a) visit cities, towns, villages or localities where disease is prevalent or threatened, (b) investigate and advise with the local authorities or persons as to such measures as may tend to prevent the spread of disease or to remove or abate causes that may tend to cause or intensify disease, <u>and</u> (c) advise, when practicable or possible, as to measures of sanitation or hygiene <del>and (d) investigate and advise as to all matters respecting water supply, sewage, drainage, ventilation, heating, lighting or other measures connected with public sanitation or safety.</del>
177.	44-1-100	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			All sheriffs and constables in the several counties of this State and police officers and health officers of cities and towns must aid and assist the Director of the Department of <del>Public Health and Environmental Control</del> and must carry out and obey his orders, or those of the Department of <del>Public Health and Environmental Control</del> , to enforce and carry out any and all restrictive measures and quarantine regulations that may be prescribed. During a state of public health emergency, as defined in Section 44-4-130, the director may request assistance in enforcing orders issued pursuant to this chapter and pursuant to Chapter 4, Title 44, from the public safety authority, as

			defined in Section 44-4-130, other state law enforcement authorities, and local law enforcement. The public safety authority may request assistance from the South Carolina National Guard in enforcing orders made pursuant to this chapter or pursuant to Chapter 4, Title 44.
178.	44-1-110	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>The Department of <del>Public Health and Environmental Control</del> is invested with all the rights and charged with all the duties pertaining to organizations of like character and is the sole advisor of the State in all questions involving the protection of the public health within its limits.</p> <p>It shall, through its representatives, investigate the causes, character, and means of preventing the epidemic and endemic diseases as the State is liable to suffer from and the influence of climate, location, and occupations, habits, drainage, scavenging, water supply, heating, and ventilation. It shall have, upon request, full access to the medical records, tumor registries, and other special disease record systems maintained by physicians, hospitals, and other health facilities as necessary to carry out its investigation of these diseases. No physician, hospital, or health facility, or person in charge of these records is liable in any action-at-law for permitting the examination or review. Patient-identifying information elicited from these records and registries must be kept confidential by the department and it is exempt from the provisions of Chapter 4 of Title 30. It shall supervise and control the quarantine system of the State. It may establish quarantine both by land and sea.</p>
179.	44-1-130	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>The Department of <del>Public Health and Environmental Control</del> may divide the State into health districts and establish in these districts advisory boards of health which shall consist of representatives from each county in the district. Boards of health now existing in the districts shall have representation on the district advisory board. Counties not having local boards of health shall be represented by individuals appointed by the county legislative delegation. The number of members of a district advisory board shall be determined by the Department with due consideration to the population and community needs of the district. District advisory boards of health shall be subject to the supervisory and advisory control of the Department. District</p>

			<p>advisory boards are charged with the duty of advising the district medical director or administrator in all matters of sanitary interest and scientific importance bearing upon the protection of the public health.</p> <p>The district medical director or administrator shall be secretary of the advisory board and the district advisory board shall elect annually from its membership a chairman.</p>
180.	44-1-140(A)	Department of Health and Environmental Control	<p><b>Recommendation + Explanation:</b></p> <p>DHEC has recommended amending (A)(2) to retain sanitation and regulation of food services in healthcare facilities, as amended by Act 60 .</p> <p>DHEC has recommended deleting (A)(3)-(4), as DHEC suggests these subitems should be in 48-6-60, as added by Act 60. DHEC recommends adding new (A)(3) from 48-6-60.</p> <p>Recommend recodify remaining items.</p>
			<p><b>Suggested Revision:</b></p>
			<p>(A) The Department of Public Health may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:</p> <p>(1) the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State and all convict camps, penitentiaries, jails, hotels, schools, and other places used by or open to the public;</p> <p>(2) the sanitation <u>and regulation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, and all other places or establishments providing eating or drinking facilities and all other places known as private nursing homes or places of similar nature, operated for gain or profit</u> <u>food services provided for patients and facility residents at health care facilities or other facilities regulated by the Department of Public Health pursuant to the State Health Facility Licensure Act;</u></p> <p><del>–(3) the safety and sanitation in the harvesting, storing, processing, handling and transportation of mollusks, fin fish, and crustaceans;</del></p> <p><del>–(4) the safety, safe operation and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs;</del></p> <p><u>(3) the control of disease-bearing insects, including the impounding of waters;</u></p> <p><del>(5) the care, segregation, and isolation of persons having or suspected of having any communicable, contagious, or infectious disease; and</del></p> <p><del>(6) the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease.</del></p>

181.	44-1-151	Department of Health and Environmental Control	<p><b>Recommendation + Explanation:</b></p> <p>Delete Department of Health and Environmental Control name to conform with Act 60. Insert name of department as Department of Environmental Services to be consistent with recommendations in this report to amend 48-6-60 (see item # 512 of this report) so that the shellfish sanitation program is transferred from DHEC to the Department of Environmental Services rather than to the Department of Public Health.</p> <p><b>Suggested Revision:</b></p> <p>Notwithstanding any other provision of law, all shellfish involved in any violation of law, including any regulation, regarding shellfish may be confiscated and disposed of at the discretion of the arresting officer. Any person convicted of a second offense of harvesting shellfish in any polluted area shall, upon such conviction, be fined not less than two hundred dollars and not more than five hundred dollars or imprisoned for not less than thirty days and not more than sixty days. Any person convicted of a third or subsequent offense of harvesting shellfish in any polluted area shall, upon such conviction, be fined not less than five hundred dollars and not more than one thousand or imprisoned for not less than sixty days and not more than ninety days. All equipment, including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a first offense of harvesting shellfish in any polluted area may be impounded at the discretion of the arresting officer. The equipment impounded shall be delivered to the sheriff of the county in which the arrest was made and shall be retained by the sheriff. Such equipment may not be returned to the owner until the case has been finally disposed of. All equipment, including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a second, third, or subsequent offense of harvesting shellfish in any polluted area shall be confiscated. All such confiscated equipment shall be sold at auction by the sheriff of the county in which such second, third, or subsequent offense took place and by a representative of the State Department of <del>Health and Environmental Control</del> <u>Services</u>, except for weapons, which, following confiscation, shall be disposed of in the manner set forth in Sections 16-23-50, 16-23-460, and 16-23-500.</p>
182.	44-1-152		<p><b>Recommendation + Explanation:</b></p>



		<p><b>Department of Health and Environmental Control</b></p>	<p>Delete Department of Health and Environmental Control name to conform with Act 60. Insert name of department as Department of Environmental Services to be consistent with recommendations in this report to amend 48-6-60 (see item # 512 of this report) so that the shellfish sanitation program is transferred from DHEC to the Department of Environmental Services rather than to the Department of Public Health.</p> <p><b>Suggested Revision:</b></p> <p>Notwithstanding any other provision of law, all revenue from any fine or any forfeiture of bond for any violation of any shellfish law or regulation provided by this title must be deposited monthly with the treasurer of the county in which the arrest for such violation was made. One-third of such revenue must be retained by the county treasurer to be used for the general operating needs of the county pursuant to the direction of the governing body of the county. Two-thirds of such revenue must be remitted quarterly to the state Department of <del>Health and Environmental Control</del> <u>Environmental Services</u> of which one-half is to be used in enforcing shellfish laws and regulations and one-half of such revenue must be remitted quarterly to the state's general fund. All monies derived from auction sales of confiscated equipment pursuant to Section 44-1-151 must be deposited, retained, remitted, and used in the same manner as provided in this section for all revenue derived from any fine or any violation of any shellfish law or regulation. A report of fines for forfeitures of bonds regarding shellfish violations must be sent to the state Department of <del>Health and Environmental Control</del> <u>Environmental Services</u> monthly by each magistrate and clerk of court in this State. A report of monies derived from auction of sales of confiscated equipment must be sent to the state Department of <del>Health and Environmental Control</del> <u>Environmental Services</u> monthly by each sheriff.</p>
<p>183.</p>	<p>44-1-165(A)</p>	<p><b>Department of Health and Environmental Control</b></p>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p>Reference to DHEC Board in item (E) will not be amended for historical purposes.</p> <p><b>Suggested Revision:</b></p> <p>(A) There is established within the Department of <del>Health and Environmental Control</del> <u>Environmental Services</u> the Expedited Review Program to provide an expedited process for permit application review. Participation in this program is voluntary and the program must be supported by expedited review fees promulgated in regulation pursuant to subsection (B)(1). The department shall determine the project applications to review, and the process may be applied to any one or all of the permit programs</p>

			<p>administered by the department.</p> <p>(B)(1) Before January 1, 2009, the department shall promulgate regulations necessary to carry out the provisions of this section. The regulations shall include, but are not limited to, definitions of "completeness" for applications submitted, consideration of joint federal- state permitting activities, standards for applications submitted that advance environmental protection, and expedited process application review fees.</p> <p>(2) Regulations promulgated pursuant to this section must not alter public notice requirements for any permits, certifications, or licenses issued by the department.</p> <p>(C) Until such time as regulations are promulgated pursuant to subsection (B), the department shall conduct a pilot expedited review program to determine the most environmentally sound, cost efficient, and economically beneficial process for implementation of a statewide expedited review program. The department shall determine which permit programs, or subcomponents of a program, to include in the pilot program and also may establish pilot program expedited process application fees.</p> <p>(D) There is created the Expedited Review Fund that is separate and distinct from the general fund of the State and all other funds. Fees established in regulation pursuant to subsection (B)(1) and assessed pursuant to subsection (C) must be credited to the fund and used for the costs of implementing the expedited review program. Interest accruing to the fund must be retained by the fund and used for the same purposes. Revenue in the fund not expended during a fiscal year, including fees generated pursuant to subsection (C), must be carried forward to the succeeding fiscal year and must be used for the same purposes.</p> <p>(E) No later than January 1, 2008, the department shall report to the Board of Health and Environmental Control the department's findings on the implementation of the pilot expedited review program provided for in subsection (C).</p>
184.	44-1-170	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <u>Public Health and Environmental Control</u> may direct and supervise the action of the local boards of health in incorporated cities and towns and in all townships in all matters pertaining to such local boards.
185.	44-1-180	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			<p>The Department of <del>Public Health and Environmental Control</del> may establish charges for maintenance and medical care for all persons served in State health centers and other health facilities under the jurisdiction of the Department and by personnel of the Department and of the health units under its jurisdiction in homes and any other places where health services are needed. The terms "medical care" and "health services" include the services of physicians, dentists, optometrists, nurses, sanitarians, physical therapists, medical social workers, occupational therapists, health aides, speech therapists, X-ray technologists, dietitians, nutritionists, laboratory technicians, and other professional and subprofessional health workers. The charges, which may be adjusted from time to time, shall be reasonable and based on the total costs of the services rendered, including operating costs, depreciation costs, and all other elements of costs.</p>
186.	44-1-190	Department of Health and Environmental Control	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p>
			<p>The Department of <del>Public Health and Environmental Control</del> shall make such investigations as it deems necessary to determine which persons or which of the parents, guardians, trustees, committees or other persons or agencies legally responsible therefor are financially able to pay the expenses of the care and treatment, and may contract with any person or agency for the care and treatment of any person to the extent permitted by the resources available to the Department. The Department may require any county or State agency to furnish information which would be helpful to it in making the investigations. In arriving at the amount to be charged, the Department shall have due regard for the financial condition and estate of the person, his present and future needs and the present and future needs of his lawful dependents, and whenever considered necessary to protect him or his dependents, may agree to accept a sum less than the actual cost of services. No person shall be deprived of available health services solely because of inability to pay. No fees shall be charged for services which in the judgment of the Department should be made freely available in order to protect and promote the public health.</p>
187.	44-1-200	Department of Health and Environmental Control	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60, and correct Department capitalization for consistency within statute.</p>
			<p><b>Suggested Revision:</b></p>

			The Department of <del>Public Health and Environmental Control</del> may provide home health services to those persons living in areas of the State in which adequate home health services are not available and may charge fees for such services. Home health services shall include care of the ill and disabled rendered at home including, but not limited to, bedside care, treatment and rehabilitation services. In order that it may provide such services, the <del>dDepartment</del> may employ the necessary personnel, including nurses, physical therapists, speech therapists, occupational therapists, medical social workers, home health aides, nutritionists, and supervisory personnel, and may purchase equipment and materials necessary to maintain an effective program. The Department shall, wherever possible, assist and advise nonprofit agencies or associations in the development of home health services programs and may enter into agreements with such agencies or associations specifying the type of assistance and advice it will provide.
188.	44-1-215	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Notwithstanding Section 13-7-85, the Department of <del>Health and Environmental Control</del> <del>Services</del> may retain all funds generated in excess of those funds remitted to the general fund in fiscal year 2000-2001 from fees listed in Regulation 61-64 Title B.
189.	44-1-220	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			All skilled and intermediate care nursing facilities licensed by the Department of <del>Public Health and Environmental Control</del> shall be required to furnish an item-by-item billing for all charges to the patient or the person paying such bill, upon request by such patient or person. Items which remain unpaid are not required to be itemized again. Such requests for itemized billing shall remain in effect until further notification by the patient or person paying such bill. Provided, that the provision herein shall not apply to the contracted amount of a state or federal agency. Any amount above such contract shall be itemized as provided herein.
190.	44-1-230	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			The Department of <del>Public Health and Environmental Control</del> shall give consideration to any benefits available to an individual, including private, group or other insurance benefits, to meet, in whole or in part, the cost of any medical or health services. Such benefits shall be utilized insofar as possible; provided, however, the availability of such benefits shall not be the sole basis for determining eligibility for program services of the department. Insurance carriers shall not deny payment of benefits otherwise available to the insured solely on the basis that an individual has applied for, or has been deemed eligible to receive, or has received, services, or on the basis that payments have been made for services by the department.
191.	44-1-280	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Delete Board reference and amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The <del>Board and Department of Public Health and Environmental Control</del> in establishing priorities and funding for programs and services which impact on children and families during the first years of a child's life, within the powers and duties granted to it, must support, as appropriate, the South Carolina First Steps to School Readiness initiative, as established in Title 59, Chapter 152, at the state and local levels.
192.	44-1-300	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend to Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			The <del>department</del> Department of Agriculture shall not use any funds appropriated or authorized to the <del>department</del> Department of Agriculture to enforce Regulation 61-25 to the extent that its enforcement would prohibit a church or charitable organization from preparing and serving food to the public on their own premises at not more than one function a month or not more than twelve functions a year.
193.	44-1-310 (A) and (J)	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The Department of <del>Public Health and Environmental Control</del> shall establish a Maternal Morbidity and Mortality Review Committee to review maternal deaths and to develop strategies for the prevention of maternal deaths. The committee must be multidisciplinary and composed of members deemed appropriate by the department. The committee also may review severe maternal morbidity. The

			<p>department may contract with an external organization to assist in collecting, analyzing, and disseminating maternal mortality information, organizing and convening meetings of the committee, and performing other tasks as may be incident to these activities, including providing the necessary data, information, and resources to ensure successful completion of the ongoing review required by this section.</p> <p>(J) Reports of aggregated nonindividually identifiable data for the previous calendar year must be compiled and disseminated by March first of the following year in an effort to further study the causes and problems associated with maternal deaths. Reports must be distributed to the General Assembly, the Director of the Department of <del>Public Health and Environmental Control</del>, health care providers and facilities, key governmental agencies, and others necessary to reduce the maternal death rate.</p>
194.	44-1-315	Department of Health and Environmental Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) For purposes of the section, "impacted location" means any facility issued or otherwise subject to a permit, license, or approval from the North Carolina Department of Environment and Natural Resources that has now been determined to be located within the jurisdiction of the South Carolina Department of <del>Health and Environmental Control</del><u>Services</u> as a result of the amendments to Section 1-1-10, effective January 1, 2017.</p> <p>(B) Notwithstanding any other provision of law, the South Carolina Department of <del>Health and Environmental Control</del><u>Services</u>, in issuing any environmental permit, license, or approval to an impacted location shall provide a schedule of compliance that allows the permittee a reasonable period of time to be no greater than five years to come into compliance with any South Carolina environmental rule, regulation, or standard established by the department or by law that has no corresponding rule, regulation, or standard under North Carolina law or regulation, or is more stringent than the corresponding rule, regulation, or standard established under North Carolina law or regulation. The department may include increments of progress applicable in each year of the schedule established under this subsection, and may shorten the period of compliance as necessary to prevent an imminent threat to the public health and environment. The department may extend a permittee's compliance schedule under this section beyond five years upon written</p>

			application by the permittee only if the department determines that circumstances reasonably require such an extension, and the extension of time would pose no threat to public health or the environment.
195.	44-2-20 (3) and (5)	State Underground Petroleum Environmental Response Bank Act of 1988	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			When used in this chapter, the listed terms have the following meanings unless the context clearly requires otherwise: (1) "Affiliate" means persons who are affiliates to each other if, directly or indirectly, either one controls or has the power to control the other or a third person controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interest among family members, shared facilities and equipment, common use of employees, or a business entity organized following the suspension, debarment, or exclusion of a person, under applicable regulation, where the person has the same or similar management, ownership, or principal employees as the suspended, debarred, or excluded person. (2) "Bodily injury" means actual medically documented costs and medically documentable future costs of adverse health effects that have resulted from exposure to a release of petroleum or petroleum products from an underground storage tank. Bodily injury does not mean pain and suffering. (3) "Committed funds" means that portion of the Superb Account reserved as a result of action by the Department of <del>Health and Environmental Control</del> <u>Services</u> to approve costs for planned site rehabilitation activities. (4) "Compensation" means billing the Superb Account for costs associated with site rehabilitation after receiving prior approval from the department and in accordance with regulations promulgated pursuant to this chapter and criteria established by the department as authorized by this chapter. All compensation is considered committed funds. (5) "Department" means the Department of <del>Health and Environmental Control</del> <u>Services</u> .
196.	44-2-40(A)	State Underground Petroleum Environmental Response Bank Act of 1988	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is created within the state treasury two separate and distinct accounts which are to be administered by the Department of <del>Health and Environmental</del>

			<p><del>Control Services</del>. The "Superb Account" and the "Superb Financial Responsibility Fund" are created to assist owners and operators of underground storage tanks containing petroleum and petroleum products to the extent provided for in this chapter but not to relieve the owner or operator of any liability that cannot be satisfied by the provisions of this chapter.</p> <p>The Superb Account must be used for payment of usual, customary, and reasonable costs for site rehabilitation of releases from underground storage tanks containing petroleum or petroleum products.</p> <p>The Superb Financial Responsibility Fund must be used for compensating third parties for actual costs for bodily injury and property damage caused by accidental releases from underground storage tanks containing petroleum or petroleum products. The Superb Financial Responsibility Fund must not be used for reimbursing claims for punitive damages.</p> <p>Except for releases reported before July 1, 1994, sites where the underground storage tank, at the time of discovery and reporting of the release to the department, is not in substantial compliance with regulations promulgated pursuant to Section 44-2-50(A), are not eligible for compensation from the Superb Account, and no third party claims resulting from that release may be paid from the Superb Financial Responsibility Fund.</p>
197.	44-2-60(C)	State Underground Petroleum Environmental Response Bank Act of 1988	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (C) In addition to the inspection fee of one-fourth cent a gallon imposed pursuant to Section 39-41-120, an environmental impact fee of one-half cent a gallon is imposed which must be used by the department for the purposes of carrying out the provisions of this chapter. This one-half cent a gallon environmental impact fee must be paid and collected in the same manner that the one-fourth cent a gallon inspection fee is paid and collected except that the monies generated from these environmental impact fees must be transmitted by the Department of Agriculture to the Department of Health and Environmental <del>Control Services</del> which shall deposit the fees as provided for in Section 44-2-40.</p>
198.	44-2-130(E)(1)	State Underground Petroleum Environmental	<p><b>Recommendation + Explanation:</b> Amend Board reference to conform with Act 60.</p> <p><b>Suggested Revision:</b></p>



		<b>Response Bank Act of 1988</b>	(E)(1) An owner or operator of an underground storage tank or his agent seeking to qualify for compensation from the Superb Account for site rehabilitation shall submit a written application to the department. The written application must be on a form specified by the department and include certification that site rehabilitation is necessary, the tanks at the site have been registered in compliance with applicable law and regulations, and all registration fees have been paid. The department shall accept certification that the release at the site is in need of rehabilitation if the certification is provided jointly by the owner or operator and a South Carolina registered professional geologist or engineer, and if the certification is supported with geotechnical data which reasonably justifies the claim. Upon final determination the department shall provide written notice to the applicant of its findings including detailed reasons for any denial. Any denial of an application must be appealable to the <del>Board of Health and Environmental Control</del> <u>South Carolina Administrative Law Court</u> . The department is exempt from this time frame for applications which are received within three months of the close of the grace period allowed in Section 44-2-110.
199.	44-2-150 (C) and (C)(10)	<b>State Underground Petroleum Environmental Response Bank Act of 1988</b>	<b>Recommendation + Explanation:</b>
			Amend Commissioner name and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) The committee shall consist of fourteen members, appointed by the <del>commissioner</del> <u>director</u> of the department as follows: (1) one member representing the general public; (2) two members representing environmental organizations; (3) one member representing the South Carolina Petroleum Council; (4) one member representing the South Carolina Petroleum Marketers Association; (5) one member representing the South Carolina Service Station Dealers Association; (6) one member representing the South Carolina Chamber of Commerce; (7) one member representing the South Carolina Bankers Association; (8) one member representing a business that specializes in the assessment or remediation, or both, of contamination resulting from leaking underground storage tanks; (9) one member representing the South Carolina Department of Insurance; (10) one member representing the Department of <del>Health and Environmental Control</del> <u>Services</u> ; (11) one member representing the State Department of Administration, Division of

			General Services; (12) one member representing the Municipal Association of South Carolina; and (13) one member representing the South Carolina Association of Counties.
200.	44-3-10	Municipal Boards of Health	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Municipal corporations of this State may establish and maintain a board of health which shall be authorized by the governing body of the municipality. The composition and method of selection of the board shall be within the discretion of the governing body of the municipality. The duties and powers of the board shall be designated by such governing body. However, the board and its employees shall function under the administration, control, guidance and direction of the Department of <del>Public Health and Environmental Control</del> . The rules and regulations or operational procedures of any board established hereunder shall not be in conflict with any rule, regulation, or procedure of the Department of <del>Public Health and Environmental Control</del> , and in the event of any conflict, the rules, regulations and procedures of the Department of <del>Public Health and Environmental Control</del> shall prevail. Municipal boards of health shall, when requested by the Department of <del>Public Health and Environmental Control</del> , make reports on their activities to the Department of <del>Public Health and Environmental Control</del> .
201.	44-3-110	Catawba Health District	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			There is hereby created the Catawba Health District consisting of Chester, Lancaster and York Counties. The Catawba Health District shall be a subdivision of the Department of <del>Public Health and Environmental Control</del> and shall be under the direction and control of the Department of <del>Public Health and Environmental Control</del> . The Director of the Department of <del>Public Health and Environmental Control</del> shall appoint, after consultation with the District Advisory Council, a district medical director whose duty it shall be to protect the public health in the district.
202.	44-3-130	Catawba Health District	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.

			<p><b>Suggested Revision:</b></p> <p>The Catawba Health District Advisory Council shall be subject to the supervisory and advisory control of the Department of <u>Public Health and Environmental Control</u>. The District Advisory Council shall be charged with the duty of advising the district medical director in all matters of sanitary interest and scientific importance bearing upon the protection of the public health.</p>
203.	44-3-150	Catawba Health District	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>The Chester County Health Department, the Lancaster County Health Department and the York County Health Department, including county health officers, medical directors and county administrators, shall be directly responsible to and under the direction and control of the district medical director who shall be responsible to and under the direction and control of the Director of the Department of <u>Public Health and Environmental Control</u>.</p>
204.	44-4-130 (F), (I), and (W)	Emergency Health Powers, General Provisions	<p><b>Recommendation + Explanation:</b></p> <p>Amend Commissioner name and Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>As used in the chapter:</p> <p>(A) "Biological agent" means a microorganism, virus, infectious substance, naturally occurring or bioengineered product, or other biological material that could cause death, disease, or other harm to a human, an animal, a plant, or another living organism.</p> <p>(B) "Bioterrorism" means the intentional use or threatened use of a biological agent to harm or endanger members of the public.</p> <p>(C) "Chemical agent" means a poisonous chemical agent that has the capacity to cause death, disease, or other harm to a human, an animal, a plant, or another living organism.</p> <p>(D) "Chemical terrorism" means the intentional use or threatened use of a chemical agent to harm or endanger members of the public.</p> <p>(E) "Chain of custody" means the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition of the specimens and providing for accountability at each stage of collecting, handling, testing, storing, and transporting the specimens and reporting test results.</p> <p>(F) "<del>Commissioner</del><u>Director</u>" means the <del>Commissioner</del><u>Director</u> of the Department of</p>

			<p><del>Public Health and Environmental Control.</del></p> <p>(G) "Contagious disease" is an infectious disease that can be transmitted from person to person, animal to person, or insect to person.</p> <p>(H) "Coroners, medical examiners, and funeral directors" have the same meanings as provided in Sections 17-5-5 and 40-19-10, respectively.</p> <p>(I) "<del>DHECDPH</del>" means the Department of <u>Public Health and Environmental Control</u> or any person authorized to act on behalf of the Department of <u>Public Health and Environmental Control</u>.</p> <p>(J) "Facility" means any real property, building, structure, or other improvement to real property or any motor vehicle, rolling stock, aircraft, watercraft, or other means of transportation.</p> <p>(K) "Health care facility" means any nonfederal institution, building, or agency or portion thereof, whether public or private (for-profit or nonprofit) that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. This includes, but is not limited to, ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices, hospitals, infirmaries, intermediate care facilities, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, skilled nursing facilities, and adult daycare centers. The term also includes, but is not limited to, the following related property when used for or in connection with the foregoing: laboratories, research facilities, pharmacies, laundry facilities, health personnel training and lodging facilities, and patient, guest, and health personnel food service facilities, and offices and office buildings for persons engaged in health care professions or services.</p> <p>(L) "Health care provider" means any person or entity who provides health care services including, but not limited to, hospitals, medical clinics and offices, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, firefighters who provide emergency medical care, emergency medical or laboratory technicians, and ambulance and emergency medical workers. This includes out-of-state medical laboratories, provided that such laboratories have agreed to the reporting requirements of South Carolina. Results must be reported by the laboratory that performs the test, but an in-state laboratory that sends specimens to an out-of-state laboratory is also responsible for reporting results.</p> <p>(M) "Infectious disease" is a disease caused by a living organism or virus. An infectious disease may, or may not, be transmissible from person to person, animal to person, or insect to person.</p>
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205.	44-4-300	Special Powers During State of Public Health Emergency: Control of Property	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>After the declaration of a state of public health emergency, <del>DHEC</del>DPH may exercise, in coordination with state agencies, local governments, and other organizations responsible for implementation of the emergency support functions in the State Emergency Operations Plan for handling dangerous facilities and materials, for such period as the state of public health emergency exists, the following powers over dangerous facilities or materials:</p> <p>(1) to close, direct and compel the evacuation of, or to decontaminate or cause to be decontaminated, any facility of which there is reasonable cause to believe that it may endanger the public health; and</p> <p>(2) to decontaminate or cause to be decontaminated, any material of which there is reasonable cause to believe that it may endanger the public health.</p>
206.	44-4-310	Special Powers During State of Public Health Emergency: Control of Property	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p><del>DHEC</del>DPH, in coordination with the guidelines of the State Emergency Operations Plan, may, for such period as the state of public health emergency exists and as may be reasonable and necessary for emergency response, require a health care facility to provide services or the use of its facility if the services are reasonable and necessary to respond to the public health emergency as a condition of licensure,</p>

			authorization, or the ability to continue doing business in the State as a health care facility. When DHECDPH needs the use or services of the facility to isolate or quarantine individuals during a public health emergency, the management and supervision of the health care facility must be coordinated with DHECDPH to ensure protection of existing patients and compliance with the terms of this act.
207.	44-4-320 (A), (A)(3), (B), and (D)	Special Powers During State of Public Health Emergency: Control of Property	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) DHECDPH must coordinate with coroners, medical examiners, and funeral directors, for such period as the state of public health emergency exists, to exercise, in addition to existing powers, the following powers regarding the safe disposal of human remains: (1) to take possession or control of any human remains which cannot be safely handled otherwise; (2) to order the disposal of human remains of a person who has died of an infectious disease through burial or cremation within twenty-four hours after death; (3) to require any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of this State to accept any human remains or provide the use of its business or facility if these actions are reasonable and necessary for emergency response. When necessary during the period of time of the public health emergency, DHECDPH must coordinate with the business or facility on the management or supervision of the business or facility; and (4) to procure, by order or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of this State as may be reasonable and necessary for emergency response, with the right to take immediate possession thereof. (B) Where possible, existing provisions set forth in the State Emergency Operations Plan for the safe disposal of human remains must be used in a public health emergency. Where the State Emergency Operations Plan is not sufficient to handle the safe disposal of human remains for a public health emergency, DHECDPH, in coordination with coroners, medical examiners, and funeral directors, must adopt and enforce measures to provide for the safe disposal of human remains as may be reasonable and necessary for emergency response. These measures may be related to procedures including, but not limited to, death certificates, autopsies, embalming, burial, cremation, interment, disinterment, transportation, and disposal of human

			<p>remains.</p> <p>(C) All human remains prior to disposal must be clearly labeled with all available information to identify the decedent and the circumstances of death. Any human remains of a deceased person with an infectious disease must have an external, clearly visible tag indicating that the human remains are infected and, if known, the infectious disease.</p> <p>(D) Every person in charge of disposing of any human remains must maintain a written record of each set of human remains and all available information to identify the decedent and the circumstances of death and disposal. If the human remains cannot be identified, prior to disposal, a qualified person must, to the extent possible, take fingerprints and one or more photographs of the human remains, and collect a DNA specimen. All information gathered under this paragraph must be promptly forwarded to <u>DHECDPH</u>. Identification must be handled by the agencies that have laboratories suitable for DNA identification.</p>
208.	44-4-330	Special Powers During State of Public Health Emergency: Control of Property	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) After the declaration of a public health emergency, <u>DHECDPH</u> may purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that it considers advisable in the interest of preparing for or controlling a public health emergency, without any additional legislative authorization.</p> <p>(B)(1) If a state of public health emergency results in a statewide or regional shortage or threatened shortage of any product covered by subsection (a), whether or not such product has been purchased by <u>DHECDPH</u>, <u>DHECDPH</u> may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the health, safety, and welfare of the people of the State. In making rationing or other supply and distribution decisions, <u>DHECDPH</u> must give preference to health care providers, disaster response personnel, and mortuary staff.</p> <p>(2) During a state of public health emergency, <u>DHECDPH</u> may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the State as may be reasonable and necessary for emergency response, with the right to take immediate possession thereof.</p>



			(3) If a public health emergency simultaneously affects more than one state, nothing in this section shall be construed to allow <u>DHEC</u> DPH to obtain antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies for the primary purpose of hoarding such items or preventing their fair and equitable distribution among affected states.
209.	44-4-340	Special Powers During State of Public Health Emergency: Control of Property	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			To the extent practicable and consistent with the protection of public health, prior to the destruction of any property under this article, <u>DHEC</u> DPH in coordination with the applicable law enforcement agency must institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and rules of the courts of this State or any such rules that may be developed by the courts for use during a state of public health emergency. Any property acquired by <u>DHEC</u> DPH through such proceedings must, after entry of the decree, be disposed of by destruction as the court may direct.
210.	44-4-500	Special Powers During State of Public Health Emergency: Control of Persons	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			During a state of public health emergency, <u>DHEC</u> DPH must use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.
211.	44-4-510(A)(1), (A)(2), and (B)(1)	Special Powers During State of Public Health Emergency: Control of Persons	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A)(1) During a state of public health emergency, <u>DHEC</u> DPH may perform voluntary physical examinations or tests as necessary for the diagnosis or treatment of individuals. (2) <u>DHEC</u> DPH may isolate or quarantine, pursuant to the sections of this act and its existing powers under Section 44-1-140, any person whose refusal of physical examination or testing results in uncertainty regarding whether he or she has been exposed to or is infected with a contagious or possibly contagious disease or otherwise poses a danger to public health. (B)(1) Physical examinations or tests may be performed by any qualified person

			<p>authorized to do so by <u>DHECDPH</u>.</p> <p>(2) Physical examinations or tests must not be reasonably likely to result in serious harm to the affected individual.</p>
212.	44-4-520 (A), (A)(3), (C)(1), and (D)(1)	Special Powers During State of Public Health Emergency: Control of Persons	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) During a state of public health emergency, <u>DHECDPH</u> may exercise the following emergency powers, in addition to its existing powers, over persons as necessary to address the public health emergency:</p> <p>(1) to vaccinate persons as protection against infectious disease and to prevent the spread of contagious or possibly contagious disease;</p> <p>(2) to treat persons exposed to or infected with disease; and</p> <p>(3) to prevent the spread of contagious or possibly contagious disease, <u>DHECDPH</u> may isolate or quarantine, pursuant to the applicable sections of this act, persons who are unable or unwilling for any reason (including, but not limited to, health, religion, or conscience) to undergo vaccination or treatment pursuant to this section.</p> <p>(B) Vaccinations or treatment, or both, must be provided only to those individuals who agree to the vaccinations or treatment, or both.</p> <p>(C)(1) Vaccination may be performed by any qualified person authorized by <u>DHECDPH</u>.</p> <p>(2) To be administered pursuant to this section, a vaccine must not be such as is reasonably likely to lead to serious harm to the affected individual.</p> <p>(D)(1) Treatment must be administered by any qualified person authorized to do so by <u>DHECDPH</u>.</p> <p>(2) Treatment must not be such as is reasonably likely to lead to serious harm to the affected individual.</p>
213.	44-4-530 (A), (B), (C), and (D)(1)-(3)	Special Powers During State of Public Health Emergency: Control of Persons	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) During a public health emergency, <u>DHECDPH</u> may isolate or quarantine an individual or groups of individuals. This includes individuals or groups who have not been vaccinated, treated, tested, or examined pursuant to Sections 44-4-510 and 44-4-520. <u>DHECDPH</u> may also establish and maintain places of isolation and quarantine, and set rules and make orders.</p> <p>(B) <u>DHECDPH</u> must adhere to the following conditions and principles when isolating</p>

			<p>or quarantining individuals or groups of individuals:</p> <p>(1) isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a contagious or possibly contagious disease to others and may include, but are not limited to, confinement to private homes or other private and public premises;</p> <p>(2) individuals isolated because of objective evidence of infection or contagious disease must be confined separately from quarantined asymptomatic individuals;</p> <p>(3) the health status of isolated and quarantined individuals must be monitored regularly to determine if they require isolation or quarantine;</p> <p>(4) if a quarantined individual becomes infected or is reasonably believed to be infected with a contagious or possibly contagious disease, he or she must be promptly removed to isolation;</p> <p>(5) isolated and quarantined individuals must be immediately released when they pose no substantial risk of transmitting a contagious or possibly contagious disease to others;</p> <p>(6) the needs of persons isolated and quarantined must be addressed in a systematic and competent fashion including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication, and competent medical care;</p> <p>(7) premises used for isolation and quarantine must be maintained in a safe and hygienic manner and be designed to minimize the likelihood of further transmission of infection or other harms to persons isolated or quarantined; and</p> <p>(8) to the extent possible, cultural and religious beliefs must be considered in addressing the needs of the individuals and establishing and maintaining isolation and quarantine premises.</p> <p>(C) A person subject to isolation or quarantine must comply with <del>DHEC's</del><u>DPH's</u> rules and orders, and must not go beyond the isolation or quarantine premises. Failure to comply with these rules and orders constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.</p> <p>(D)(1) <del>DHEC</del><u>DPH</u> may authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.</p> <p>(2) No person, other than a person authorized by <del>DHEC</del><u>DPH</u>, shall enter isolation or quarantine premises. Failure to comply with this provision constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.</p> <p>(3) A person entering an isolation or quarantine premises with or without</p>
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			<p>authorization of <del>DHEC</del>DPH may be isolated or quarantined as provided for in this chapter.</p> <p>(4) The public safety authority and other law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of an isolation or quarantine order after the order is given to the individual pursuant to Section 44-4-540(B)(3) or after the individual is provided notice of the order. In a case where an individual is not the subject of an isolation or quarantine order under Section 44-4-540, law enforcement officers may provide written or verbal notice of the order. Law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of isolation or quarantine rules after the rules are established and the individual is given written or verbal notice of the rules. An arrest warrant or an additional isolation or quarantine order is not required for arrest, isolation, or quarantine under Section 44-4-530(D)(4).</p> <p>(E) An employer may not fire, demote, or otherwise discriminate against an employee complying with an isolation or quarantine order issued pursuant to Section 44-1-80, 44-1-110, 44-1-140, 44-4-520, 44-4-530, or 44-4-540; however, nothing in this section prohibits an employer from requiring an employee to use annual or sick leave to comply with such an order.</p>
214.	44-4-540 (B)(1), (B)(4), (C)(1), (C)(2), (C)(4), (C)(5)(d), (D)(3), and (F)	Special Powers During State of Public Health Emergency: Control of Persons	<b>Recommendation + Explanation:</b>
			Amend Department name and Commissioner name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) During a public health emergency, the isolation and quarantine of an individual or groups of individuals must be undertaken in accordance with the procedures provided in this section.</p> <p>(B)(1) <del>DHEC</del>DPH may temporarily isolate or quarantine an individual or groups of individuals through an emergency order signed by the <del>commissioner</del>Director or his designee, if delay in imposing the isolation or quarantine would significantly jeopardize <del>DHEC's</del>DPH's ability to prevent or limit the transmission of a contagious or possibly contagious disease to others.</p> <p>(2) The emergency order must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a copy of Article V of this act and relevant definitions of this act.</p> <p>(3) A copy of the emergency order must be given to the individual(s) or groups of individuals to be isolated or quarantined, or if impractical to be given to a group of</p>

			<p>individuals, it may be posted in a conspicuous place in the isolation or quarantine premises.</p> <p>(4) Within ten days after issuing the emergency order, <u>DHECDPH</u> must file a petition pursuant to subsection (C) of this section for a court order authorizing the continued isolation or quarantine of the isolated or quarantined individual or groups of individuals.</p> <p>(C)(1) <u>DHECDPH</u> may make a written petition to the trial court for an order authorizing the isolation or quarantine of an individual or groups of individuals.</p> <p>(2) A petition under subsection (C)(1) must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a statement of compliance with the conditions and principles for isolation or quarantine of Section 44-4-530(B); and (vi) a statement of the basis upon which isolation or quarantine is justified in compliance with this article. The petition must be accompanied by a sworn affidavit of <u>DHECDPH</u> attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.</p> <p>(3) Notice to individuals or groups of individuals identified in the petition must be accomplished within twenty-four hours in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.</p> <p>(4) A hearing must be held on any petition filed pursuant to this subsection within five days of filing of the petition. In extraordinary circumstances and for good cause shown, <u>DHECDPH</u> may apply to continue the hearing date on a petition filed pursuant to this section for up to ten days, which continuance the court may grant in its discretion giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence.</p> <p>(5)(a) The court must grant the petition if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to prevent or limit the transmission of a contagious or possibly contagious disease.</p> <p>(b) An order authorizing isolation or quarantine may do so for a period not to exceed thirty days.</p> <p>(c) The order must: (i) identify the isolated or quarantined individuals or groups of individuals by name or shared or similar characteristics or circumstances; (ii) specify factual findings warranting isolation or quarantine pursuant to this act; (iii) include any conditions necessary to ensure that isolation or quarantine is carried out within</p>
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			<p>the stated purposes and restrictions of this act; and (iv) served on affected individuals or groups of individuals in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.</p> <p>(d) Prior to the expiration of an order issued pursuant to this item, <del>DHECDPH</del> may move to continue the isolation or quarantine for additional periods not to exceed thirty days each. The court must consider the motion in accordance with standards set forth in this item.</p> <p>(D)(1) An individual or group of individuals isolated or quarantined pursuant to this act may apply to the trial court for an order to show cause why the individual or group of individuals should not be released. The court must rule on the application to show cause within forty-eight hours of its filing. If the court grants the application, the court must schedule a hearing on the order to show cause within twenty-four hours from issuance of the order to show cause. The issuance of the order to show cause does not stay or enjoin the isolation or quarantine order.</p> <p>(2)(a) An individual or group of individuals isolated or quarantined pursuant to this act may request a hearing in the trial court for remedies regarding breaches to the conditions of isolation or quarantine. A request for a hearing does not stay or enjoin the isolation or quarantine order.</p> <p>(b) Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the court must fix a date for hearing on the matters alleged not more than twenty-four hours from receipt of the request.</p> <p>(c) Otherwise, upon receipt of a request under this subsection, the court must fix a date for hearing on the matters alleged within five days from receipt of the request.</p> <p>(3) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, <del>DHECDPH</del> may move the court to extend the time for a hearing, which extension the court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of the necessary witnesses and evidence.</p> <p>(E) A record of the proceedings pursuant to this section must be made and retained. In the event that, given a state of public health emergency, parties cannot personally appear before the court, proceedings may be conducted by their authorized representatives and be held via any means that allow all parties to fully participate.</p> <p>(F) The court must appoint counsel to represent individuals or groups of individuals who are or who are about to be isolated or quarantined pursuant to the provisions of this act and who are not otherwise represented by counsel. Payment for these</p>
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			<p>appointments must be made in accordance with other appointments for legal representation in actions arising outside of matters in this act, and is not the responsibility of any one state agency. Appointments last throughout the duration of the isolation or quarantine of the individual or groups of individuals. <u>DHECDPH</u> must provide adequate means of communication between such individuals or groups of individuals and their counsel. Where necessary, additional counsel for <u>DHECDPH</u> from other state agencies or from private attorneys appointed to represent state agencies, must be appointed to provide adequate representation for the agency and to allow timely hearings of the petitions and motions specified in this section.</p> <p>(G) In any proceedings brought pursuant to this section, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into groups of claims where:</p> <ul style="list-style-type: none"> <li>(1) the number of individuals involved or to be affected is so large as to render individual participation impractical;</li> <li>(2) there are questions of law or fact common to the individual claims or rights to be determined;</li> <li>(3) the group claims or rights to be determined are typical of the affected individuals' claims or rights; and</li> <li>(4) the entire group will be adequately represented in the consolidation.</li> </ul> <p>(H) Notwithstanding the provisions of subsection (A), prior to the Governor declaring a public health emergency, as defined in Section 44-4-130, the isolation and quarantine of an individual or groups of individuals pursuant to Section 44-1-80, 44-1-110, 44-1-140, 44-4-520, 44-4-530, or 44-4-540 must be undertaken in accordance with the procedures provided in this section.</p>
<b>215.</b>	<b>44-4-550 (A)(1)</b>	<b>Special Powers During State of Public Health Emergency: Control of Persons</b>	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A)(1) <u>DHECDPH</u> may, for such period as the state of public health emergency exists, collect or cause to be collected specimens and perform tests on any person or animal, living or deceased, and acquire any previously collected specimens or test results that are reasonable and necessary to respond to the public health emergency.</p>
<b>216.</b>	<b>44-4-560</b>		<b>Recommendation + Explanation:</b>

	<b>(A) and (B)</b>	<b>Special Powers During State of Public Health Emergency: Control of Persons</b>	<p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) Access to protected health information of persons who have participated in medical testing, treatment, vaccination, isolation, or quarantine programs or efforts by <u>DHECDPH</u> during a public health emergency is limited to those persons having a legitimate need to:</p> <ol style="list-style-type: none"> <li>(1) provide treatment to the individual who is the subject of the health information;</li> <li>(2) conduct epidemiological research; or</li> <li>(3) investigate the causes of transmission.</li> </ol> <p>(B) Protected health information held by <u>DHECDPH</u> must not be disclosed to others without individual specific informed authorization except for disclosures made:</p> <ol style="list-style-type: none"> <li>(1) directly to the individual;</li> <li>(2) to the individual's immediate family members or life partners;</li> <li>(3) to appropriate state or federal agencies or authorities when necessary to protect public health;</li> <li>(4) to health care personnel where needed to protect the health or life of the individual who is the subject of the information;</li> <li>(5) pursuant to a court order or executive order of the Governor to avert a clear danger to an individual or the public health; or</li> <li>(6) to coroners, medical examiners, or funeral directors or others dealing with human remains to identify a deceased individual or determine the manner or cause of death.</li> </ol>
<b>217.</b>	<b>44-4-570 (A) and (B)(1)</b>	<b>Special Powers During State of Public Health Emergency: Control of Persons</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) <u>DHECDPH</u>, in coordination with the appropriate licensing authority and the Department of Labor, Licensing and Regulation, may exercise, for such period as the state of public health emergency exists, in addition to existing emergency powers, the following emergency powers regarding licensing of health personnel:</p> <ol style="list-style-type: none"> <li>(1) to require in-state health care providers to assist in the performance of vaccination, treatment, examination, or testing of any individual as a condition of licensure, authorization, or the ability to continue to function as a health care provider in this State;</li> <li>(2) to accept the volunteer services of in-state and out-of-state health care providers consistent with Title 8, Chapter 25, to appoint such in-state and out-of-state health care providers as emergency support function volunteers, and to prescribe the</li> </ol>



			<p>duties as may be reasonable and necessary for emergency response; and</p> <p>(3) to authorize the medical examiner or coroner to appoint and prescribe the duties of such emergency assistant medical examiners or coroners as may be required for the proper performance of the duties of the office.</p> <p>(B)(1) The appointment of in-state and out-of-state health care providers pursuant to this section may be for a limited or unlimited time but must not exceed the termination of the state of public health emergency. <del>DHECDPH</del> may terminate the in-state and out-of-state appointments at any time or for any reason provided that any termination will not jeopardize the health, safety, and welfare of the people of this State.</p> <p>(2) The appropriate licensing authority may waive any or all licensing requirements, permits, or fees required by law and applicable orders, rules, or regulations for health care providers from other jurisdictions to practice in this State.</p>
218.	44-5-20(1)	State Health Planning and Development Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (1) The "state health planning and development agency" or "state agency" means the Department of <del>Public Health and Environmental Control</del>.</p>
219.	44-6-5(10)	Department of Health and Human Services, General Provisions	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (10) "General hospital" means any hospital licensed as a general hospital by the Department of <del>Public Health and Environmental Control</del>.</p>
220.	44-6-150(A)(2)	Medically Indigent Assistance Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) There is created the South Carolina Medically Indigent Assistance Program administered by the department. The program is authorized to sponsor inpatient hospital care for which hospitals shall receive no reimbursement. A general hospital equipped to provide the necessary treatment shall:</p> <p>(1) admit a patient sponsored by the program; and</p> <p>(2) accept the transfer of a patient sponsored by the program from a hospital which is not equipped to provide the necessary treatment.</p> <p>In addition to or in lieu of an action taken affecting the license of the hospital, when it is established that an officer, employee, or member of the hospital medical staff</p>

			has violated this section, the South Carolina Department of <del>Public Health and Environmental Control</del> shall require the hospital to pay a civil penalty of up to ten thousand dollars.
221.	44-6-170 (B)(12) and (I)	Medically Indigent Assistance Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(B) There is established the Data Oversight Council comprised of:</p> <ul style="list-style-type: none"> <li>(1) one hospital administrator;</li> <li>(2) the chief executive officer or designee of the South Carolina Hospital Association;</li> <li>(3) one physician;</li> <li>(4) the chief executive officer or designee of the South Carolina Medical Association;</li> <li>(5) one representative of major third-party health care payers;</li> <li>(6) one representative of the managed health care industry;</li> <li>(7) one nursing home administrator;</li> <li>(8) three representatives of nonhealth care-related businesses;</li> <li>(9) one representative of a nonhealth care-related business of less than one hundred employees;</li> <li>(10) the executive vice president or designee of the South Carolina Chamber of Commerce;</li> <li>(11) a member of the Governor's office staff;</li> <li>(12) the director or his designee of the South Carolina Department of <del>Public Health and Environmental Control</del>;</li> <li>(13) the executive director or his designee of the State Department of Health and Human Services</li> </ul> <p>The members enumerated in items (1) through (10) must be appointed by the Governor for three-year terms and until their successors are appointed and qualify; the remaining members serve ex officio. The Governor shall appoint one of the members to serve as chairman. The office shall provide staff assistance to the council.</p> <p>...</p> <p>(I) A person, as defined in Section 44-7-130, seeking to collect health care data or information for a registry shall coordinate with the office to utilize existing data collection formats as provided for by the office and consistent with regulations</p>

			promulgated by the office. With the exception of information that may be obtained from the Office of Vital Records, Department of <del>Public Health and Environmental Control</del> , in accordance with Section 44-63-20 and Regulation 61-19 and disease information required to be reported to the Department of <del>Public Health and Environmental Control</del> under Sections 44-29-10, 44-29-70, and 44-31-10 and Regulations 61-20 and 61-21 and notwithstanding any other provision of law, no hospital or health care facility or health care professional required by this section to submit health care data is required to submit data to a registry which has not complied with this section.
222.	44-6-400 (2) and (4)	Intermediate Sanctions for Medicaid Certified Nursing Home Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			As used in this article: (1) "Department" means the Department of Health and Human Services. (2) "Nursing home" means a facility subject to licensure as a nursing home by the Department of <del>Public Health and Environmental Control</del> and subject to the permit provisions of Article 2, Chapter 7 of Title 44 and which has been certified for participation in the Medicaid program or has been dually certified for participation in the Medicaid and Medicare programs. (3) "Resident" means a person who resides or resided in a nursing home during a period of an alleged violation. (4) "Survey agency" means the South Carolina Department of <del>Public Health and Environmental Control</del> or any other agency designated to conduct compliance surveys of nursing facilities participating in the Title XIX (Medicaid) program.
223.	44-7-77	Hospitals, Tuberculosis Camps, and Health Services Districts, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Public Health and Environmental Control</del> and the State Department of Social Services, in conjunction with the South Carolina Hospital Association, shall develop and implement a program to promote obtaining voluntary acknowledgments of paternity as soon after birth as possible and where possible before the release of the newborn from the hospital. A voluntary acknowledgment including those obtained through an in-hospital program shall contain the requirements of Section 63-17-60(A)(4) and the social security number, or the alien identification number assigned to a resident alien who does not have a social

			<p>security number, of both parents, and must be signed by both parents. The signatures must be notarized. As part of its in-hospital voluntary acknowledgment of paternity program, a birthing hospital as part of the birth registration process, shall collect, where ascertainable, information which is or may be necessary for the establishment of the paternity of the child and for the establishment of child support. The information to be collected on the father or on the putative father if paternity has not been established includes, but is not limited to, the name of the father, his date of birth, home address, social security number, or the alien identification number assigned to a resident alien who does not have a social security number, and employer's name, and additionally for the putative father, the names and addresses of the putative father's parents.</p>
224.	44-7-80(6)	Medicaid Nursing Home Permits	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(6) "Department" means the Department of <del>Public Health and Environmental Control</del>.</p>
225.	44-7-90(C)	Medicaid Nursing Home Permits	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(C) In the event of a voluntary or involuntary discontinuation of participation of a nursing facility in the Medicaid program, the State must ensure that the facility provides for patient safety and freedom of choice. The Department of <del>Public Health and Environmental Control</del> and the Department of Health and Human Services must determine the availability of existing patient days statewide for the purpose of relocating these patients. Based upon this determination, the department, at its discretion, may reallocate the patient days from a facility discontinuing its Medicaid participation to a facility that participates in the Medicaid program and agrees to accept the residents from the facility that is discontinuing Medicaid participation. The Medicaid permit day shall permanently remain with the facility accepting the resident. In the allocation of patient days from the facility discontinuing Medicaid participation, the department must give first priority to restoring a county's allocation where a facility holding a permit closes, or discontinues participation in Medicaid. A nursing home receiving beds under the provisions of this subsection must not be a Special Focus Facility at the time of allocation.</p>

226.	44-7-130 (4) and (10)	State Health Facility Licensure Act	<p><b>Recommendation + Explanation:</b> Delete Board definition and amend Department name to conform with Act 60; recodify remaining items.</p> <p><b>Suggested Revision:</b> As used in this article: (1) "Affected person" means the applicant, a person residing within the geographic area served or to be served by the applicant, persons located in the health service area in which the project is to be located and who provide similar services to the proposed project, persons who before receipt by the department of the proposal being reviewed have formally indicated an intention to provide similar services in the future, persons who pay for health services in the health service area in which the project is to be located and who have notified the department of their interest in Certificate of Need applications, the State Consumer Advocate, and the State Ombudsman. Persons from another state who would otherwise be considered "affected persons" are not included unless that state provides for similar involvement of persons from South Carolina in its certificate of need process. (2) "Ambulatory surgical facility" means a facility organized and administered for the purpose of performing surgical procedures for which patients are scheduled to arrive, receive surgery, and be discharged on the same day. The owner or operator makes the facility available to other providers who comprise an organized professional staff. (3) "Birthing center" means a facility or other place where human births are planned to occur. This does not include the usual residence of the mother, any facility that is licensed as a hospital, or the private practice of a physician who attends the birth. <del>(4) "Board" means the State Board of Health and Environmental Control.</del> (54) "Children, adolescents, and young adults in need of mental health treatment in a residential treatment facility" means a child, adolescent, or young adult under age twenty-one who manifests a substantial disorder of cognitive or emotional process that lessens or impairs to a marked degree that child's, adolescent's, or young adult's capacity either to develop or to exercise age-appropriate or age-adequate behavior including, but not limited to, marked disorders of mood or thought processes; severe difficulties with self-control and judgment, including behavior dangerous to himself or others; and serious disturbances in a child's, adolescent's, or young adult's ability to care for and relate to others. (65) "Community residential care facility" means a facility which offers room and board and provides a degree of personal assistance for two or more persons eighteen years old or older.</p>
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			<p>(76) "Competing applicants" means two or more persons or health care facilities as defined in this article who apply for Certificates of Need to provide similar services or facilities in the same service area within a time frame as established by departmental regulations and whose applications, if approved, would exceed the need for services or facilities.</p> <p>(87) "Crisis stabilization unit facility" means a facility, other than a health care facility, operated by the Department of Mental Health or operated in partnership with the Department of Mental Health that provides a short-term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen and older, twenty-four hours a day, seven days a week.</p> <p>(98) "Daycare facility for adults" means a facility for adults eighteen years or older that:</p> <ul style="list-style-type: none"> <li>(a) offers in a group setting a program of individual and group activities and therapies;</li> <li>(b) is directed toward providing community-based care for those in need of a supportive setting for less than twenty-four hours a day, in order to prevent unnecessary institutionalization; and</li> <li>(c) provides a minimum of four and a maximum of fourteen hours of operation a day.</li> </ul> <p>(109) "Department" means the Department of <u>Public Health and Environmental Control</u>.</p> <p>(110) "Facility for chemically dependent or addicted persons" means a facility organized to provide outpatient or residential services to chemically dependent or addicted persons and their families based on an individual treatment plan including diagnostic treatment, individual and group counseling, family therapy, vocational and educational development counseling, and referral services.</p> <p>(121) "Facility wherein abortions are performed" means a facility, other than a hospital, in which any second trimester or five or more first trimester abortions are performed in a month.</p> <p>(132) "Freestanding emergency service" or "off-campus emergency service" means an extension of an existing hospital emergency department that is intended to provide comprehensive emergency service but does not include a service that does not provide twenty-four hour, seven day per week operation or that is not capable of providing basic services as defined for hospital emergency departments. A service that does not qualify as a freestanding emergency service must not be classified as a freestanding emergency service and must not advertise, or display or exhibit any signs or symbols, that would identify the service as a freestanding emergency service.</p>
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			<p>(143) "Freestanding or mobile technology" means medical equipment owned or operated by a person other than a health care facility for which the total cost is in excess of that prescribed by regulation and for which specific standards or criteria are prescribed in the State Health Plan.</p> <p>(154) "Health care facility" means, at a minimum, acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, or narcotic treatment programs.</p> <p>(165) "Health service" means clinically related, diagnostic, treatment, or rehabilitative services and includes alcohol, drug abuse, and mental health services.</p> <p>(176) "Hospital" means a facility that is organized and administered to provide overnight medical or surgical care or nursing care for an illness, injury, or infirmity and must provide on-campus emergency services; that may provide obstetrical care; and in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy. "Hospital" may include a residential treatment facility for children, adolescents, or young adults in need of mental health treatment that is physically a part of a licensed psychiatric hospital. This definition does not include facilities that are licensed by the Department of Social Services. A residential treatment facility for children, adolescents, or young adults in need of mental health treatment that is physically part of a licensed psychiatric hospital is not required to provide on-campus emergency services.</p> <p>(187) "Intermediate care facility for persons with intellectual disability" means a facility that serves four or more persons with intellectual disability or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their intellectual disability or related conditions.</p> <p>(198) "Like equipment with similar capabilities" means medical equipment in which functional and technological capabilities are identical to the equipment to be replaced; and the replacement equipment is to be used for the same or similar diagnostic, therapeutic, or treatment purposes as currently in use; and does not constitute a material change in service or a new service.</p> <p>(2019) "Nursing home" means a facility with an organized nursing staff to maintain and operate organized facilities and services to accommodate two or more unrelated persons over a period exceeding twenty-four hours which is operated either in connection with a hospital or as a freestanding facility for the express or implied</p>
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			<p>purpose of providing intermediate or skilled nursing care for persons who are not in need of hospital care.</p> <p>(240) "Person" means an individual, a trust or estate, a partnership, a corporation including an association, joint stock company, insurance company, and a health maintenance organization, a health care facility, a state, a political subdivision, or an instrumentality including a municipal corporation of a state, or any legal entity recognized by the State.</p> <p>(221) "Radiation therapy facility" means a person or a health care facility that provides or seeks to provide mega-voltage therapeutic services to patients through the use of high energy radiation.</p> <p>(232) "Residential treatment facility for children and adolescents" means a facility operated for the assessment, diagnosis, treatment, and care of two or more "children and adolescents in need of mental health treatment" which provides:</p> <ul style="list-style-type: none"> <li>(a) a special education program with a minimum program defined by the South Carolina Department of Education;</li> <li>(b) recreational facilities with an organized youth development program; and</li> <li>(c) residential treatment for a child or adolescent in need of mental health treatment.</li> </ul> <p>(243) "Solely for research" means a service, procedure, or equipment which has not been approved by the Food and Drug Administration (FDA) but which is currently undergoing review by the FDA as an investigational device. FDA research protocol and any applicable Investigational Device Exemption (IDE) policies and regulations must be followed by a facility proposing a project "solely for research".</p>
227.	44-7-150(A)(3)	State Health Facility Licensure Act	<b>Recommendation + Explanation:</b>
			Delete Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) In carrying out the purposes of this article, the department shall:</p> <ul style="list-style-type: none"> <li>(1) require reports and make inspections and investigations as considered necessary;</li> <li>(2) to the extent that is necessary to effectuate the purposes of this article, enter into agreements with other departments, commissions, agencies, and institutions, public or private;</li> <li>(3) adopt in accordance with Article I of the Administrative Procedures Act substantive and procedural regulations considered necessary by the department</li> </ul>



			<p>and approved by the board to carry out the department's licensure duties under this article;</p> <p>(4) accept on behalf of the State and deposit with the State Treasurer, any grant, gift, or contribution made to assist in meeting the cost of carrying out the purpose of this article and expend it for that purpose; and</p> <p>(5) promulgate regulations, in accordance with the Administrative Procedures Act, that establish fees as authorized by this article.</p>
228.	44-7-180 (A) and (C)	State Health Facility Licensure Act	<b>Recommendation + Explanation:</b>
			Amend Chairman of the Board and Board references to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) There is created a health planning committee comprised of fourteen members. The Governor shall appoint twelve members, which must include at least one member from each congressional district. In addition, each of the following groups must be represented among the Governor's appointees: health care consumers, health care financiers, including business and insurance, and health care providers, including an administrator of a licensed for-profit nursing home. The <del>chairman of the board</del> <u>Director of the department</u> shall appoint one member. The South Carolina Consumer Advocate or the Consumer Advocate's designee is an ex officio nonvoting member. Members appointed by the Governor are appointed for four-year terms, and may serve only two consecutive terms. Members of the health planning committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions. The committee shall elect from among its members a chairman, vice chairman, and such other officers as the committee considers necessary to serve a two-year term in that office.</p> <p>(B) With the advice of the health planning committee, the department shall prepare a South Carolina Health Plan for use in the administration of the Certificate of Need program provided in this article. The plan at a minimum must include:</p> <p>(1) an inventory of existing health care facilities, beds, specified health services, and equipment;</p> <p>(2) projections of need for additional health care facilities, beds, health services, and equipment;</p> <p>(3) standards for distribution of health care facilities, beds, specified health services, and equipment including scope of services to be provided, utilization, and occupancy rates, travel time, regionalization, other factors relating to proper placement of services, and proper planning of health care facilities; and</p> <p>(4) a general statement as to the project review criteria considered most important</p>

			<p>in evaluating Certificate of Need applications for each type of facility, service, and equipment, including a finding as to whether the benefits of improved accessibility to each such type of facility, service, and equipment may outweigh the adverse affects caused by the duplication of any existing facility, service, or equipment.</p> <p>The South Carolina Health Plan must address and include projections and standards for specified health services and equipment which have a potential to substantially impact health care cost and accessibility. Nothing in this provision shall be construed as requiring the department to approve any project which is inconsistent with the South Carolina Health Plan.</p> <p>(C) Upon approval by the health planning committee, the South Carolina Health Plan must be submitted at least once every two years to the <del>board</del><u>Director of the Department</u> for final revision and adoption. Once adopted by the <del>board</del><u>Director of the Department</u>, the plan may later be revised through the same planning and approval process. The department shall adopt by regulation a procedure to allow public review and comment, including regional public hearings, before adoption or revision of the plan.</p>
229.	44-7-190(A)	State Health Facility Licensure Act	<b>Recommendation + Explanation:</b>
			Delete Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The department shall adopt, <del>upon approval of the board</del> , Project Review Criteria which, at a minimum, must provide for the determination of need for health care facilities, beds, services and equipment, including demographic needs, appropriate distribution, and utilization; accessibility to underserved groups; availability of facilities and services without regard to ability to pay; absence of less costly and more effective alternatives; appropriate financial considerations, including method of financing, financial feasibility, and cost containment; consideration of impact on health systems resources; site and building suitability; consideration of quality of care; and relevant special considerations as may be appropriate. The Project Review Criteria must be adopted as a regulation pursuant to the Administrative Procedures Act.
230.	44-7-200(C)	State Health Facility Licensure Act	<b>Recommendation + Explanation:</b>
			Delete Board references and processes to conform with Act 60; recodify remaining items.
			<b>Suggested Revision:</b>

			<p><del>(C) Upon publication of this notice and until a contested case hearing is requested pursuant to Section 44-1-60(G):</del></p> <p><del>–(1) members of the board and persons appointed by the board to hold a final review conference on staff decisions may not communicate directly or indirectly with any person in connection with the application; and</del></p> <p><del>–(2) no person shall communicate, or cause another to communicate, as to the merits of the application with members of the board and persons appointed by the board to hold a final review conference on staff decisions.</del></p> <p><del>A person who violates this subsection is subject to the penalties provided in Section 1-23-360.</del></p> <p><del>(D)</del> After receipt of an application with proof of publication and payment of the initial application fee, the department shall publish in the State Register a notice that an application has been accepted for filing. Within fifteen days of acceptance of the application, the department may request additional information as may be necessary to complete the application. The applicant has fifteen days from the date of the request to submit the additional information. If the applicant fails to submit the requested information within the fifteen-day period, the application is considered withdrawn.</p> <p><del>(E)</del> After a Certificate of Need application has been filed with the department, state and federal elected officials are prohibited from communicating with the department with regard to the Certificate of Need application at any time. This prohibition does not include written communication of support or opposition to an application. Such written communication must be included in the administrative record.</p>
231.	44-7-210	State Health Facility Licensure Act	<b>Recommendation + Explanation:</b>
			Amend to remove DHEC Board’s final review process to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) After the department has determined that an application is complete, affected persons must be notified in accordance with departmental regulations. The notification to affected persons that the application is complete begins the review period; however, in the case of competing applications, the review period begins on the date of notice to affected persons that the last of the competing applications is complete and notice is published in the State Register. The staff shall issue its decision to approve or deny the application no earlier than thirty calendar days, but no later than ninety calendar days, from the date affected persons are notified that the application is complete, unless a public hearing is timely requested as may be provided for by department regulation. If a public hearing is properly requested, the

			<p>staff's decision must not be made until after the public hearing, but in no event shall the decision be issued more than one hundred twenty calendar days from the date affected persons are notified that the application is complete. The staff may reorder the relative importance of the project review criteria no more than one time during the review period. The staff's reordering of the relative importance of the project review criteria does not extend the review period provided for in this section.</p> <p>(B) The department may not issue a Certificate of Need unless an application complies with the South Carolina Health Plan, Project Review Criteria, and other regulations. Based on project review criteria and other regulations, which must be identified by the department, the department may refuse to issue a Certificate of Need even if an application complies with the South Carolina Health Plan. In the case of competing applications, the department shall award a Certificate of Need, if appropriate, on the basis of which, if any, most fully complies with the requirements, goals, and purposes of this article and the State Health Plan, Project Review Criteria, and the regulations adopted by the department.</p> <p>(C) On the basis of staff review of the application, the staff shall make a staff decision to grant or deny the Certificate of Need and the staff shall issue a decision in accordance with Section 44-1-60(D). Notice of the decision must be sent to the applicant and affected persons who have asked to be notified. <del>The decision becomes the final agency decision unless a timely written request for a final review is filed with the department as provided for in Section 44-1-60(E).</del></p> <p><u>(D) However, a person may not file a request for final review a contested case hearing in opposition to the staff decision on a Certificate of Need unless the person provided written notice to the department during the staff review that he is an affected person and specifically states his opposition to the application under review.</u></p> <p><del>(D) The staff's decision is not the final agency decision until the completion of the final review process provided for in Section 44-1-60(F).</del></p> <p>(E) A contested case hearing of the final agency decision must be requested in accordance with Section 44-1-60(G). The issues considered at the contested case hearing considering a Certificate of Need are limited to those presented or considered during the staff review.</p> <p>(F) Notwithstanding any other provision of law, including Section 1-23-650(C), in a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160, the following apply:</p>
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			<p>(1) each party may name no more than five witnesses who may testify at the contested case hearing;</p> <p>(2) each party is permitted to take only the deposition of a person listed by an opposing party as a witness who may testify at the contested case hearing and one Federal Rules of Civil Procedure Rule 30(b)(6) deposition;</p> <p>(3) each party is permitted to serve only ten interrogatories pursuant to Rule 33 of the South Carolina Rules of Civil Procedure;</p> <p>(4) each party is permitted to serve only ten requests for admission, including subparts;</p> <p>(5) each party is permitted to serve only fifteen requests for production, including subparts.;</p> <p>(6) the parties shall complete discovery within one hundred twenty days after the assignment of the administrative law judge.</p> <p>(G) Notwithstanding any other provision of law, in a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160, the Administrative Law Court shall file a final decision no later than twelve months after the contested case is filed with the Clerk of the Administrative Law Court. An affected person who was a party to the contested case has a right to appeal to the Supreme Court final decisions issued by the Administrative Law Court for a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or denial of a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160.</p>
232.	44-7-230(D)	State Health Facility Licensure Act	<b>Recommendation + Explanation:</b>
			Amend Board references to "Director" to conform with Act 60.
			<b>Suggested Revision:</b>
			(D) A Certificate of Need is valid for one year from the date of issuance. A Certificate of Need must be issued with a timetable submitted by the applicant and approved by the department to be followed for completion of the project. The holder of the Certificate of Need shall submit periodic progress reports on meeting the timetable as may be required by the department. Failure to meet the timetable results in the revocation of the Certificate of Need by the department unless the department determines that extenuating circumstances beyond the control of the holder of the Certificate of Need are the cause of the delay. The department may grant two extensions of up to nine months each upon evidence that substantial progress has been made in accordance with procedures set forth in regulations. The

			<p><del>board</del> Director of the department may grant further extensions of up to nine months each only if <del>the Director</del> determines that substantial progress has been made in accordance with the procedures set forth in regulations.</p>
233.	44-7-260 (B)(2), (B)(3), and (E)	State Health Facility Licensure Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) If they provide care for two or more unrelated persons, the following facilities or services may not be established, operated, or maintained in this State without first obtaining a license in the manner provided by this article and regulations promulgated by the department:</p> <ul style="list-style-type: none"> <li>(1) hospitals, including general and specialized hospitals;</li> <li>(2) nursing homes;</li> <li>(3) residential treatment facilities for children and adolescents;</li> <li>(4) ambulatory surgical facilities;</li> <li>(5) crisis stabilization unit facilities;</li> <li>(6) community residential care facilities;</li> <li>(7) facilities for chemically dependent or addicted persons;</li> <li>(8) end-stage renal dialysis units;</li> <li>(9) day care facilities for adults;</li> <li>(10) any other facility operating for the diagnosis, treatment, or care of persons suffering from illness, injury, or other infirmity and for which the department has adopted standards of operation by regulation;</li> <li>(11) intermediate care facilities for persons with intellectual disability;</li> <li>(12) freestanding or mobile technology;</li> <li>(13) facilities wherein abortions are performed;</li> <li>(14) birthing centers.</li> </ul> <p>(B) The licensing provisions of this article do not apply to:</p> <ul style="list-style-type: none"> <li>(1) infirmaries for the exclusive use of the student bodies of privately-owned educational institutions which maintain infirmaries;</li> <li>(2) community-based housing sponsored, licensed, or certified by the South Carolina Department of Disabilities and Special Needs. The Department of Disabilities and Special Needs shall provide to the Department of <u>Public Health and Environmental Control</u> the names and locations of these facilities on a continuing basis; or</li> <li>(3) homeshare programs designated by the Department of Mental Health, provided that these programs do not serve more than two persons at each program location,</li> </ul>

			<p>the length of stay does not exceed fourteen consecutive days for one of the two persons, and the temporarily displaced person must be directly transferred from a homeshare program location. The Department of Mental Health shall provide to the Department of <del>Public Health and Environmental Control</del> the names and locations of these programs on a continuing basis.</p> <p>(C) The department is authorized to investigate, by inspection or otherwise, any facility to determine if its operation is subject to licensure.</p> <p>(D) Each hospital must have a single organized medical staff that has the overall responsibility for the quality of medical care provided to patients. Medical staff membership must be limited to doctors of medicine or osteopathy who are currently licensed to practice medicine or osteopathy by the State Board of Medical Examiners, dentists licensed to practice dentistry by the State Board of Dentistry and podiatrists licensed to practice podiatry by the State Board of Podiatry Examiners. No individual is automatically entitled to membership on the medical staff or to the exercise of any clinical privilege merely because he is licensed to practice in any state, because he is a member of any professional organization, because he is certified by any clinical examining board, or because he has clinical privileges or staff membership at another hospital without meeting the criteria for membership established by the governing body of the respective hospital. Patients of podiatrists and dentists who are members of the medical staff of a hospital must be coadmitted by a doctor of medicine or osteopathy who is a member of the medical staff of the hospital who is responsible for the general medical care of the patient. Oral surgeons who have successfully completed a postgraduate program in oral surgery accredited by a nationally recognized accredited body approved by the United States Office of Education may admit patients without the requirement of coadmission if permitted by the bylaws of the hospital and medical staff.</p> <p>(E) No person, regardless of his ability to pay or county of residence, may be denied emergency care if a member of the admitting hospital's medical staff or, in the case of a transfer, a member of the accepting hospital's medical staff determines that the person is in need of emergency care. "Emergency care" means treatment which is usually and customarily available at the respective hospital and that must be provided immediately to sustain a person's life, to prevent serious permanent disfigurement, or loss or impairment of the function of a bodily member or organ, or to provide for the care of a woman in active labor if the hospital is so equipped and, if the hospital is not so equipped, to provide necessary treatment to allow the woman to travel to a more appropriate facility without undue risk of serious harm. In addition to or in lieu of any action taken by the South Carolina Department of <del>Public Health and Environmental Control</del> affecting the license of any hospital, when it is</p>
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			established that any officer, employee, or member of the hospital medical staff has recklessly violated the provisions of this section, the department may require the hospital to pay a civil penalty of up to ten thousand dollars.
234.	44-7-320(B)	State Health Facility Licensure Act	<b>Recommendation + Explanation:</b>
			Delete Board review process and amend (B) to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall send to the appropriate person or facility, by certified mail, <u>return receipt requested</u> , a notice setting forth the particular reasons for the determination, <u>and the decision may be appealed by requesting a contested case hearing in accordance with Section 44-1-60 and the Administrative Procedures Act. The determination becomes final thirty days after the mailing of the notice, unless the person or facility, within such thirty-day period, requests in writing a contested case hearing before the board, or its designee, pursuant to the Administrative Procedures Act.</u> On the basis of the contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial review may be sought in accordance with the Administrative Procedures Act. (C) The penalty imposed by the department for violation of this article or its regulations must be not less than one hundred nor more than five thousand dollars for each violation of any of the provisions of this article. Each day's violation is considered a subsequent offense. (D) Failure to pay a penalty within thirty days is grounds for suspension, revocation, or denial of a renewal of a license. A license must not be issued, reissued, or renewed until all penalties finally assessed against a person or facility have been paid. (E) All penalties collected pursuant to this article must be deposited in the state treasury and credited to the general fund of the State.
235.	44-7-325(A)(1)(d)	State Health Facility Licensure Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A)(1) A health care facility, as defined in Section 44-7-130, and a health care provider licensed pursuant to Title 40 may charge a fee for the search and duplication of a medical record, whether in paper format or electronic format, but the fee may not exceed: (a) for records requested to be produced in an electronic format, the total charge



			<p>to the requestor may not exceed one hundred fifty dollars per request regardless of the number of records produced or number of times the patient has been admitted to the health care facility. The charge, not to exceed one hundred fifty dollars, shall be calculated as follows: sixty-five cents per page for the first thirty pages provided in an electronic format and fifty cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page costs may not exceed a total of one hundred fifty dollars per request, and to which may be added actual postage and applicable sales tax;</p> <p>(b) for paper requests, sixty-five cents per page for the first thirty printed pages and fifty cents per page for all other printed pages, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page print costs may not exceed two hundred dollars per admission to the health care facility, and to which may be added actual postage and applicable sales tax. The patient may have more than one admission on file when the record request is made. If multiple admissions exist, the print fee applies per admission, but only one clerical fee may be charged. Multiple emergency room records without an admission to the hospital are considered one admission;</p> <p>(c) notwithstanding whether the records are requested in print or electronic format, the search and handling fees in subitems (a) and (b) are permitted even though no medical record is found as a result of the search, except where the request is made by the patient; and</p> <p>(d) all of the fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI-U), published by the U.S. Department of Labor. The Department of <del>Public Health and Environmental Control</del> is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.</p>
236.	44-7-370 (A), (A)(1), (A)(2), (B), and (B)(2)	State Health Facility Licensure Act	<b>Recommendation + Explanation:</b>
			Amend Department name, Commissioner reference, and Board references to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The South Carolina Department of <del>Public Health and Environmental Control</del> shall establish a Residential Care Committee to advise the department regarding licensing and inspection of community residential care facilities.
			(1) The committee consists of the Long Term Care Ombudsman, three operators of

			<p>homes with ten beds or less, four operators of homes with eleven beds or more, and three members to represent the department appointed by the <del>commissioner</del><u>director</u> for terms of four years.</p> <p>(2) The terms must be staggered and no member may serve more than two consecutive terms. Any person may submit names to the <del>commissioner</del><u>director of the department</u> for consideration. The advisory committee shall meet at least once annually with representatives of the department to evaluate current licensing regulations and inspection practices. Members shall serve without compensation.</p> <p>(B) The Department of <del>Public Health and Environmental Control</del> shall appoint a Renal Dialysis Advisory Council to advise the department regarding licensing and inspection of renal dialysis centers. The council must be consulted and have the opportunity to review all regulations promulgated by the <del>board</del><u>department</u> affecting renal dialysis prior to submission of the proposed regulations to the General Assembly.</p> <p>(1) The council is composed of a minimum of fourteen persons, one member recommended by the Palmetto Chapter of the American Nephrology Nurses Association; one member recommended by the South Carolina Chapter of the National Association of Patients on Hemodialysis and Transplants; three physicians specializing in nephrology recommended by the South Carolina Renal Physicians Association; two administrators of facilities certified for dialysis treatment or kidney transplant services; one member recommended by the South Carolina Kidney Foundation; one member recommended by the South Carolina Hospital Association; one member recommended by the South Carolina Medical Association; one member of the general public; one member representing technicians working in renal dialysis facilities; one member recommended by the Council of Nephrology Social Workers; and one member recommended by the Council of Renal Nutritionists. The directors of dialysis programs at the Medical School of the University of South Carolina and the Medical University of South Carolina, or their designees, are ex officio members of the council.</p> <p>(2) Members shall serve four-year terms and until their successors are appointed and qualify. No member of council shall serve more than two consecutive terms. The council shall meet as frequently as the <del>board</del><u>department</u> considers necessary, but not less than twice each year. Members shall serve without compensation.</p>
237.	44-7-392 (B) and (C)	State Health Facility Licensure Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p>

			<p>(B) The confidentiality provisions of subsection (A) do not prevent committees appointed by the Department of <del>Public Health and Environmental Control</del> from issuing reports containing solely nonidentifying data and information.</p> <p>(C) Nothing in this section affects the duty of a hospital licensed by the Department of <del>Public Health and Environmental Control</del> to report accidents or incidents pursuant to the department's regulations. However, anything reported pursuant to the department's regulations must not be considered a waiver of any privilege or confidentiality provided in subsection (A).</p>
238.	44-7-510(4)	Health Care Cooperation Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(4) "Department" means the Department of <del>Public Health and Environmental Control</del> .
239.	44-7-1420(4)	Hospital Revenue Bond Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>It is hereby declared to be the policy of the State of South Carolina to promote the public health and welfare by providing means for the financing, refinancing, acquiring, enlarging, improving, constructing, equipping, and providing of hospital facilities to serve the people of the State and to make accessible to them modern and efficient hospital facilities at the lowest possible expense to those utilizing such hospital facilities.</p> <p>The General Assembly hereby finds and declares that:</p> <p>(1) There is a need to overcome existing and anticipated physical and technical obsolescence of existing hospital facilities, to provide additional modern and efficient hospital facilities in the State and to provide assistance to the extent herein provided in order that such hospital facilities may be made available at the lowest possible expense.</p> <p>(2) Unless measures are adopted to alleviate such need, the shortage of such facilities will become increasingly more urgent and serious; and</p> <p>(3) In order to meet such shortage and thereby promote the public health and welfare of the people of the State, it is necessary that assistance be afforded in the providing of adequate, modern and efficient hospital facilities in the State so that health and hospital care and services may be expanded, improved and fostered to the fullest extent practicable at the lowest possible expense.</p>

			(4) It is the purpose of this article to empower the governing bodies of the several counties of the State under the terms and conditions of this article to finance the acquisition, enlargement, improvement, construction, equipping and providing of such hospital facilities to the end that the public health and welfare of the people of the State will be promoted at the least possible expense to those utilizing such hospital facilities so provided. In this connection, such governing bodies shall function under the guidance of the State Fiscal Accountability Authority of South Carolina and the Department of <del>Public Health and Environmental Control</del> and shall be vested with all powers necessary to enable them to accomplish the purposes of this article, which powers shall be in all respects exercised for the benefits of the inhabitants of the State and to promote the public health and welfare of its citizens. It is specifically found and declared that all action taken by any county in carrying out the purposes of this article will perform an essential governmental function.
240.	44-7-1440, Introductory Sentence	Hospital Revenue Bond Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> Subject to obtaining approvals from the Authority required by Section 44-7-1590 and from the Department of <del>Public Health and Environmental Control</del>, required by Section 44-7-1490, the several counties of the State functioning through their respective county boards shall be empowered:</p>
241.	44-7-1490	Hospital Revenue Bond Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> The county board shall not undertake the acquisition, construction, expansion, equipping or financing of any hospital facilities unless and until such approval of the Department of <del>Public Health and Environmental Control</del> for such undertaking as may be required under Article 3, Chapter 7, Title 44, shall have been obtained.</p>
242.	44-7-1590 (A)(2), (B), and (C)	Hospital Revenue Bond Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) No bonds may be issued pursuant to the provisions of this article until the proposal of the county board to issue the bonds receives the approval of the authority. Whenever a county board proposes to issue bonds pursuant to the</p>

			<p>provisions of this article, it shall file its petition with the authority setting forth:</p> <p>(1) a brief description of the hospital facilities proposed to be undertaken and the refinancing or refunding proposed;</p> <p>(2) a statement setting forth the action taken by the Department of <u>Public Health and Environmental Control</u> in connection with the hospital facilities;</p> <p>(3) a reasonable estimate of the cost of hospital facilities;</p> <p>(4) a general summary of the terms and conditions of the proposed loan agreement; and</p> <p>(5) such other information as the authority requires.</p> <p>(B) Upon the filing of the petition the authority, as soon as practicable, shall conduct the review as it considers advisable, and if it finds that the proposal of the governing board is intended to promote the purposes of this article, it is authorized to approve the proposal. At any time following the approval, the county board may proceed with the issuance of the bonds in accordance with the proposal as approved by the authority. Notice of the approval of the proposal by the authority must be published at least once by the authority in a newspaper having general circulation in the county where the hospital facilities are or are to be located. The notice must set forth the action taken by the county board pursuant to Section 44-7-1480 and the action taken by the Department of <u>Public Health and Environmental Control</u> pursuant to Section 44-7-1490.</p> <p>(C) Any interested party, within twenty days after the date of the publication of the notice, but not afterwards, may challenge the action so taken by the authority, the county board, or the Department of <u>Public Health and Environmental Control</u>, by action de novo in the court of common pleas in any county where the hospital facilities are to be located.</p>
243.	44-7-1660(B)	Hospital Revenue Bond Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) The county board may not enter into a subsidiary loan agreement to finance the acquisition, construction, expansion, equipping, or financing of any hospital facilities until approval of the agreement by the South Carolina Department of <u>Public Health and Environmental Control</u> as may be required under Article 3 of Chapter 7 of Title 44.
244.	44-7-1690	Hospital Revenue Bond Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.

			<p><b>Suggested Revision:</b></p> <p>Notice of the approval by a county board of any intergovernmental loan agreement or subsidiary loan agreement must be published at least once in a newspaper having general circulation in each county by the respective county board prior to the execution of such agreements. With respect to a subsidiary loan agreement, the notice must set forth the action taken by the county board and the South Carolina Department of <u>Public Health and Environmental Control</u> pursuant to Section 44-7-1660. The intergovernmental loan agreement and subsidiary loan agreement must be filed with the clerk of court of the authorizing issuer and the clerk of court of the project county prior to the issuance of the bonds authorized thereby.</p> <p>Any interested party may, within twenty days after the date of the publication of the notice, challenge the action taken by the county board of the authorizing issuer or the project county in approving the intergovernmental loan agreement by action de novo in the court of common pleas of the project county or the authorizing issuer.</p> <p>Any interested party may, within twenty days after the date of the publication of the notice, challenge the action taken by the county board in approving the subsidiary loan agreement or the Department of <u>Public Health and Environmental Control</u> with respect to the hospital facilities by action de novo in the court of common pleas in any county where the hospital facilities are to be located.</p>
245.	44-7-2420(1)	Hospital Infections Disclosure	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(1) "Department" means the Department of <u>Public Health and Environmental Control</u>.</p>
246.	44-7-2430(C)(1)	Hospital Infections Disclosure	<p><b>Recommendation + Explanation:</b></p> <p>Amend Board reference and Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(C)(1) The <u>Board of Health and Environmental Control</u> Director of the Department of <u>Public Health</u> shall appoint an advisory committee that must have an equal number of members representing all involved parties. The board shall seek recommendations for appointments to the advisory committee from organizations that represent the interests of hospitals, consumers, businesses, purchasers of health care services, physicians, and other professionals involved in the research and control of infections.</p>

247.	44-7-2940	Criminal Record Checks of Direct Care Staff	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			SECTION 44-7-2940. Department of <del>Public Health and Environmental Control</del> oversight of criminal record checks by direct care entities; license renewals. The Department of <del>Public Health and Environmental Control</del> shall verify that a direct care entity is conducting criminal record checks as required in this article before the department issues a renewal license for the direct care entity. The department shall act as the channeling agency for any federal criminal record checks required by this article.
248.	44-7-3430	Hospital Patient Safety Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			All clinical staff, clinical trainees, medical students, interns, and resident physicians of a hospital shall wear badges clearly stating their names, using at a minimum either first or last names with appropriate initials, their departments, and their job or trainee titles. All clinical trainees, medical students, interns, and resident physicians must be explicitly identified as such on their badges. This information must be clearly visible and must be stated in terms or abbreviations reasonably understandable to the average person, as recognized by the Department of <del>Public Health and Environmental Control</del> .
249.	44-7-3460	Hospital Patient Safety Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Public Health and Environmental Control</del> shall administer and enforce the provisions of this article in accordance with procedures and penalties provided in law and regulation.
250.	44-8-10	Community Oral Health Coordinator	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Public Health and Environmental Control</del> shall implement a targeted community program for dental health education, screening, and treatment referral in the public schools for children in kindergarten, third, seventh, and tenth

			grades or upon entry into a South Carolina school. The department shall target three to five counties of need. The program must seek collaboration from local school districts, other governmental entities, school nurses, and dentists to coordinate federal Medicaid assistance and any volunteer efforts to reduce costs to the State to the extent practicable. Program guidelines must be promulgated in regulations and must include procedures for screenings and for the issuance of an Acknowledgment of Dental Screening for a child indicating that the child has had the dental screening. These guidelines also must provide that the screenings required by this section be made by an authorized provider at no charge.
251.	44-8-20(5)	Community Oral Health Coordinator	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(5) "Department" means the South Carolina Department of <u>Public Health and Environmental Control</u> .
252.	44-8-60	Community Oral Health Coordinator	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The initial and continued implementation of the provisions of this chapter is contingent upon the appropriation of adequate funding. There is no mandatory financial obligation to the Department of <u>Public Health and Environmental Control</u> , the Department of Education, or school districts within the counties chosen to participate if adequate funding is not appropriated or made available.
253.	44-9-70	State Department of Mental Health	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The State Department of Mental Health is hereby designated as the State's mental health authority for purposes of administering Federal funds allotted to South Carolina under the provisions of the National Mental Health Act, as amended. The State Department of Mental Health is further designated as the State agency authorized to administer minimum standards and requirements for mental health clinics as conditions for participation in Federal-State grants-in-aid under the provisions of the National Mental Health Act, as amended, and is authorized to promote and develop community mental health outpatient clinics. Provided, that nothing in this article shall be construed to prohibit the operation of outpatient



			mental health clinics by the South Carolina Medical College Hospital in Charleston. Provided, further, that nothing herein shall be construed to include any of the functions or responsibilities now granted the Department of <del>Public Health and Environmental Control</del> , or the administration of the State Hospital Construction Act (Hill-Burton Act), as provided in the 1976 Code of Laws and amendments thereto.
254.	44-20-270	South Carolina Intellectual Disability, Related Disabilities, Head Injuries, and Spinal Cord Injuries Act, Organization and System for Delivery of Services	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The department is designated as the state's intellectual disability, related disabilities, head injuries, and spinal cord injuries authority for the purpose of administering federal funds allocated to South Carolina for intellectual disability programs, related disability programs, head injury programs, and spinal cord injury programs. This authority does not include the functions and responsibilities granted to the South Carolina Department of <del>Public Health and Environmental Control</del> or to the South Carolina Department of Vocational Rehabilitation or the administration of the "State Hospital Construction and Franchising Act".
255.	44-29-10 (A), (B), and (D)	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) In all cases of known or suspected contagious or infectious diseases occurring within this State the attending physician must report these diseases to the county health department within twenty-four hours, stating the name and address of the patient and the nature of the disease. The county health department must report to the Department of <del>Public Health and Environmental Control</del> all such cases of infectious and contagious diseases as have been reported during the preceding month, these reports to be made upon blanks furnished by the Department of <del>Public Health and Environmental Control</del> . The Department of <del>Public Health and Environmental Control</del> must designate the diseases it considers contagious and infectious. The Department of <del>Public Health and Environmental Control</del> may also designate other diseases for mandatory reporting by physicians. Any physician who fails to comply with the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or be imprisoned for a period not exceeding thirty days. (B) A health care provider, coroner, medical examiner, or any person or entity that maintains a database containing health care data must report all cases of persons

			<p>who harbor any illness or health condition that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. The Department of <del>Public Health and Environmental Control</del> must designate reportable illnesses and health conditions as set forth in subsection (A).</p> <p>(C) A pharmacist must report any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. Prescription-related events that require a report include, but are not limited to:</p> <ul style="list-style-type: none"> <li>(1) an unusual increase in the number of prescriptions to treat fever, respiratory, or gastrointestinal complaints;</li> <li>(2) an unusual increase in the number of prescriptions for antibiotics;</li> <li>(3) an unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory, or gastrointestinal complaints; and</li> <li>(4) any prescription that treats a disease that is relatively uncommon and has bioterrorism potential.</li> </ul> <p>(D) The reports of conditions must be made in the form and manner as prescribed by <del>DHECDPH</del> in regulations concerning infectious diseases. The reports must be made to the Bureau of Disease Control in the manner required in the regulations. When available, clinical information supporting the diagnoses, including results of specific diagnostic tests, must be included.</p> <p>(E) For purposes of this section, the terms chemical terrorism, bioterrorism, and radiological terrorism have the same meanings as provided in Section 44-4-130.</p>
256.	44-29-15(A)	Contagious and Infectious Diseases	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) A laboratory, within or outside the State, responsible for performing a test for any of the infectious or other diseases required by the Department of <del>Public Health and Environmental Control</del> to be reported pursuant to Section 44-29-10, shall report positive or reactive tests to the department. This includes, but is not limited to, all laboratories, within or outside the State, which collect specimens in South Carolina</p>

			or which receive the initial order for testing from a practitioner, blood bank, plasmapheresis center, or other health care provider located in South Carolina. The department also may require that all results of certain, specifically identified laboratory tests be reported. All reports must be submitted within the time frame and in the form and manner designated by the department.
257.	44-29-20	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>Prior to transportation of human remains known to be infected by any dangerous, contagious, or infectious disease into, through, or out of this State or any city, town, or county within this State, the hospital, health or medical clinic, physician, medical facility, person, or other entity in possession of the human remains shall inform any funeral director, ambulance driver, or any other person or entity who is to transport the remains that the remains are infected by a dangerous, contagious, or infectious disease.</p> <p>In the event that human remains as described above are not to be moved immediately but are to be operated on for purposes of autopsy or otherwise handled, any doctor, technician, or other person charged with the responsibility of handling the remains known to be infected by any dangerous, contagious, or infectious disease must be informed that the remains are so infected.</p> <p>For the purpose of enforcing this section, the Department of <u>Public Health and Environmental Control</u> (department) shall make and distribute, at intervals considered necessary by the department, to all hospitals, health or medical clinics, other medical facilities, persons, or other entities who may normally be in possession of human remains a list declaring what diseases are regarded as dangerous, contagious, or infectious and shall classify these diseases and shall designate the diseases as are of so dangerous a character that transportation of human remains infected by them is forbidden except under conditions as prescribed by the department which it considers proper for the transportation of those remains.</p>
258.	44-29-40, Title and (A)	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>SECTION 44-29-40. Department of <u>Public Health and Environmental Control</u> shall have general supervision of vaccination, screening, and immunization; statewide immunization registry.</p> <p>(A) The Department of <u>Public Health and Environmental Control</u> shall have general</p>

			direction and supervision of vaccination, screening, and immunization in this State. The Department of <del>Public Health and Environmental Control</del> has the authority to promulgate regulations concerning vaccination, screening, and immunization requirements.
259.	44-29-50	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Any person who shall fail, neglect or refuse to comply with any regulation of the Department of <del>Public Health and Environmental Control</del> relating to vaccination, screening or immunization shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.
260.	44-29-60	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Sexually transmitted diseases which are included in the annual Department of <del>Public Health and Environmental Control</del> List of Reportable Diseases are declared to be contagious, infectious, communicable, and dangerous to the public health. Sexually transmitted diseases include all venereal diseases. It is unlawful for anyone infected with these diseases to knowingly expose another to infection.
261.	44-29-70	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Any physician or other person who makes a diagnosis of or treats a case of a sexually transmitted disease and any superintendent or manager of a hospital, dispensary, health care related facility, or charitable or penal institution in which there is a case of a sexually transmitted disease shall report it to the health authorities according to the form and manner as the Department of <del>Public Health and Environmental Control</del> directs.
262.	44-29-80	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			Any laboratory performing a positive laboratory test for a sexually transmitted disease shall make a report of the case or positive laboratory test for a sexually transmitted disease to the Department of <del>Public Health and Environmental Control</del> in the form and manner as the department directs and shall cooperate with the Department of <del>Public Health and Environmental Control</del> and local boards of health in preventing the spread of sexually transmitted diseases.
263.	44-29-90	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			State, district, county, and municipal health officers, in their respective jurisdictions, when in their judgment it is necessary to protect the public health, shall make examination of persons infected or suspected of being infected with a sexually transmitted disease, require persons infected with a sexually transmitted disease to report for treatment appropriate for their particular disease provided at public expense, and request the identification of persons with whom they have had sexual contact or intravenous drug use contact, or both. The health officer may isolate persons infected or reasonably suspected of being infected with a sexually transmitted disease. To the extent resources are available to the Department of <del>Public Health and Environmental Control</del> for this purpose, when a person is identified as being infected with Human Immunodeficiency Virus (HIV), the virus which causes Acquired Immunodeficiency Syndrome (AIDS), his known sexual contacts or intravenous drug use contacts, or both, must be notified but the identity of the person infected must not be revealed. Efforts to notify these contacts may be limited to the extent of information provided by the person infected with HIV. Public monies appropriated for treatment of persons infected with a sexually transmitted disease must be expended in accordance with priorities established by the department, taking into account the cost effectiveness, curative capacity of the treatment, and the public health benefit to the population of the State.
264.	44-29-100	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend state board references and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Any person who is confined or imprisoned in any state, county, or city prison of this State may be examined and treated for a sexually transmitted disease by the health authorities or their deputies. The <del>state</del> <u>Department of Public Health, and county,</u> and municipal boards of health may take over a portion of any state, county, or city

			<p>prison for use as a <u>department or</u> board of health hospital. Persons who are confined or imprisoned and who are suffering with a sexually transmitted disease at the time of expiration of their terms of imprisonment must be isolated and treated at public expense as provided in Section 44-29-90 until, in the judgment of the local health officer, the prisoner may be medically discharged. In lieu of isolation, the person, in the discretion of the <u>department or</u> board of health, may be required to report for treatment to a licensed physician or submit for treatment provided at public expense by the Department of <u>Public Health and Environmental Control</u> as provided in Section 44-29-90.</p>
265.	44-29-110	Contagious and Infectious Diseases	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b> No person suffering from any of the sexually transmitted diseases described in Section 44-29-60 may be discharged from confinement unless he is pronounced cured of the disease by a state, county, or municipal health officer or, if no cure is available, upon the recommendation of the Department of <u>Public Health and Environmental Control</u>. If any person is released before a complete cure of the sexually transmitted disease of which he is suffering, the department shall direct the individual as to whom to report for further treatment, and failure to report at the stated intervals as directed, in each instance, constitutes a violation of the provisions of Sections 44-29-60 to 44-29-140 and subjects him, upon conviction, to the penalty set forth in Section 44-29-140.</p>
266.	44-29-115	Contagious and Infectious Diseases	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b> If the Department of <u>Public Health and Environmental Control</u> believes that a person must be isolated pursuant to Section 44-29-90, 44-29-100, or 44-29-110, it shall file a petition with the probate court of the county where the person is located or where the person resides. The complaint must state the specific harm thought probable and the factual basis for this belief. If the court, after due notice and hearing, is satisfied that the petition is well-founded, it may order that the person must be isolated. Any person isolated pursuant to Section 44-29-90, 44-29-100, or 44-29-110 has the right to appeal to any court having jurisdiction for review of the evidence under which he was isolated.</p>

			<p>A court may not order isolation for more than ninety days. If the department determines that the grounds for isolation no longer exist, it shall file a notice of intent to discharge with the court before the person isolated is released.</p> <p>The person for whom isolation is sought must be represented by counsel at all proceedings and, if he cannot afford to hire an attorney, the court shall appoint an attorney to represent him. The attorney for the person isolated must have access to any documents regarding the isolation.</p>
267.	44-29-120	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>Every physician attending a pregnant woman in the State for conditions relating to her pregnancy during the period of gestation or at delivery shall, in the case of every woman so attended, take or cause to be taken a sample of blood of such woman at the time of his first examination or within three days thereafter and shall submit such sample to an approved laboratory for a standard serological test for syphilis, rubella, Rh factor and a hemoglobin determination, if the latter test is not performed by the physician's staff. Such an approved laboratory must participate in an appropriate proficiency testing program approved by the Department of <del>Public Health and Environmental Control</del> <u>Public Health and Environmental Control</u>. Every person, other than a physician, permitted by law to attend pregnant women in the State, but not permitted by law to take blood samples, shall cause a sample of blood of each such pregnant woman to be taken by a physician duly licensed to practice medicine and surgery, registered nurse, laboratory technician or other person authorized to take blood for blood tests and have such sample submitted to an approved laboratory for a standard serological test for syphilis, rubella, Rh factor and a hemoglobin determination, if the latter test is not performed by the physician's staff. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. The provisions of this section shall not apply to any person who submits a sworn affidavit stating that she objects to the tests herein required on grounds such tests conflict with her religious tenets or beliefs.</p>
268.	44-29-130	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			The Department of <del>Public Health and Environmental Control</del> shall promulgate regulations necessary to carry out the purposes of Sections 44-29-60 to 44-29-140, other than Section 44-29-120, including regulations providing for labor on the part of isolated persons considered necessary to provide in whole or in part for their subsistence and to safeguard their general health and regulations concerning sexually transmitted diseases as it considers advisable. All regulations so made are binding upon all county and municipal health officers and other persons affected by Sections 44-29-60 to 44-29-140.
269.	44-29-135	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			All information and records held by the Department of <del>Public Health and Environmental Control</del> and its agents relating to a known or suspected case of a sexually transmitted disease are strictly confidential except as provided in this section. The information must not be released or made public, upon subpoena or otherwise, except under the following circumstances: (a) release is made of medical or epidemiological information for statistical purposes in a manner that no individual person can be identified; (b) release is made of medical or epidemiological information with the consent of all persons identified in the information released; (c) release is made of medical or epidemiological information to the extent necessary to enforce the provisions of this chapter and related regulations concerning the control and treatment of a sexually transmitted disease; (d) release is made of medical or epidemiological information to medical personnel to the extent necessary to protect the health or life of any person; (e) in cases involving a minor, the name of the minor and medical information concerning the minor must be reported to appropriate agents if a report of abuse or neglect is required by Section 63-7-310; or (f) if a minor has Acquired Immunodeficiency Syndrome (AIDS) or is infected with Human Immunodeficiency Virus (HIV), the virus that causes AIDS, and is attending a public school in kindergarten through fifth grade, the department shall notify the superintendent of the school district and the nurse or other health professional assigned to the school the minor attends. This notification and information contained in the notification must not be recorded in the child's permanent record. However, if this information is in the child's permanent school record, the



			information must be purged from the child's record before the child enters the sixth grade.
270.	44-29-140	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Any person who violates any of the provisions of Sections 44-29-60 to 44-29-140, other than Section 44-29-120, or any regulation made by the Department of <u>Public Health and Environmental Control</u> pursuant to the authority granted by law, or fails or refuses to obey any lawful order issued by any state, county, or municipal health officer, pursuant to Sections 44-29-60 to 44-29-140, or any other law or the regulations prescribed by law, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or be imprisoned for not more than thirty days.
271.	44-29-150	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Board reference and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			No person will be initially hired to work in any public or private school, kindergarten, nursery or day care center for infants and children until appropriately evaluated for tuberculosis according to guidelines approved by the <del>Board</del> <u>Department of Public Health and Environmental Control</u> . Re-evaluation will not be required for employment in consecutive years unless otherwise indicated by such guidelines.
272.	44-29-170	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The physician shall make the aforesaid certificate on a form supplied by the Department of <u>Public Health and Environmental Control</u> , whose duty it shall be to provide such forms upon request of the applicant.
273.	44-29-180 (A), (B), and (C)	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			[Note: Subsection (C) references an incorrect regulation title for Regulation 61-8. The correct title is "Immunization Requirements for School and Childcare Attendance." The Code Commissioner may wish to review and update.]

			<p><b>Suggested Revision:</b></p> <p>(A) No superintendent of an institution of learning, no school board or principal of a school, and no owner or operator of a public or private childcare facility as defined in Section 63-13-20 may admit as a pupil or enroll or retain a child or person who cannot produce satisfactory evidence of having been vaccinated or immunized so often as directed by the Department of <del>Public Health and Environmental Control</del>. Records of vaccinations or immunizations must be maintained by the institution, school, or day care facility to which the child or person has been admitted.</p> <p>(B) The Department of <del>Public Health and Environmental Control</del> shall monitor the immunization status of each child who is enrolled or retained in a licensed child day care facility or a registered church or religious child day care facility. The monitoring of day care facilities shall consist of a review of the immunization or vaccination records to insure that required immunizations are complete as recommended and routinely provided by the Department of <del>Public Health and Environmental Control</del> for all infants and children.</p> <p>(C) South Carolina Department of Health and Environmental Control Regulation 61-8, as amended, "Vaccination, Screening and Immunization Regarding Contagious Diseases", and its exemptions apply to this section.</p> <p>(D) A South Carolina Certificate of Special Exemption signed by the school principal, authorized representative, or day care director may be issued to transfer students while awaiting arrival of medical records from their former area of residence or to other students who have been unable to secure immunizations or documentation of immunizations already received. A South Carolina Certificate of Special Exemption may be issued only once and is valid for only thirty calendar days from date of enrollment. At the expiration of this special exemption, the student must present a valid South Carolina Certificate of Immunization, a valid South Carolina Certificate of Medical Exemption, or a valid South Carolina Certificate of Religious Exemption.</p> <p>(E) Registered family day care homes are exempt from requirements of this section.</p>
274.	44-29-185(A)(1)	Contagious and Infectious Diseases	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A)(1) Beginning with the 2016-2017 school year, the Department of <del>Public Health and Environmental Control</del> may offer the cervical cancer vaccination series for adolescent students. Adolescent students include children enrolling in the seventh grade in any school, public, private, or home schooling program in this State.</p>

275.	44-29-210(A)	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Board reference and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) If the <del>Board</del> <u>Director</u> of the Department of <del>Public Health and Environmental Control</del> or the <del>Director of the Department of Health and Environmental Control</del> 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. <del>Neither the board nor the</del> <u>The director may not approve the project unless either he or she finds that the project conforms to good medical and public health practice.</u> 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.
276.	44-29-230(B)	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) The test results must be given to the health care professional who shall report the results and assure the provision of post-test counseling to the health care worker or emergency response employee, and the person who is tested. The test results also shall be reported to the Department of <u>Public Health and Environmental Control</u> in a manner prescribed by law.
277.	44-29-240	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			A person, upon whom an invasive, exposure-prone procedure, as defined by the Department of <u>Public Health and Environmental Control</u> , is scheduled to be performed, is encouraged to know his HIV antibody, HBsAG, and HBeAg status and disclose the status to the health care professionals rendering care so that precautionary measures may be taken. A person, upon whom an invasive, exposure-prone procedure is scheduled to be performed, who does not know his status, is

			encouraged to have his blood tested for the presence of HIV or HBV so as to protect the health care professionals rendering care.
278.	44-29-250	Contagious and Infectious Diseases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Notwithstanding any other provision of this chapter or a regulation promulgated under this chapter, a person who collects and anonymously submits a sample of the person's own body fluid or tissue for Human Immunodeficiency Virus (HIV) infection testing is not required to report a positive test result, and the test results are confidential. However, the person or laboratory performing the test on an anonymous sample shall report a positive HIV infection test result to the Department of <del>Public Health and Environmental Control</del> , as well as certification to the Department of <del>Public Health and Environmental Control</del> that counseling options, including community-based resources, and referrals to appropriate medical providers have been made or offered to the positive subject, but the report must not contain any information identifying the subject of the report or any information that may lead to the identification of the subject of the report.
279.	44-30-20(3)	Health Care Professional Compliance Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(3) "Department" means the South Carolina Department of <del>Public Health and Environmental Control</del> .
280.	44-30-90	Health Care Professional Compliance Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The department and each licensing board shall promulgate regulations necessary to accomplish the purposes set forth in this article and to comply with public law no later than October 1, 1992. All orders for medication dispensed or treatment provided in a hospital shall be authenticated according to hospital policy. The orders shall be taken by personnel qualified by hospital medical staff rules and shall include the date, time, and name of persons who gave the order, and the signature of the person taking the order. The Department of <del>Public Health and Environmental Control</del> shall promulgate regulations consistent with this provision.

281.	44-31-10	Reports and Records of Tuberculosis Cases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Every attending physician and chief administrative officer having charge of any hospital, clinic, dispensary or other similar private or public institution in the State shall make a report in writing, on a form to be furnished by the Department of <u>Public Health and Environmental Control</u> , on every person known by the physician to have tuberculosis or on every patient in the care of such administrator. Such report shall be filed within twenty-four hours after the patient is known by the physician to have tuberculosis or after such patient comes into the care of the administrator. The report shall contain the name, age, sex, race, occupation, place where last employed if known, and the address or previous address in the case of a patient reported on, and the reporting physician or officer shall also give evidence upon which the diagnosis of tuberculosis has been made, the part of the body affected, and the stage of the disease. All cases in which sputum, urine, feces, pus, or any other bodily discharge, secretion, or excretion contains the tubercle bacillus, shall be regarded as active infectious cases of tuberculosis.
282.	44-31-20	Reports and Records of Tuberculosis Cases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(1) All bacteriological and pathological laboratories rendering diagnostic service shall report to the Department of <u>Public Health and Environmental Control</u> , within twenty-four hours after diagnosis, the full name and other available data relating to the person whose sputa, gastric contents, or other specimens submitted for examination reveal the presence of tubercle bacilli. Such report shall include the name and address of the physician or of any other person or agency referring such positive specimen for clinical diagnosis. (2) All reports and records of clinical or laboratory examination, for the presence of tuberculosis, shall be confidential and recorded in a register maintained by the Department of <u>Public Health and Environmental Control</u> .
283.	44-31-30, Title and Paragraph	Reports and Records of Tuberculosis Cases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			SECTION 44-31-30. Personnel of Department of <u>Public Health and Environmental Control</u> are authorized to inspect records and provide consultation services.

			Authorized personnel of the Department of <del>Public Health and Environmental Control</del> may inspect all medical records of all public and private institutions and clinics where tuberculosis patients are treated, and shall provide consultation services to officers of State educational, correctional, and medical institutions regarding the control of tuberculosis and the care of patients or inmates having tuberculosis.
284.	44-31-105(A)	Reports and Records of Tuberculosis Cases	<b>Recommendation + Explanation:</b>
			Amend Department name and Commissioner reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) If the Department of <del>Public Health and Environmental Control</del> determines that the public health or the health of any individual is endangered by a case of tuberculosis, or a suspected case of tuberculosis, the <del>commissioner</del> Director, or his or her designee, may issue an emergency order he or she considers necessary to protect the public health or the health of any person, and law enforcement shall aid and assist the department in accordance with Section 44-1-100.
285.	44-31-110(A)	Reports and Records of Tuberculosis Cases	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) When it is brought to the attention of a Department of <del>Public Health and Environmental Control</del> health officer that a person with active tuberculosis is unable or unwilling to conduct himself so as not to expose others to danger, the department shall issue an emergency order pursuant to Section 44-31-105 or file a petition in the probate court of the county in which the person resides or is situated seeking commitment of the person to a facility for isolation and treatment. In case of the absence of the health officer or the department's failure to act, any other interested person may petition the probate court for commitment of the person for isolation and treatment. A petition seeking commitment must be based on proper records and affidavits.
286.	44-31-610	Tuberculosis Control Advisory Committee	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			There is hereby created the Tuberculosis Control Advisory Committee to be appointed by the Governor, upon the recommendation of the Department of <del>Public Health and Environmental Control</del> . The Committee shall consist of six members who shall serve for terms of two years

			<p>and until their successors are appointed and qualify. The present chairman of the South Carolina Sanatorium Board shall be appointed as an original member of the Committee.</p> <p>The other five members shall consist of: two practicing physicians (one from the South Carolina Thoracic Society and one from the South Carolina Medical Association); one representative from the South Carolina Department of Social Services; one representative from the South Carolina Vocational Rehabilitation Department; and one representative from the South Carolina Tuberculosis Association.</p> <p>The Committee shall advise the Department of <u>Public Health and Environmental Control</u> in all matters relating to the control, prevention and treatment of tuberculosis and chronic respiratory diseases.</p>
287.	44-32-10(2)	Body Piercing	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(2) "Department" means the Department of <u>Public Health and Environmental Control</u> .
288.	44-32-20(A)	Body Piercing	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The Department of <u>Public Health and Environmental Control</u> shall establish sterilization, sanitation, and safety standards for persons engaged in the business of body piercing. The department shall provide the necessary resources to support the development of these standards. The standards must be directed at establishment and maintenance of sterile conditions and safe disposal of instruments. The standards may be modified as appropriate to protect consumers from transmission of contagious diseases through cross-contamination of instruments and supplies.
289.	44-32-120(G)	Body Piercing	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(G) All fines collected must be remitted to the State Treasurer to be credited to the Department of <u>Public Health and Environmental Control</u> in a separate and distinct account to be used solely to carry out and enforce the provisions of this chapter.

290.	44-33-10	Sickle Cell Disease, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b> The Department of <u>Public Health and Environmental Control</u> is hereby authorized to initiate a sickle cell education and prevention program based entirely upon voluntary cooperation of the individuals involved. The program shall provide: (1) laboratory testing of citizens in the reproductive ages to determine the presence of the sickle cell gene; (2) counselling for persons identified as carriers of the sickle cell gene, for the purpose of educating these persons about the risk of a child of the person inheriting sickle cell disease; (3) referral of persons with sickle cell disease, as necessary, so that they may obtain proper medical care and treatment, to include pain management; and (4) basic education to the general public about sickle cell disease, so as to eradicate the stigma attached to the disease.
291.	44-33-310	Sickle Cell Disease Voluntary Patient Registry	<b>Recommendation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b> The South Carolina Department of <u>Public Health and Environmental Control</u> shall develop and maintain the Sickle Cell Disease Voluntary Patient Registry for residents of the State who have been diagnosed with sickle cell disease. The purpose of the registry is to: (1) enable individuals diagnosed with sickle cell disease to register so that physicians and other health care practitioners providing care to the patient may confirm whether the individual has been diagnosed with sickle cell disease; and (2) collect and study data on the incidence and nature of sickle cell disease in the State to improve patient care and access to services.
292.	44-34-10(1)	Tattooing	<b>Recommendation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b> (1) "Department" means the Department of <u>Public Health and Environmental Control</u> .
293.	44-34-20(A)	Tattooing	<b>Recommendation:</b>
			Amend Department name to conform with Act 60.



			<p><b>Suggested Revision:</b></p> <p>(A) The Department of <del>Public Health and Environmental Control</del> must establish by regulation sterilization, sanitation, and safety standards for persons engaged in the business of tattooing. The department must provide the necessary resources to support the development of these standards. The standards must be directed at establishment and maintenance of sterile conditions and safe disposal of instruments. The standards may be modified in accordance with the Administrative Procedures Act as appropriate to protect consumers from transmission of contagious diseases through cross-contamination of instruments and supplies.</p>
294.	44-34-100(G)	Tattooing	<p><b>Recommendation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(G) All licensing fees and monetary penalties collected must be remitted to the Department of <del>Public Health and Environmental Control</del> in a separate and distinct account to be used solely to carry out and enforce the provisions of this chapter.</p>
295.	44-35-10	Cancer	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>The Department of <del>Public Health and Environmental Control</del>, in conjunction with hospitals and entities throughout the State, shall formulate a plan for cancer prevention, detection, and surveillance programs and for care of persons suffering from cancer to meet standards of care set forth by nationally recognized and approved accrediting bodies.</p>
296.	44-35-20(A)	Cancer	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) There is established the South Carolina Central Cancer Registry and, to the extent funds are available, the Department of <del>Public Health and Environmental Control</del> shall administer this as a statewide population-based registry of cancer cases with a diagnosis date after December 31, 1995.</p>
297.	44-35-30(A)	Cancer	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p>

			(A) A provider who diagnoses and/or treats cancer patients and does not report to a regional cancer registry shall report specific case information to the registry in accordance with regulations promulgated by the Department of <del>Public Health and Environmental Control</del> . These regulations shall include, but are not limited to, the reportable case listing, data elements to be collected, the content and design of forms and reports required by this section, the procedures for disclosure of information gathered by the registry, and other matters necessary to the administration of this section. The regulations shall include these data elements:
298.	44-35-40	Cancer	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Information that could identify the cancer patient must be kept strictly confidential in accordance with the administrative policy of the Department of <del>Public Health and Environmental Control</del> . This information must not be open for inspection except by the individual patient or the patient's authorized representative. Procedures for the disclosure of confidential information to researchers for the purposes of cancer prevention, control, and research must be promulgated in regulations. The data release protocol developed in coordination with the Revenue and Fiscal Affairs Office, must be utilized by the registry to determine appropriate use and release of cancer registry data.
299.	44-35-70	Cancer	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Public Health and Environmental Control</del> may, to the extent of and within the available funds which may be provided, acquire laboratories, hospitals, or other property, either real or personal, by gift, purchase, devise or otherwise, as the department considers advisable to afford proper treatment and care to cancer patients in this State and to carry out the intent and purpose of this chapter.
300.	44-35-80	Cancer	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Public Health and Environmental Control</del> may furnish aid to cancer patients who are residents of this State to the extent of and within the

			available funds as the department considers proper. The department may administer this aid in any manner which, in its judgment and with the approval of the Cancer Control Advisory Committee, provided for in Section 44-35-90, will afford greater benefit for the prevention, detection, and control of cancer throughout the State.
301.	44-35-90	Cancer	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			There is established within the Department of <del>Public Health and Environmental Control</del> the Cancer Control Advisory Committee. The department shall appoint the members of the committee which must consist of qualified physicians, researchers, other experts engaged professionally in cancer prevention and care in South Carolina, and health care consumers. The committee shall advise and make recommendations to the department about the formulation and implementation of a comprehensive cancer prevention and control program through its review of cancer control services throughout the State. The committee shall: <ul style="list-style-type: none"> <li>(1) advise the department on professional issues pertaining to cancer prevention, detection, care and surveillance;</li> <li>(2) participate in the evaluation of cancer programs and services offered through the department;</li> <li>(3) serve as advocates for the poor and underserved patients through support of the state-aid cancer clinics;</li> <li>(4) assist the department in maintaining liaison with the community and other health care providers; and</li> <li>(5) advise the department on the administration of available funds for the prevention, detection, care, and surveillance of cancer.</li> </ul>
302.	44-35-100	Cancer	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The reporting requirements provided for in Section 44-35-30 are suspended if adequate funding is not provided to the Department of <del>Public Health and Environmental Control</del> .
303.	44-36-20(A)(5)	Alzheimer's Disease Registry	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			<p>(A) The School of Public Health shall appoint an advisory committee to assist in maintaining this registry which must include, but is not limited to, a representative of:</p> <ol style="list-style-type: none"> <li>(1) South Carolina Alzheimer's Association chapters;</li> <li>(2) American Association of Retired Persons, South Carolina Chapters;</li> <li>(3) Clemson University;</li> <li>(4) Department of Disabilities and Special Needs;</li> <li>(5) Department of <del>Public Health and Environmental Control</del>;</li> <li>(6) Department of Mental Health;</li> <li>(7) Department of Social Services;</li> <li>(8) Department of Health and Human Services;</li> <li>(9) Medical University of South Carolina;</li> <li>(10) National Association of Social Workers, South Carolina Chapter;</li> <li>(11) South Carolina Adult Day Care Association;</li> <li>(12) South Carolina Association of Area Agencies on Aging;</li> <li>(13) South Carolina Association of Council on Aging Directors;</li> <li>(14) South Carolina Association of Nonprofit Homes for the Aging;</li> <li>(15) South Carolina Association of Residential Care Homes;</li> <li>(16) South Carolina Health Care Association;</li> <li>(17) South Carolina Home Care Association;</li> <li>(18) South Carolina Hospital Association;</li> <li>(19) South Carolina Medical Association;</li> <li>(20) South Carolina Nurses' Association;</li> <li>(21) Alzheimer's Disease and Related Disorders Resource Coordination Center of the Department on Aging;</li> <li>(22) University of South Carolina;</li> <li>(23) South Carolina State University.</li> </ol>
304.	44-36-30(B)	Alzheimer's Disease Registry	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
305.	44-36-50	Alzheimer's Disease Registry	<b>Suggested Revision:</b>
			(B) Except for use in collecting data on deaths from the Bureau of Vital Statistics, Department of <del>Public Health and Environmental Control</del> , no identifying information collected or maintained by the registry may be released unless consent is obtained from the subject or the subject's legal representative.
			<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.

			<p><b>Suggested Revision:</b></p> <p>The registry shall submit an annual report to the Alzheimer's Disease and Related Disorders Resource Coordination Center of the Department on Aging, the Department of <del>Public Health and Environmental Control</del>, and the Revenue and Fiscal Affairs Office.</p>
306.	44-36-320(10)	Alzheimer's Disease and Related Disorders Resource Coordination Center	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(10) when updating the statewide plan, the advisory council must solicit input from the Department of <del>Public Health and Environmental Control</del>, the Department of Health and Human Services, and the Department of Social Services to ensure the formulation of a comprehensive statewide plan that meets the needs of the State; and</p>
307.	44-36-520	Special Care Disclosure	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>A nursing home, community residential care facility, or day care facility for adults licensed by the Department of <del>Public Health and Environmental Control</del> which offers to provide or provides an Alzheimer's special care unit or program must include in its policies and procedures and disclose to the responsible party seeking a placement within the Alzheimer's special care unit or program, the form of care or treatment provided that distinguishes it as being especially applicable to or suitable for persons with Alzheimer's disease. The information that distinguishes the form of care or treatment shall include criteria for admission, transfer, and discharge; care planning; staffing patterns; staff training; physical environment; resident and participant activities; family role in care; and unique costs to the resident or participant associated with specialized service delivery.</p>
308.	44-37-20	Care of the Newly Born	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>Every doctor, midwife, nurse or other person attending the delivery at birth of a child in this State shall instill, or have instilled, into the eyes of the baby, within one hour after birth, some effective prophylactic approved by the Department of <del>Public Health and Environmental Control</del>, for prevention of blindness from ophthalmia</p>

			neonatorum. A record of such administration or instillation shall be reported on the birth certificate, showing the time with respect to the birth and the kind of prophylactic administered.
309.	44-37-30(A)	Care of the Newly Born	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) A child born in this State, except a child born of a parent who objects on religious grounds and indicates this objection before testing on a form promulgated in regulation by the Department of <del>Public Health and Environmental Control</del> , shall have neonatal testing to detect inborn metabolic errors and hemoglobinopathies.
310.	44-37-40 (B)(6) and (B)(7)	Care of the Newly Born	<b>Recommendation + Explanation:</b>
			Amend Commissioner reference and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) For purposes of this section: (1) "Advisory council" means the Newborn Hearing Screening and Intervention Advisory Council. (2) "Audiologist" means an individual licensed to practice audiology by the South Carolina Board of Examiners in Speech-Language Pathology and Audiology. (3) "Audiologic evaluation" means an evaluation consisting of procedures to assess the status of the auditory system; to establish the site of an auditory disorder; the type and degree of hearing loss, and the potential effects of hearing loss on communication; and to identify appropriate treatment and referral options. Referral options for evaluation should include linkage to state Part C "Individuals with Disabilities Education Act" coordinating agencies or other appropriate agencies, medical evaluation, hearing aid/sensory aid assessment, audiologic rehabilitation treatment, national and local consumer, self-help, parent and education organizations, and other family centered services. (4) "Auditory habilitation" means intervention which includes the use of procedures, techniques, and technologies to facilitate the receptive and expressive communication abilities of a child with hearing loss. (5) "Birth admission" means the time after birth that the newborn remains in the hospital nursery before discharge. (6) " <del>Commissioner</del> Director" means the <del>Commissioner</del> Director of the South Carolina Department of <del>Public Health and Environmental Control</del> . (7) "Department" means the South Carolina Department of <del>Public Health and</del>

			<p><del>Environmental Control.</del></p> <p>(8) "Early intervention" means providing appropriate services for a child with hearing loss and ensuring that the family of the child is provided comprehensive, consumer-oriented information about the full range of family support, training, information services, and communication options and is given the opportunity to consider the full range of educational and program placements and options for this child.</p> <p>(9) "Hearing loss" for newborns and neonates means failure to pass the brainstem auditory evoked response performed at the audiologic evaluation. Current hearing screening technology detects levels of hearing loss as low as 35 decibels.</p> <p>(10) "Hearing screening" means newborn and infant hearing screening consisting of objective physiologic procedures to detect possible hearing loss and to identify newborns and infants who, after rescreening, require further audiologic and medical evaluations.</p> <p>(11) "Infant" means a child twenty-nine days to twenty-four months old.</p> <p>(12) "Medical intervention" means the process by which a physician provides medical diagnosis and direction for medical or surgical treatment options for hearing loss or related medical disorders associated with hearing loss.</p> <p>(13) "Newborn" means a child up to twenty-eight days old.</p> <p>(14) "Normal hearing" for newborns and infants is 0-15 decibels hearing level. Any hearing level greater than 15 decibels can adversely affect speech and language development. The greater the hearing level the greater the adverse impact on speech and language development.</p> <p>(15) "Parent" means a natural parent, step-parent, adoptive parent, legal guardian, or other legal custodian of a child.</p> <p>(16) Part C of "Individuals with Disabilities Education Act" means the federal "Early Intervention Program for Infants and Toddlers with Disabilities and Developmental Delay Act" which encourages exemplary practices that lead to improved teaching and learning experiences for children with developmental delay, and that can result in more productive independent adult lives, including employment.</p>
311.	44-37-50 (A), (B), (C), (D), and (E)	Care of the Newly Born	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) Every hospital in this State must make available to the parents of each newborn baby delivered in the hospital a video presentation on safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, and the dangers associated</p>

			<p>with shaking infants and young children. Every hospital also must make available information on the importance of parents and caregivers learning infant CPR. The hospital must request that the maternity patient, the father, or the primary caregiver view the video. Those persons whom the hospital requested to view the video shall sign a document prescribed by the Department of <u>Public Health and Environmental Control</u> stating that they have been offered an opportunity to view the video.</p> <p>(B) The director, or his designee, of the Department of <u>Public Health and Environmental Control</u> must approve the video to be utilized by a hospital, pursuant to subsection (A). Upon the request of a hospital, the Director of the Department of <u>Public Health and Environmental Control</u>, or his designee, shall review a hospital's proposed video for possible approval. The Department of <u>Public Health and Environmental Control</u> may not require a hospital to use a video that would require the hospital to pay royalties for use of the video, restrict viewing in order to comply with public viewing or other restrictions, or be subject to other costs or restrictions associated with copyrights. The department must provide a copy of any approved video, at cost, to a hospital or any interested individual.</p> <p>(C) The Department of <u>Public Health and Environmental Control</u> shall make available to all childcare facilities and childcare providers, regulated pursuant to Chapter 13, Title 63, a video presentation on safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, and the dangers associated with shaking infants and young children. Childcare facilities, as defined in Section 63-13-20, shall include this video presentation in the initial and ongoing training of caregivers in the childcare facility. Caregivers in a registered family childcare home or church or religious childcare facility may participate in presentations offered pursuant to this subsection. The Department of <u>Public Health and Environmental Control</u> must provide a copy of any approved video, at cost, to a childcare facility or childcare provider or any interested individual.</p> <p>(D) The Department of <u>Public Health and Environmental Control</u> shall establish a protocol for health care providers to educate parents or primary caregivers about safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, and the dangers associated with shaking infants and young children. The Department of <u>Public Health and Environmental Control</u> shall request family medicine physicians, pediatricians, and other pediatric health care providers to review these dangers with the parent or primary caregiver, who are present, of infants and young children up to the age of one at each well-baby visit.</p> <p>(E) The Department of Social Services, Adoption Services must make available to all adopting parents a video presentation, approved by the Department of <u>Public Health and Environmental Control</u>, on safe sleep practices, the causes of Sudden</p>
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			<p>Unexpected Infant Death Syndrome, the dangers associated with shaking infants and young children, and the importance of parents and caregivers learning infant CPR. The department must request that the adopting parents view the video. The adopting parents must sign a document prescribed by the department stating that they have been offered an opportunity to view the video. This subsection only applies to adoptive placements administered by the Department of Social Services, Adoption Services.</p> <p>(F) Nothing contained in this section may be construed to create any civil, criminal, or administrative cause of action or other liability against a health care facility or health care provider for any acts or omissions relating to compliance with this section.</p>
312.	44-37-70 (A) and (C)	Care of the Newly Born	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) The Department of <del>Public Health and Environmental Control</del> shall require each birthing facility licensed by the department to perform on every newborn in its care a pulse oximetry or other department-approved screening to detect critical congenital heart defects when the baby is twenty-four to forty-eight hours of age, or as late as possible if the baby is discharged from the hospital before reaching twenty-four hours of age. A department-approved screening must be based on standards set forth by the United States Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children, the American Heart Association, and the American Academy of Pediatrics. If a parent of a newborn objects, in writing, to the screening, for reasons pertaining to religious beliefs only, the newborn is exempt from the screening required by this subsection.</p> <p>(B) The Department of Health and Human Services shall work with birthing facilities through its partnership with the Birth Outcomes Initiative to recommend policies for critical congenital heart defect screening. The Department of Health and Human Services shall provide reimbursement for services provided pursuant to this section.</p> <p>(C) For purposes of this section, "birthing facility" means an inpatient or ambulatory health care facility licensed by the Department of <del>Public Health and Environmental Control</del> that provides birthing and newborn care services.</p> <p>(D) The department with advice from the Birth Outcome Initiative Leadership Team under the Department of Health and Human Services shall promulgate regulations necessary to implement the provisions of this section. In promulgating the regulations, the department must consider the best practices in screening, current scientific guidelines and recommendations, and advances in medical technology.</p>

313.	44-38-30(A)	Head and Spinal Cord Injury Information System	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) There is the South Carolina Head and Spinal Cord Injury Information System Council established for the purpose of overseeing the daily activities of the system which shall be under the Head and Spinal Cord Injury Division of the Department of Disabilities and Special Needs. The council is composed of the following ex officio members or their designees: the chairman, Developmental Disabilities Council, Office of the Governor, the chairman of the Joint Committee to Study the Problems of Persons with Disabilities, the State Director of the State Department of Mental Health, the Commissioner of the Department of Vocational Rehabilitation, the Director of the State Department of Disabilities and Special Needs, the Director of the South Carolina Department of <del>Public Health and Environmental Control</del>, the Director of the South Carolina Department of Health and Human Services, Dean of the University of South Carolina School of Medicine, the Dean of the Medical University of South Carolina, the Executive Director of the South Carolina Hospital Association, one representative from each of the head injury advocacy organizations, and one individual with a spinal cord injury. The council shall elect a chairman who may appoint such other nonvoting members who may serve in an advisory capacity to the council, including representatives from the private service delivery sector.</p>
314.	44-38-380 (A)(1)(k)	Head and Spinal Cord Injury Information System	<p><b>Recommendation + Explanation:</b> Amend Commissioner reference and Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) There is created an Advisory Council to the South Carolina Head and Spinal Cord Service Delivery System composed of: (1) the following members or a designee, who shall serve ex officio: (a) Chairperson for the Joint Legislative Committee for the Disabled; (b) Director of the State Department of Disabilities and Special Needs; (c) Commissioner of the State Agency for Vocational Rehabilitation; (d) Director of the University Affiliated Program of the University of South Carolina; (e) Director of the South Carolina Developmental Disabilities Council; (f) Director of Special Education of the State Department of Education; (g) Director of the Interagency Office of Disability Prevention; (h) Director of the Continuum of Care for Emotionally Disturbed Children; (i) Executive Director of the South Carolina Health and Human Services Finance</p>

			<p>Commission;</p> <p>(j) Director of the State Department of Mental Health;</p> <p>(k) <del>Commissioner</del> Director of the South Carolina Department of <u>Public Health and Environmental Control</u>;</p> <p>(l) Commissioner of the South Carolina Commission for the Blind;</p>
315.	44-38-630(A)(5)	South Carolina Brain Injury Leadership Council	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) The members of the South Carolina Brain Injury Leadership Council should have knowledge or expertise in the area of brain injury or related services. The council shall be comprised of representatives of the following agencies and organizations, shall be appointed by the director of the agency or organization and shall serve ex officio:</p> <p>(1) South Carolina Department of Education;</p> <p>(2) South Carolina Department of Health and Human Services;</p> <p>(3) South Carolina Department of Mental Health;</p> <p>(4) South Carolina Department of Social Services;</p> <p>(5) South Carolina Department of <u>Public Health and Environmental Control</u>;</p> <p>(6) South Carolina Vocational Rehabilitation Department;</p> <p>(7) South Carolina Department of Disabilities and Special Needs;</p> <p>(8) Head and Spinal Cord Injury Division within the South Carolina Department of Disabilities and Special Needs;</p> <p>(9) Medical University of South Carolina;</p> <p>(10) University Center for Excellence in Developmental Disabilities within the University of South Carolina School of Medicine;</p> <p>(11) South Carolina Statewide Independent Living Council;</p> <p>(12) South Carolina Developmental Disabilities Council;</p> <p>(13) Protection and Advocacy for People with Disabilities, Inc.; and</p> <p>(14) Brain Injury Association of South Carolina.</p>
316.	44-39-20 (B)(1)(c) and (B)(1)(i)	Diabetes Initiative of South Carolina	<b>Recommendation + Explanation:</b>
			<p>Amend Department name to conform with Act 60; amend additional DHEC reference for accurate agency.</p> <p>[Note: Regarding item (i), DHEC has advised that the Office of Minority Health is no longer a DHEC division and has moved to the Commission for Minority Affairs;</p>

			<p>however, it is unknown to DHEC whether the division within the Commission for Minority Affairs is still called the Office of Minority Health.]</p> <p><b>Suggested Revision:</b></p> <p>(B) The board consists of:</p> <p>(1) the following officials or their designees:</p> <p>(a) the President of the Medical University of South Carolina;</p> <p>(b) the Dean of the University of South Carolina School of Medicine;</p> <p>(c) the Director of the Department of <del>Public Health and Environmental Control</del>;</p> <p>(d) the Director of the State Department of Health and Human Services;</p> <p>(e) the President of the South Carolina Medical Association;</p> <p>(f) the Vice President of the Southeastern Division of the American Diabetes Association;</p> <p>(g) the President of the American Association of Diabetes Educators;</p> <p>(h) the President of the South Carolina Academy of Family Physicians;</p> <p>(i) the Head of the Office of Minority Health <del>in of the Department of Health and Environmental Control</del> <u>Commission for Minority Affairs</u>;</p> <p>(j) the Governor of the South Carolina Chapter of the American College of Physicians;</p> <p>(k) the Chair of the Division of Endocrinology at the Medical University of South Carolina;</p> <p>(l) the President of the South Carolina Hospital Association;</p> <p>(2) a representative of the Office of the Governor, to be appointed by the Governor; and</p> <p>(3) six representatives appointed by the President of the Medical University of South Carolina, three of whom must be from the general public and one each from the Centers of Excellence Council, the Outreach Council, and the Surveillance Council, all of whom must be persons knowledgeable about diabetes and its complications.</p>
317.	44-40-30	Agent Orange Information and Assistance Program	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>There is created the South Carolina Agent Orange Advisory Council to assist and advise the South Carolina Department of <del>Public Health and Environmental Control</del> in its duties and functions as provided in this chapter and to assist and advise the Veterans' Affairs Department of the Governor's Office in its duties and functions as provided in Section 25-11-70. The council is composed of five voting members and five nonvoting ex officio members. The voting members must be veterans who</p>

			<p>served in Vietnam, Cambodia, Laos, or Thailand. Voting members are appointed by the Governor for terms of four years and until their successors are appointed and qualify. The Governor shall designate a chairman who shall serve for a term of two years. Vacancies on the council are filled by appointment in the same manner as the original appointment for the remainder of the unexpired term. Voting members of the council are paid the usual per diem, mileage, and subsistence as provided by law for members of boards, commissions, and committees. The following shall serve as ex officio members without voting rights:</p> <p>(1) the Director of the Department of <del>Public Health and Environmental Control</del>;</p> <p>(2) the Director of Veterans' Affairs Department or his designee;</p> <p>(3) one faculty member of the Medical University of South Carolina with expertise in a field relevant to the purpose of the council;</p> <p>(4) one faculty member of the University of South Carolina with expertise in a field relevant to the purpose of the council.</p>
318.	44-40-60	Agent Orange Information and Assistance Program	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>With the cooperation of the Department of <del>Public Health and Environmental Control</del> and the Department of Veterans Affairs, the council:</p> <p>(1) shall make an annual report to the General Assembly containing:</p> <p>(a) a comprehensive review and summary analysis of the scientific literature on the effects of exposure to chemical agents, including Agent Orange;</p> <p>(b) a summary of the activities undertaken to inform and assist veterans who may have been exposed to chemical agents, including Agent Orange;</p> <p>(c) a description and interpretation of the results of any study undertaken pursuant to this chapter;</p> <p>(d) other comments or recommendations the council considers appropriate.</p> <p>(2) may hold hearings consistent with the purposes of this chapter.</p> <p>To assist it in carrying out these functions, the council may contract for an evaluation of the performance of the Department of <del>Public Health and Environmental Control</del> and the Department of Veterans Affairs in implementing this chapter and may contract for the compilation and editing of the annual report.</p>
319.	44-41-10(c)	Abortions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			(c) "Department" means the South Carolina Department of <del>Public Health and Environmental Control</del> .
320.	44-41-60	Abortions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Any abortion performed in this State must be reported by the performing physician on the standard form for reporting abortions to the State Registrar, Department of <del>Public Health and Environmental Control</del> , within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the State Registrar. The form must indicate from whom consent was obtained, circumstances waiving consent, and, if an exception was exercised pursuant to Section 44-41-640, 44-41-650, or 44-41-660, which exception the physician relied upon in performing or inducing the abortion.
321.	44-41-340 (A) and (C)	Woman's Right to Know	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The South Carolina Department of <del>Public Health and Environmental Control</del> shall cause to be published the following printed materials: (1) geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies, which include a comprehensive list of the agencies available, a description of the services they offer, and a description of the manner, including telephone numbers, in which they may be contacted; (2) materials designed to inform the woman of the probable anatomical and physiological characteristics of the embryo or fetus at two-week gestational increments from the time when a woman can be known to be pregnant to full term. Any photograph, drawing or other depiction must state in bold letters, which are easily legible, stating the magnification of the photograph, drawing or depiction if it is not the actual size of the embryo or fetus at the age indicated. The materials must be objective, nonjudgmental, and designed to convey only accurate scientific information about the embryo or fetus at the various gestational ages; (3) materials designed to inform the woman of the principal types of abortion procedures and the major risks associated with each procedure, as well as the major risks associated with carrying a fetus to full-term;

			<p>(4) materials designed to inform the woman that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care by providing the names, addresses, and phone numbers of appropriate agencies that provide or have information available on these benefits;</p> <p>(5) materials designed to inform the woman of the mechanisms available for obtaining child support payments;</p> <p>(6) a list of health care providers, facilities, and clinics that offer to perform ultrasounds free of charge. The list must be arranged geographically and shall include the name, address, hours of operation, and telephone number of each entity listed. A health care provider, facility, or clinic that would like to be included on this list may contact the department and provide the required information. The department must update this list annually before September first;</p> <p>(7) a plainly worded explanation of how a woman may calculate the gestational age of her embryo or fetus;</p> <p>(8) a scientifically accurate statement concerning the contribution that each parent makes to the genetic constitution of their biological child;</p> <p>(9) forms for notifications, certifications, and verifications required by Section 44-41-330.</p> <p>(B) The materials must be easily comprehensible and must be printed in a typeface large enough to be clearly legible.</p> <p>(C) The materials required under this section must be available from the South Carolina Department of <del>Public Health and Environmental Control</del> upon request and in appropriate number to any person, facility, or hospital.</p> <p>(D)(1) The materials required under this section must be available on the department's Internet website in a format suitable for downloading. The website must be capable of permitting the user to print a time and date stamped certification identifying when the materials are downloaded.</p> <p>(2) The department's Internet website also must provide a link to the Internet website maintained by health care providers, facilities, and clinics that offer to perform ultrasounds free of charge that have requested to be placed on the list maintained by the department.</p>
322.	44-44-20(2)	Birth Defects	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>For purposes of this chapter:</p> <p>(1) "Birth defect" is defined as structural malformation, deformation, or disruption,</p>

			present at birth, as determined before or after birth. (2) "Department" means the South Carolina Department of <u>Public Health and Environmental Control</u> .
323.	44-44-30(A)	Birth Defects	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is established the South Carolina Birth Defects Program within the Department of <u>Public Health and Environmental Control</u> to promote increased understanding of birth defects, prevent and reduce birth defects, and assist families with children who have birth defects.
324.	44-44-40(A)	Birth Defects	<b>Recommendation + Explanation:</b>
			Amend Commissioner name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is established the Birth Defects Advisory Council composed of at least thirteen members to be appointed by the <del>commissioner</del> <u>Director</u> of the department, with an odd total number of members. The members shall include at least one representative from each of the following organizations, upon the recommendation of the director of the respective organization:
325.	44-49-40(B)	Department of Alcohol and Other Drug Abuse Services	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) Results, information, and evidence received from the Department of <u>Public Health and Environmental Control</u> relating to the regulatory functions of this chapter and Article 3 of Chapter 53, including results of inspections conducted by such department, may be relied upon and acted upon by the department in conformance with its administration and coordinating duties under this Chapter and Article 3 of Chapter 53.
326.	44-52-10(4)	Alcohol and Drug Abuse Commitment	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(4) "Treatment facility" means any facility licensed or approved by the Department of <u>Public Health and Environmental Control</u> equipped to provide for the care and treatment of chemically dependent persons including the Division of Alcohol and Drug Addiction Services of the South Carolina Department of Mental Health, and any



			other treatment facility approved by the Director of the Department of Mental Health.
327.	44-53-10	Poisons, Drugs, and Other Controlled Substances, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			SECTION 44-53-10. General powers of Department of <del>Public Health and Environmental Control</del> regarding controlled substances. The Department of <del>Public Health and Environmental Control</del> shall take cognizance of the interest of the public health as it relates to the sale of drugs and the adulteration thereof and shall make all necessary inquiries and investigations relating thereto. For such purpose it may appoint inspectors, analysts and chemists who shall be subject to its supervision and removal. The Department shall adopt such measures as it may deem necessary to facilitate the enforcement of this chapter. It shall prepare rules and regulations with regard to the proper method of collecting and examining drugs.
328.	44-53-50 (B), (D), and (E)	Poisons, Drugs, and Other Controlled Substances, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Except as otherwise provided in this section, a person may use, sell, manufacture, or distribute for use or sale in this State no cleaning agent that contains more than zero percent phosphorus by weight expressed as elemental phosphorus except for an amount not exceeding five-tenths of one percent. For the purposes of this section, "cleaning agent" means a household or commercial laundry detergent, dishwashing compound, household cleaner, household or commercial dishwashing detergent, metal cleaner, industrial cleaner, phosphate compound, or other substance that is intended to be used for cleaning purposes. (B) A person may use, sell, manufacture, or distribute for use or sale a cleaning agent that contains greater than zero percent phosphorus by weight but does not exceed eight and seven-tenths percent phosphorus by weight that is a substance excluded from the zero percent phosphorus limitation of this section by regulations adopted by the Department of <del>Public Health and Environmental Control</del> which are based on a finding that compliance with this section would: (1) create a significant hardship on the user; or (2) be unreasonable because of the lack of an adequate substitute cleaning agent. (C) This section does not apply to a cleaning agent that is: (1) used in dairy, beverage, or food processing equipment;

			<p>(2) used in hospitals, veterinary hospitals, clinics, or health care facilities or in agricultural or dairy production or in the manufacture of health care supplies;</p> <p>(3) used by industry for metal, fabric, or fiber cleaning or conditioning;</p> <p>(4) manufactured, stored, or distributed for use or sale outside of this State;</p> <p>(5) used in a laboratory, including a biological laboratory, research facility, chemical laboratory, or engineering laboratory; or</p> <p>(6) used as a water softening chemical, antiscaling chemical, or corrosion inhibitor intended for use in closed systems such as boilers, air conditioners, cooling towers, or hot water heating systems.</p> <p>(D) The Department of <del>Public Health and Environmental Control</del> shall promulgate regulations to administer and enforce the provisions of this section. A cleaning agent held for sale or distribution in violation of this section may be seized by appropriate administrative or law enforcement personnel. The seized cleaning agents are considered forfeited.</p> <p>(E) A person who knowingly sells, manufactures, or distributes any cleaning agent in violation of the provisions of this section shall receive a written warning from the Department of <del>Public Health and Environmental Control</del> for the first violation. For a subsequent violation, the person is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year. Each unlawful sale constitutes a separate violation.</p> <p>(F) The provisions of this section may not restrict sale by a retailer of a household dishwashing detergent product from inventory existing and in stock at the retailer on July 1, 2012.</p>
329.	44-53-110(11)	Narcotics and Controlled Substances	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(11) "Department" means the State Department of <del>Public Health and Environmental Control</del> .
330.	44-53-160(C)	Narcotics and Controlled Substances	<b>Recommendation + Explanation:</b>
			Amend scheduling procedures to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law or regulation, the <del>department</del> director of the Department of <del>Public Health</del> shall, at the first regular or special meeting of the South Carolina Board of <del>Health and Environmental Control</del> within thirty days after publication in the

			<p>federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Chairman of the Medical, Military, Public and Municipal Affairs Committee, the Chairman of the Judiciary Committee of the House of Representatives, the Clerks of the Senate and House, and the Code Commissioner, and shall post the schedules on the department's website indicating the change and specifying the effective date of the change.</p>
331.	44-53-280 (C) and (D)	Narcotics and Controlled Substances	<p><b>Recommendation + Explanation:</b></p> <p>Amend Board reference to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(A) The department may promulgate regulations and may charge reasonable fees relating to the license and control of the manufacture, distribution, and dispensing of controlled substances.</p> <p>(B) No person engaged in a profession or occupation for which a license is required by law may be registered under this article unless the person holds a valid license of that profession or occupation.</p> <p>(C) A class 20-28 registration, as provided for by the <del>board</del><u>department</u> in regulation, expires October first of each year. The registration of a registrant who fails to renew by October first is canceled. However, registration may be reinstated upon payment of the renewal fees due and a penalty of one hundred dollars if the registrant is otherwise in good standing and presents a satisfactory explanation for failure to renew.</p> <p>(D) All registrations other than class 20-28, as provided for by the <del>board</del><u>department</u> in regulation, expire on April first of each year. The registration of a registrant who fails to renew by April first is canceled. However, registration may be reinstated upon payment of the renewal fees due and a penalty of one hundred dollars if the registrant is otherwise in good standing and presents a satisfactory explanation for failure to renew.</p>

			<p>(E) Refusal by the department to reinstate a canceled registration after payment of the renewal fee and penalty and presentation of an explanation constitutes a refusal to renew and the procedures under Section 44-53-320 apply.</p> <p>(F) For class 20-28 registrants, initial registrations issued before July first expire October first of that same year, and initial registrations issued on or after July first expire October first of the following year. For classes other than class 20-28, initial registrations issued before January first expire April first of the following year, and initial registrations issued on or after January first expire April first of the following year.</p>
332.	44-53-290(i)	Narcotics and Controlled Substances	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(i) Practitioners who dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment shall obtain annually a separate registration for that purpose. The <del>board</del> <u>department</u> shall register an applicant to dispense but not prescribe narcotic drugs to individuals for maintenance treatment or detoxification treatment, or both:</p> <p>(1) if the applicant is a practitioner who is otherwise qualified to be registered under the provisions of this article to engage in the treatment with respect to which registration has been sought;</p> <p>(2) if the board determines that the applicant will comply with standards established by the <del>board</del> <u>department</u> respecting security of stocks of narcotic drugs for such treatment, and the maintenance of records in accordance with Section 44-53-340 and the rules issued by the board on such drugs; and</p> <p>(3) if the <del>board</del> <u>department</u> determines that the applicant will comply with standards established by the board respecting the quantities of narcotic drugs which may be provided for unsupervised use by individuals in such treatment.</p>
333.	44-53-310(a)	Narcotics and Controlled Substances	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(a) An application for a registration or a registration granted pursuant to Section 44-53-300 to manufacture, distribute, or dispense a controlled substance, may be denied, suspended, or revoked by the <del>Board</del> <u>department</u> upon a finding that the registrant:</p> <p>(1) Has materially falsified any application filed pursuant to this article;</p>

			<p>(2) Has been convicted of a felony or misdemeanor under any State or Federal law relating to any controlled substance;</p> <p>(3) Has had his Federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or</p> <p>(4) Has failed to comply with any standard referred to in Section 44-53-290(i).</p>
334.	44-53-320(b)	Narcotics and Controlled Substances	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(b) The Department, without an order to show cause, may suspend any registration simultaneously with the institution of proceedings under Section 44-53-310, or where renewal of registration is refused if it finds that there is an imminent danger to the public health or safety which warrants this action. A failure to comply with a standard referred to in Section 44-53-290(i) may be treated under this subsection as grounds for immediate suspension of a registration granted under such section. The suspension shall continue in effect until withdrawn by the <del>Board</del> <u>department</u> or dissolved by a court of competent jurisdiction.
335.	44-53-360 (c) and (g)	Narcotics and Controlled Substances	<b>Recommendation + Explanation:</b>
			Amend Department name and Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(a) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, or in emergency situations as prescribed by the department by regulation, no controlled substance included in Schedule II may be dispensed without the written or electronic prescription of a practitioner. Prescriptions shall be retained in conformity with the requirements of Section 44-53-340. No prescription for a controlled substance in Schedule II may be refilled.</p> <p>(b) A pharmacist may dispense a controlled substance included in Schedule III, IV, or V pursuant to either a written or electronic prescription signed by a practitioner, or a facsimile of a written, signed prescription, transmitted by the practitioner or the practitioner's agent to the pharmacy, or pursuant to an oral prescription, reduced promptly to writing and filed by the pharmacist. A prescription transmitted by facsimile must be received at the pharmacy as it was originally transmitted by facsimile and must include the name and address of the practitioner, the phone number for verbal confirmation, the time and date of transmission, and the name of the pharmacy intended to receive the transmission, as well as any other information required by federal or state law. Such prescription, when authorized, may not be</p>

			<p>refilled more than five times or later than six months after the date of the prescription unless renewed by the practitioner.</p> <p>(c) No controlled substances included in any schedule may be distributed or dispensed for other than a medical purpose. No practitioner may dispense a Schedule II narcotic controlled substance for the purpose of maintaining the addiction of a narcotic dependent person outside of a facility or program approved by the Department of <del>Public Health and Environmental Control</del>. No practitioner may dispense a controlled substance outside of a bona fide practitioner-patient relationship.</p> <p>(d) Unless specifically indicated in writing on the face of the prescription or noted in the electronic prescription that it is to be refilled, and the number of times specifically indicated, no prescription may be refilled. The indication of "PRN" or "ad lib" or phrases, abbreviations, or symbols of like meaning shall not be construed as to exceed five refills or six months, whichever shall first occur. Preprinted refill instructions on the face of a prescription shall be disregarded by the dispenser unless an affirmative marking or other indication is made by the prescriber.</p> <p>(e) Prescriptions for controlled substances in Schedule II with the exception of transdermal patches and surgically implanted drug delivery systems, must not exceed a thirty-one-day supply. Prescriptions for Schedule II substances must be dispensed within ninety days of the date of issue, after which time they are void. Prescriptions for controlled substances in Schedules III through V, inclusive, must not exceed a ninety-day supply.</p> <p>(f) Preprinted prescriptions for controlled substances in any schedule are prohibited.</p> <p>(g) The <del>Board</del> department shall, by rules and regulations, specify the manner by which prescriptions are filed.</p> <p>(h) A prescription, in order to be effective in legalizing the possession of a controlled substance and eliminating the need for registration of the recipient, must be issued for legitimate medical purposes. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding liability rests with the pharmacist who fills and ultimately dispenses the prescription. An order purporting to be a prescription issued to a drug dependent person, not in the course of generally accepted medical treatment, but for the purpose of providing the user with controlled substances sufficient to maintain his dependence upon the substance, or to provide him with quantities of controlled substances in great excess of normal dosage ranges as recommended by the manufacturer of the substance, is not a prescription within the meaning and intent of this article; and the person filling or dispensing such an order, as well as the person issuing it, shall be deemed in violation of this section.</p>
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			<p>(i) Excepting a mail order prescription dispensed in compliance with Chapter 43 of Title 40 for which the dispenser requires proper identification of the recipient, a prescription for a controlled substance in Schedules II through V may not be filled unless the dispenser knows the recipient or requires the recipient to produce a government issued photo identification, and the dispenser notes the identification source and number on the prescription, or in a readily retrievable log including:</p> <ul style="list-style-type: none"> <li>(1) prescription number;</li> <li>(2) date prescription filled;</li> <li>(3) number and type of identification;</li> <li>(4) initials of person obtaining and recording information.</li> </ul> <p>(j)(1) Initial opioid prescriptions for acute pain management or postoperative pain management must not exceed a seven-day supply, except when clinically indicated for cancer pain, chronic pain, hospice care, palliative care, major trauma, major surgery, treatment of sickle cell disease, treatment of neonatal abstinence syndrome, or medication-assisted treatment for substance use disorder. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new opioid prescription.</p> <ul style="list-style-type: none"> <li>(2) This subsection does not apply to opioid prescriptions issued by a practitioner who orders an opioid prescription to be wholly administered in a hospital, nursing home, hospice facility, or residential care facility.</li> <li>(3) A practitioner who acts in accordance with the limitation on prescriptions as set forth in this subsection is immune from any civil liability or disciplinary action from the practitioner's professional licensing board.</li> <li>(4) As used in this subsection: <ul style="list-style-type: none"> <li>(A) "Acute pain" means pain that a practitioner reasonably expects to last for three months or less, whether resulting from disease, accident, intentional trauma, or other cause. The term does not include "chronic pain" or pain being treated as part of cancer care, chronic care, hospice care, palliative care, major trauma, major surgery, treatment of sickle cell disease, treatment of neonatal abstinence syndrome, or medication-assisted treatment for substance use disorder.</li> <li>(B) "Chronic pain" means pain that typically lasts for longer than three months or that lasts beyond the time of normal tissue healing.</li> <li>(C) "Postoperative pain" means acute pain experienced immediately after a surgical procedure.</li> <li>(D) "Surgical procedure" means a procedure performed for the purpose of altering the human body by incision or destruction of tissues as part of the practice of medicine such as diagnostic or therapeutic treatment of conditions or disease processes by use of instruments and includes lasers, ultrasound, ionizing, radiation,</li> </ul> </li> </ul>
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			<p>scalpels, probes, or needles that cause localized alteration or transportation of live human tissue by cutting, burning, vaporizing, freezing, suturing, probing, or manipulating by closed reduction for major dislocations and fractures, or otherwise altering by any mechanical, thermal, light-based, electromagnetic, or chemical means.</p> <p>(k)(1) Unless otherwise exempted by this subsection, a practitioner shall electronically prescribe any controlled substance included in Schedules II, III, IV, and V. This subsection does not apply to prescriptions for a controlled substance included in Schedules II through V issued by any of the following:</p> <ul style="list-style-type: none"> <li>(A) a practitioner, other than a pharmacist, who dispenses directly to the ultimate user;</li> <li>(B) a practitioner who orders a controlled substance included in Schedules II through V to be administered in a hospital, nursing home, hospice care program, home infusion pharmacy, outpatient dialysis facility, or residential care facility;</li> <li>(C) a practitioner who experiences temporary technological or electrical failure or other extenuating technical circumstances that prevent a prescription from being transmitted electronically; however, the practitioner must document the reason for this exception in the patient's medical record;</li> <li>(D) a practitioner who writes a prescription for a controlled substance included in Schedules II through V to be dispensed by a pharmacy located on federal property; however, the practitioner must document the reason for this exception in the patient's medical record;</li> <li>(E) a person licensed to practice veterinary medicine pursuant to Chapter 69, Title 40;</li> <li>(F) a practitioner who writes a prescription for a controlled substance included in Schedules II through V for a patient who is being discharged from a hospital, emergency department, or urgent care or for a patient who is receiving services from a facility established pursuant to Section 44-11-10; or</li> <li>(G) a practitioner who issues an oral authorization in the case of an emergency situation.</li> </ul> <p>(2) A prescription for a controlled substance included in Schedules II, III, IV, and V that includes elements that are not supported by the most recently implemented version of the National Council for Prescription Drug Programs Prescriber/Pharmacist Interface SCRIPT Standard is exempt from this subsection.</p> <p>(3) A dispenser is not required to verify that a practitioner properly falls under one of the exceptions specified in item (1) or (2) before dispensing a controlled substance included in Schedules II through V. A dispenser may continue to dispense a controlled substance included in Schedules II through V from valid written, oral,</p>
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			<p>faxed, or electronic prescriptions that are otherwise consistent with applicable laws.</p> <p>(4) A dispenser is immune from any civil or criminal liability or disciplinary action from the State Board of Pharmacy for dispensing a prescription written by a prescriber that is in violation of this subsection.</p> <p>(l)(1) A written prescription for any Schedule II, III, IV, and V controlled substance must be written on tamper-resistant prescription pads which contain one or more industry-recognized features designed to prevent all of the following:</p> <p>(A) unauthorized copying of a completed or blank prescription form;</p> <p>(B) erasure or modification of information written on the prescription by the prescriber; and</p> <p>(C) use of counterfeit prescription forms.</p> <p>(2) Prescription orders transmitted by facsimile, orally, or electronically are exempt from the tamper-resistant prescription pad requirements of this section.</p> <p>(3) The tamper-resistant prescription pad requirements do not apply to refill prescriptions of an original written prescription that was presented to a pharmacy before the effective date of this act.</p> <p>(4) The exceptions set forth in Section 1927(k)(3) of the Social Security Act, 42 U.S.C. Section 1396r-8(k)(3), concerning nursing facilities, hospitals, and other institutional and clinical settings, are exempt from the tamper-resistant prescription pad requirements of this section.</p> <p>(5) If a written prescription is not submitted on a tamper-resistant prescription form meeting the requirements of this section, a pharmacy may fill the prescription in full as written on an emergency basis as long as the pharmacy receives a verbal, facsimile, electronic, or compliant written prescription from the prescriber within seventy-two hours after the date on which the prescription was filled.</p>
336.	44-53-362(B)	Narcotics and Controlled Substances	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) The Department of <u>Public Health and Environmental Control</u> shall develop guidance for pharmacies and other entities qualified to register as a collector to encourage participation. The department shall coordinate with law enforcement, health care providers, and the U.S. Drug Enforcement Administration to encourage registration as a collector and to promote public awareness of controlled substance take-back events and mail-back programs.
337.	44-53-375		<b>Recommendation + Explanation:</b>

	(E)(2)(c)	<b>Narcotics and Controlled Substances</b>	<p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(E)(1) It is unlawful for any person, other than a manufacturer, practitioner, dispenser, distributor, or retailer to knowingly possess any product that contains nine grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances. A person who violates this subsection is guilty of a felony known as "trafficking in ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of these substances" and, upon conviction, must be punished as follows if the quantity involved is:</p> <p>(a) nine grams or more, but less than twenty-eight grams:</p> <p>(i) for a first offense, a term of imprisonment of not more than ten years, no part of which may be suspended nor probation granted, and a fine of twenty-five thousand dollars;</p> <p>(ii) for a second offense, a term of imprisonment of not less than five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;</p> <p>(iii) for a third or subsequent offense, a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;</p> <p>(b) twenty-eight grams or more, but less than one hundred grams:</p> <p>(i) for a first offense, a term of imprisonment of not less than seven years nor more than twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;</p> <p>(ii) for a second offense, a term of imprisonment of not less than seven years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;</p> <p>(iii) for a third or subsequent offense, a mandatory minimum term of imprisonment of not less than twenty-five years and not more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;</p> <p>(c) one hundred grams or more, but less than two hundred grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;</p> <p>(d) two hundred grams or more, but less than four hundred grams, a mandatory term of imprisonment of twenty-five years, no part of which may be suspended nor</p>
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			<p>probation granted, and a fine of one hundred thousand dollars;</p> <p>(e) four hundred grams or more, a term of imprisonment of not less than twenty-five years nor more than thirty years with a mandatory minimum term of imprisonment of twenty-five years, no part of which may be suspended nor probation granted, and a fine of two hundred thousand dollars.</p> <p>(2) This subsection does not apply to:</p> <p>(a) a consumer who possesses products:</p> <p>(i) containing ephedrine, pseudoephedrine, or phenylpropanolamine in a manner consistent with typical medicinal or household use, as indicated by storage location, and possession of the products in a variety of strengths, brands, types, purposes, and expiration dates; or</p> <p>(ii) for agricultural use containing anhydrous ammonia if the consumer has reformulated the anhydrous ammonia by means of additive so as effectively to prevent the conversion of the active ingredient into methamphetamine, its salts, isomers, salts of isomers, or its precursors, or the precursors' salts, isomers, or salts of isomers, or a combination of any of these substances; or</p> <p>(b) products labeled for pediatric use pursuant to federal regulations and according to label instructions primarily intended for administration to children under twelve years of age; or</p> <p>(c) products that the Drug Enforcement Administration and the Department of <del>Public Health and Environmental Control</del>, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, its salts, isomers, salts of isomers, or its precursors, or the precursors' salts, isomers, or salts of isomers, or a combination of any of these substances.</p> <p>(3) This subsection preempts all local ordinances or regulations governing the possession of any product that contains ephedrine, pseudoephedrine, or phenylpropanolamine.</p>
338.	44-53-430	Narcotics and Controlled Substances	<b>Recommendation + Explanation:</b>
			Amend appeals process language to conform with controlling law and Act 60.
			<b>Suggested Revision:</b>
			<p>Any person may appeal from any order of the Department <u>in accordance with Section 44-1-60 and applicable law</u>. <del>within thirty days after the filing of the order, to the court of common pleas of the county in which the aggrieved party resides or in which his place of business is located. The Department shall thereupon certify to the court the record in the hearing. The court shall review the record and the regularity</del></p>

			and the justification for the order, on the merits, and render judgment thereon as in ordinary appeals in equity. The court may order or permit further testimony on the merits of the case, in its discretion such testimony to be given either before the judge or referee by him appointed. From such judgment of the court an appeal may be taken as in other civil actions.
339.	44-53-480(b)	Narcotics and Controlled Substances	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(b) The Department of <del>Public Health and Environmental Control</del> shall be primarily responsible for making accountability audits of the supply and inventory of controlled substances in the possession of pharmacists, doctors, hospitals, health care facilities and other practitioners as well as in the possession of any individuals or institutions authorized to have possession of such substances and shall also be primarily responsible for such other duties in respect to controlled substances as shall be specifically delegated to the Department of <del>Public Health and Environmental Control</del> by the General Assembly. Drug inspectors and special agents of the Department of Health and Environmental Control as provided for in Section 44-53-490, while in the performance of their duties as prescribed herein, shall have: <ul style="list-style-type: none"> <li>(1) statewide police powers;</li> <li>(2) authority to carry firearms;</li> <li>(3) authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses;</li> <li>(4) authority to make investigations to determine whether there has been unlawful dispensing of controlled substances or the removal of such substances from regulated establishments or practitioners into illicit traffic;</li> <li>(5) authority to seize property; and</li> <li>(6) authority to make arrests without warrants for offenses committed in their presence.</li> </ul>
340.	44-53-490	Narcotics and Controlled Substances	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60 and also amend name of Commission on Alcohol and Drug Abuse to the Department of Alcohol and Other Drug Abuse Services.

			<p><b>Suggested Revision:</b></p> <p>The Department of <del>Public Health and Environmental Control</del> shall designate persons holding a degree in pharmacy to serve as drug inspectors. Such inspectors shall, from time to time, but no less than once every three years, inspect all practitioners and registrants who manufacture, dispense, or distribute controlled substances, including those persons exempt from registration but who are otherwise permitted to keep controlled substances for specific purposes. The drug inspector shall submit an annual report by the first day of each year to the Department and a copy to the <del>Commission on Alcohol and Drug Abuse</del> <u>Department of Alcohol and Other Drug Abuse Services</u> specifying the name of the practitioner or the registrant or such exempt persons inspected, the date of inspection and any other violations of this article. The Department may employ other persons as agents and assistant inspectors to aid in the enforcement of those duties delegated to the Department by this article.</p>
341.	44-53-500(b)	Narcotics and Controlled Substances	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(b) The Department of <del>Public Health and Environmental Control</del> is authorized to make administrative inspections of controlled premises in accordance with the following provisions:</p> <p>(1) For the purposes of this article only, "controlled premises" means:</p> <p>(a) Places where persons registered or exempted from registration requirements under this article are required to keep records, and</p> <p>(b) Places including factories, warehouses, establishments, and conveyances where persons registered or exempted from registration requirements under this article are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.</p> <p>(2) When so authorized by an administrative inspection warrant issued pursuant to this section an officer or employee designated by the Commission on Alcohol and Drug Abuse upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.</p> <p>(3) When so authorized by an administrative inspection warrant, an officer or employee designated by the Department may:</p> <p>(a) Inspect and copy records required by this article to be kept;</p>

			<p>(b) Inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subsection (b)(5) of this section, all other things therein including records, files, papers, processes, controls, and facilities bearing on violation of this article; and</p> <p>(c) Inventory any stock of any controlled substance therein and obtain samples of any such substance.</p> <p>(4) This section shall not be construed to prevent entries and administrative inspections (including seizures of property) without a warrant:</p> <p>(a) With the consent of the owner, operator or agent in charge of the controlled premises;</p> <p>(b) In situations presenting imminent danger to health or safety;</p> <p>(c) In situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;</p> <p>(d) In any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; and</p> <p>(e) In all other situations where a warrant is not constitutionally required.</p> <p>(5) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to:</p> <p>(a) Financial data;</p> <p>(b) Sales data other than shipment data;</p> <p>(c) Pricing data;</p> <p>(d) Personnel data; or</p> <p>(e) Research data.</p>
342.	44-53-620(a)	Controlled Substances Therapeutic Research	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(a) "Director" means the Director of the Department of <u>Public Health and Environmental Control</u>;</p>
343.	44-53-630(A)	Controlled Substances Therapeutic Research	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) There is established in the Department of <u>Public Health and Environmental Control</u> a controlled substances therapeutic research program. The program shall be</p>

			administered by the director. The program shall distribute to cancer chemotherapy and radiology patients and to glaucoma patients who are certified pursuant to this article marijuana under the terms and conditions of this article for the purpose of alleviating the patient's discomfort, nausea and other painful side effects of their disease or chemotherapy treatments. The department shall promulgate regulations necessary for the proper administration of this article and in such promulgation, the department shall take into consideration those pertinent regulations promulgated by the Drug Enforcement Agency, U. S. Department of Justice; Food and Drug Administration; the National Institute on Drug Abuse, and the National Institutes of Health.
344.	44-53-710	Methadone	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			SECTION 44-53-710. Exclusive control over methadone vested in Department of <del>Public Health and Environmental Control</del> . The South Carolina Department of <del>Public Health and Environmental Control</del> has exclusive control over the controlled substance methadone.
345.	44-53-720 (1) and (2)	Methadone	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Methadone and its salts are restricted to: (1) use in treatment, maintenance, or detoxification programs as approved by the Department of <del>Public Health and Environmental Control</del> , including narcotic treatment programs operating pursuant to Section 40-43-72. (2) dispensing by a hospital for analgesia, pertussis, and detoxification treatment as approved by the Department of <del>Public Health and Environmental Control</del> . (3) dispensing by a retail pharmacy for analgesia as provided for by R. 61-4, Section 507.5.
346.	44-53-740	Methadone	<b>Recommendation + Explanation:</b>
			Delete Board reference and amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The <del>Board of the</del> Department of <del>Public Health and Environmental Control</del> shall promulgate regulations necessary to carry out the provisions of this article.

347.	44-53-750	Methadone	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			An autopsy shall be performed on any person on a methadone program who dies while enrolled in such program. A report concerning the autopsy shall be filed with the Department of <del>Public Health and Environmental Control</del> . Each person enrolling in such program shall be notified of the autopsy provision as a part of such person's consent which is required prior to admission to such program.
348.	44-53-930	Hypodermic Needles and Syringes	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			Also, amend reference to Section 40-69-220 for accuracy, The existing reference to Section 40-69-220 is incorrect. The correct citation is Section 40-69-270(A).
			<b>Suggested Revision:</b>
			Sales at retail of hypodermic needles or syringes shall be made only by a registered pharmacist or registered assistant pharmacist through a permitted pharmacy as authorized by Section 40-43-370, except that syringes and hypodermic needles may be sold by persons lawfully selling veterinary medicines as authorized by item (8) of Section <del>40-69-220</del> 40-69-270(A) if they register annually with the Department of <del>Public Health and Environmental Control</del> and pay such registration fee as may be required by the Department and they shall be subject to the provisions of Section 44-53-920.
349.	44-53-1320 (4) and (13)	Childhood Lead Poisoning Prevention and Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			As used in this article, unless the context requires otherwise: (1) "Accessible surface" means any protruding interior or exterior surface that a child can mouth or chew including, but not limited to, an interior windowsill. (2) "Child" or "children" means a person under six years of age. (3) "Childcare facility" means a structure or portion of a structure in which children are present on a regular basis, including a structure used as a school, nursery, childcare facility, or other facility catering to the needs of children, including an outbuilding, fencing, or other structure used in conjunction with the structure. (4) "Department" means the Department of <del>Public Health and Environmental Control</del> .



			<p>(5) " Dwelling " means a structure, all or part of which is designed or used for human habitation, including a primary residence, secondary residence, outbuilding, fencing, or other structure used in conjunction with the structure.</p> <p>(6) " Dwelling unit " means a room, group of rooms, or other areas of a dwelling.</p> <p>(7) " Friction surface " means an interior or exterior surface subject to abrasion or friction including, but not limited to, a window or stair tread.</p> <p>(8) " Householder " means the occupant of a dwelling or dwelling unit or the occupant's agent, the owner of an unoccupied dwelling unit or the owner's agent, or the owner or occupant of a childcare facility or the owner's or occupant's agent.</p> <p>(9) " Impact surface " means an interior or exterior surface subject to damage by repeated impact on contact including, but not limited to, doors and door jams.</p> <p>(10) " Lead-based hazard " means a condition that causes exposure to lead from lead-contaminated paint, lead-contaminated dust, bare lead-contaminated soil, or other lead-based substance that is deteriorated in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects.</p> <p>(11) " Lead-base substance " means paint, lacquer, glaze, or other material containing more than six hundredths of one percent (0.06 percent) lead by weight, or seven-tenths or more milligrams per square centimeter (0.7 mg/cm<sup>2</sup>) of lead in the dried paint film applied. Standards for lead-contaminated dust and lead-contaminated soil must be the same as those established by the United States Environmental Protection Agency.</p> <p>(12) " Person " means an individual, firm, corporation, association, trust, or partnership.</p> <p>(13) " Lead poisoning " means a blood lead level at an elevation hazardous to health as established by the Department of <u>Public Health and Environmental Control</u>.</p>
350.	44-53-1630(4)	Prescription Monitoring Program	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (4) " Drug control " means the Department of <u>Public Health and Environmental Control</u>, Bureau of Drug Control.</p>
351.	44-53-1640(A)	Prescription Monitoring Program	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) The Department of <u>Public Health and Environmental Control</u>, Bureau of Drug Control shall establish and maintain a program to monitor the prescribing and</p>

			dispensing of all Schedule II, III, and IV controlled substances by professionals licensed to prescribe or dispense these substances in this State and the administering of opioid antidotes pursuant to Sections 44-130-60 and 44-130-80.
352.	44-55-20 (1), (2), and (7)	State Safe Drinking Water Act	<b>Recommendation + Explanation:</b>
			Delete Board definition and amend Department definition to incorporate part of Board definition; amend Commissioner reference and recodify for alphabetical order; and amend Department name to conform with Act 60; recodify remaining items.
			<b>Suggested Revision:</b>
			As used in this article: <del>(1) "Board" means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Safe Drinking Water Act.</del> <del>(2) "Commissioner" means the commissioner of the department or his authorized agent.</del> <del>(31) "Community water systems" means a public water system which serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents. This may include, but is not limited to, subdivisions, municipalities, mobile home parks, and apartments.</del> <del>(42) "Construction permit" means a permit issued by the department authorizing the construction of a new public water system or the expansion or modification of an existing public water system.</del> <del>(53) "Contamination" means the adulteration or alteration of the quality of the water of a public water system by the addition or deletion of any substance, matter, or constituent except as authorized pursuant to this article.</del> <del>(64) "Cross-connection" means any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.</del> <del>(75) "Department" means the South Carolina Department of Health and Environmental Control Services, which is charged with responsibility for</del>

		<p><u>implementation of the Safe Drinking Water Act</u>, including personnel authorized and empowered to act on behalf of the department <del>or board</del>.</p> <p><u>(6) "Director"</u> means the <u>director of the department or an authorized agent</u>.</p> <p><u>(87)</u> "Human consumption" means water used for drinking, bathing, cooking, dish washing, and maintaining oral hygiene or other similar uses.</p> <p><u>(98)</u> "Noncommunity water system" means a public water system which serves at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year and does not meet the definition of a community water system.</p> <p><u>(109)</u> "Nontransient noncommunity water system" means a public water system that is not a community water system and that regularly serves at least twenty-five of the same persons over six months per year.</p> <p><u>(140)</u> "Operating permit" means a permit issued by the department that outlines the requirements and conditions under which a person must operate a public water system.</p> <p><u>(121)</u> "Person" means an individual, partnership, copartnership, cooperative, firm, company, public or private corporation, political subdivision, government agency, trust, estate, joint structure company, or any other legal entity or its legal representative, agent, or assigns.</p> <p><u>(132)</u> "Public water system" means:</p> <ul style="list-style-type: none"> <li>(a) any publicly or privately owned waterworks system which provides water, whether bottled, piped, or delivered through some other constructed conveyance for human consumption, including the source of supply whether the source of supply is of surface or subsurface origin;</li> <li>(b) all structures and appurtenances used for the collection, treatment, storage, or distribution of water delivered to point of meter of consumer or owner connection;</li> <li>(c) any part or portion of the system, including any water treatment facility, which in any way alters the physical, chemical, radiological, or bacteriological characteristics of the water; however, a public water system does not include a water system serving a single private residence or dwelling. A separately owned system with its source of supply from another waterworks system must be a separate public water system. A connection to a system that delivers water by a constructed conveyance other than a pipe must not be considered a connection if: <ul style="list-style-type: none"> <li>(i) the water is used exclusively for purposes other than residential uses consisting of drinking, bathing, and cooking or other similar uses;</li> <li>(ii) the department determines that alternative water to achieve the equivalent level of public health protection provided by the applicable State Primary Drinking Water Regulations is provided for residential or similar uses for drinking and</li> </ul> </li> </ul>
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			<p>cooking; or</p> <p>(iii) the department determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable State Primary Drinking Water Regulations.</p> <p>(143) "State water system" means any water system that serves less than fifteen service connections or regularly serves an average of less than twenty-five individuals daily.</p> <p>(154) "Transient noncommunity water system" means a noncommunity water system that does not regularly serve at least twenty-five of the same persons over six months a year.</p> <p>(165) "Well" means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension, from which water is extracted or injected. This includes, but is not limited to, wells used for water supply for irrigation, industrial and manufacturing processes, or drinking water, wells used for underground injection of waste for disposal, storage, or drainage disposal, wells used in mineral or geothermal recovery, and any other special process wells.</p> <p>(176) "Well driller" means an individual, corporation, partnership, association, political subdivision, or public agency of this State who is licensed with the South Carolina Department of Labor, Licensing and Regulation for constructing wells and is in immediate supervision of and responsible for the construction, development, drilling, testing, maintenance, repair, or abandonment of any well as defined by this chapter. This term does include owners constructing or abandoning wells on their own property for their own personal use only, except that these owners are not required to be licensed by the Department of Labor, Licensing and Regulation for construction wells.</p>
353.	44-55-30	State Safe Drinking Water Act	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			In general, the design and construction of any public water system must be in accord with modern engineering practices for these installations. The <del>board</del> <u>department</u> shall establish regulations, procedures, or standards as may be necessary to protect the health of the public and to ensure proper operation and function of public water systems. These regulations may prescribe minimum design criteria, the requirements for the issuance of construction and operation permits, operation and

			maintenance standards, and bacteriological, chemical, radiological, and physical standards for public water systems, and other appropriate regulations.
354.	44-55-40 (G), (K), (L), and (O)	State Safe Drinking Water Act	<b>Recommendation + Explanation:</b>
			Amend Board reference, Commissioner reference, and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Before the construction, expansion, or modification of any public water system, application for a permit to construct must be made to, and a permit to construct obtained from, the department. (B) All applications for a permit to construct shall include such engineering, chemical, physical, radiological, or bacteriological data as may be required by the department and must be accompanied by engineering plans, drawings, and specifications prepared by or under the direct supervision of a person properly qualified to perform engineering work as provided in Chapter 22, Title 40 and must be signed or certified by a professional engineer as defined in Chapter 22, Title 40. (C) Upon the completion of construction, modification, or extension to a public water system, arrangements must be made for a final inspection and approval before operation as prescribed by regulation. No new facility may be operated prior to approval by the department. (D) Any public water system must be adequately protected and maintained so as to continuously provide safe and potable water in sufficient quantity and pressure and free from potential hazards to the health of the consumers. No person may install, permit to be installed, or maintain any unprotected cross-connection between a public water system and any other water system, sewer, or waste line or any piping system or container containing polluting substances. To facilitate the prevention and control of cross-connections, the department shall certify qualified individuals who are capable of testing cross-connection control devices to ensure their proper operation. (E) Hand dug and bored wells constructed with casing materials of rock, concrete, or ceramic must not be used as a source of water for a public water system. (F) In exercising its responsibility under this article, the department is authorized to investigate the public water system as often as the department considers necessary. Records of operation of public water systems must be kept on forms approved or furnished by the department, and this data must be submitted at such times and intervals as the department considers necessary. Samples of water must be collected and analyzed by the systems as required.

			<p>(G) The department may authorize variances or exemptions from the regulations issued pursuant to this section under conditions and in such manner as the <del>board</del><u>department</u> considers necessary and desirable; however, these variances or exemptions must be permitted under conditions and in a manner which is not less stringent than the conditions under, and the manner in which, variances and exemptions may be granted under the Federal Safe Drinking Water Act.</p> <p>(H) The department or its authorized representative has the authority to enter upon the premises of any public water system at any time for the purpose of carrying out the provisions of this article.</p> <p>(I) The department may issue, modify, or revoke any order to prevent any violation of this article after adequate notice and proper hearing as required by the Administrative Procedures Act.</p> <p>(J) The department may hold public hearings and compel the attendance of witnesses; conduct studies, investigations, surveillance of laboratories, including certification programs, and research with respect to the operation and maintenance of any public water system; adopt and implement plans for the provision of drinking water under emergency circumstances; and issue, deny, revoke, suspend, or modify permits under such conditions as it may prescribe for the operation of any public water system; however, no permit may be revoked without first providing an opportunity for a hearing.</p> <p>(K) The <del>Commissioner</del><u>Director</u> of the Department of <del>Health and Environmental Control</del><u>Services</u> shall classify all public water system treatment facilities giving due regard to the size, type, complexity, physical condition, source of supply, and treatment process employed by the public water system treatment facility and the skill, knowledge, and experience necessary for the operation of these facilities. Each treatment facility must be classified at the highest applicable level of the following classification system, with Group VII Treatment being the highest classification level:</p> <p>Group I Treatment. A facility which provides disinfection treatment using a sodium hypochlorite or calcium hypochlorite solution as the disinfectant.</p> <p>Group II Treatment. A facility which provides disinfection treatment using gaseous chlorine or chloramine disinfection or includes sequestering, fluoridation, or corrosion control treatment.</p> <p>Group III Treatment. A facility treating a groundwater source which is not under the direct influence of surface water, utilizing aeration, coagulation, sedimentation, lime softening, filtration, chlorine dioxide, ozone, ultra-violet light disinfection, powdered activated carbon addition, granular activated carbon filtration or ion exchange, or membrane technology or that includes sludge storage or a sludge dewatering process.</p>
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			<p>Group IV Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing aeration, coagulation, clarification with a minimum detention time of two hours in the clarification unit, lime softening, rapid rate gravity filtration (up to four gallons per minute per square foot), slow sand filtration, chlorine dioxide, powdered activated carbon addition, or granular activated carbon filtration or ion exchange or that includes sludge storage or a sludge dewatering process. This classification also includes any treatment facility which does not provide filtration for a surface water source or a groundwater source which is under the direct influence of surface water.</p> <p>Group V Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing high rate gravity filtration (greater than four gallons per minute per square foot), clarification with a detention time of less than two hours in the clarification unit, diatomaceous earth filtration, or ultraviolet light disinfection.</p> <p>Group VI Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing direct filtration, membrane technology, or ozone.</p> <p>Group VII Treatment. Drinking water dispensing stations and vending machines which utilize water from an approved public water system or bottled water plants which treat water from the distribution system of a public water system or from a groundwater source which is not under the direct influence of surface water.</p> <p>(L) The <del>Commissioner</del> <u>Director</u> of the Department of <del>Health and Environmental Control</del> <u>Services</u> shall classify all public water distribution systems giving due regard to the size, type, and complexity of the public water distribution system and the skill, knowledge, and experience necessary for the operation of these systems. The classification must be based on:</p> <p>Group I Distribution. Distribution systems associated with state and transient noncommunity water systems.</p> <p>Group II Distribution. Distribution systems associated with community and nontransient noncommunity public water systems which have a reliable production capacity not greater than six hundred thousand gallons a day and which do not provide fire protection.</p> <p>Group III Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than six hundred thousand gallons a day but not greater than six million gallons a day (MGD) or have a reliable production capacity not greater than six hundred thousand gallons a day and provide fire protection.</p> <p>Group IV Distribution. Distribution systems associated with community and</p>
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			<p>nontransient noncommunity water systems which have a reliable production capacity than six MGD, but not greater than twenty MGD.</p> <p>Group V Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than twenty MGD.</p> <p>(M) It is unlawful for a person to operate a public water treatment facility or distribution system classified in subsection (K) or (L) unless the operator-in-charge holds a valid certificate of registration issued by the South Carolina Environmental Certification Board in a grade corresponding to the classification of the public water treatment facility or distribution system supervised by the operator in charge. All public water treatment facilities classified in Group IV Treatment through Group VI Treatment of subsection (K) must have an operator of the appropriate grade certified by the South Carolina Environmental Certification Board on duty while the facility is in operation.</p> <p>(N) Effective July 1, 1983, it is unlawful for a person to engage in the business of well drilling or represent himself or herself to the public as a well driller without obtaining certification from the South Carolina Environmental Certification Board or employing well drillers which are certified by the South Carolina Environmental Certification Board. Persons constructing or abandoning wells on their own property for their own personal use only are not required to be licensed by the Department of Labor, Licensing and Regulation.</p> <p>(O) The <del>board</del>department, to ensure that underground sources of drinking water are not contaminated by improper well construction and operation, may promulgate regulations as developed by the Advisory Committee established pursuant to Section 44-55-45, setting standards for the construction, maintenance, operation, and abandonment of any well except for wells where well construction, maintenance, and abandonment are regulated by the Groundwater Use Act of 1969, Sections 49-5-10 et seq.; the Oil and Gas Exploration, Drilling, Transportation, and Production Act, Sections 48-43-10 et seq.; or the Water Use Reporting and Coordination Act, Section 49-4-10 et seq. For these excepted wells, the <del>board</del>department may promulgate regulations. The <del>board</del>department shall further ensure that all wells are constructed in accordance with the standards. The <del>board</del>department shall make available educational training on the standards to well drillers who desire this training.</p> <p>(P) The owner of a public water system must possess a valid operating permit to operate a public water system in this State.</p>
355.	44-55-45		<b>Recommendation + Explanation:</b>



		<p><b>State Safe Drinking Water Act</b></p>	<p>Amend Board reference, Commissioner name, and Department name to conform with Act 60; amend to clarify Director of Department of Natural Resources.</p> <p><b>Suggested Revision:</b></p> <p>SECTION 44-55-45. Advisory Committee to <del>Board</del><u>Department</u>; membership; appointment; qualifications; terms.</p> <p>An advisory committee to the <del>board</del><u>department</u> must be appointed for the purpose of advising the <del>board</del><u>department</u> during development or subsequent amendment of regulatory standards for the construction, maintenance, operation, and abandonment of wells subject to the jurisdiction of the <del>board</del><u>department</u>. The Advisory Committee is composed of eight members appointed by the <del>board</del><u>Director</u>. Five members must be active well drillers; one member must be a registered professional engineer with experience in well design and construction; one member must be a consulting hydrogeologist with experience in well design and construction; and one member must be engaged in farming and shall represent the public at large. Three ex officio members shall also serve on the Advisory Committee, one of whom must be an employee of the Department of <del>Health and Environmental Control</del><u>Services</u>, and appointed by the <del>commissioner</del><u>Director</u>; and two of whom must be employees of the South Carolina Department of Natural Resources and appointed by the director <u>of the Department of Natural Resources</u>.</p> <p>The term of office of members of the Advisory Committee is for four years and until their successors are appointed and qualify. No member may serve more than two consecutive terms. The initial terms of office must be staggered and any member may be removed for cause after proper notification and an opportunity to be heard.</p>
<p>356.</p>	<p>44-55-50</p>	<p><b>State Safe Drinking Water Act</b></p>	<p><b>Recommendation + Explanation:</b></p> <p>Delete board references to conform with Act 60.</p> <p>Recommend amending appeal procedures so that Department of Environmental Services' determinations regarding recreational uses of reservoirs may be appealed to the Administrative Law Court in conformance with Act 60's new section 48-6-30.</p> <p><b>Suggested Revision:</b></p> <p>(A) In establishing regulations, procedures, and standards under Section 44-55-30 and in exercising supervisory powers under Section 44-55-40 the <del>board or</del> department must not prohibit or fail to include provisions for recreational activities including boating, water skiing, fishing, and swimming in any reservoir without first making and publishing specific findings that these recreational activities would be injurious to the public health and assigning with particularity the factual basis and</p>

			<p>reasons for these decisions.</p> <p>(B) If the <del>board or</del> department determines that these recreational activities would be injurious to the public health it shall cause to have published at least once a week for six consecutive weeks in a newspaper of general circulation in the county or area affected a summary of its findings. Any citizen of this State who objects to the findings of the <del>board or</del> department is entitled to request a public hearing, which the <del>board or</del> department shall conduct within thirty days after the request. The public hearing must be a formal evidentiary hearing where testimony must be recorded. After the hearing the <del>board or</del> department shall review its initial findings and shall within thirty days after the hearing affirm or reevaluate its findings in writing and give notice to known interested parties. The findings of the <del>board or</del> department may be appealed in accordance with Section 48-6-30 and the Administrative Procedures Act to the <u>Administrative Law Court</u> <del>circuit court</del>, which is empowered to modify or overrule the findings if the court determines the findings to be arbitrary or unsupported by the evidence. Notice of intention to appeal must be served on the <del>board or</del> department in accordance with Section 48-6-30 and the Administrative Procedures Act <del>within fifteen days after it has affirmed or reevaluated its initial findings</del> and copies also must be served on known interested parties.</p> <p>(C) A public water system utilizing a fully owned and protected watershed as its water supply is exempt from this section.</p>
357.	44-55-60 (A) and (B)	State Safe Drinking Water Act	<p><b>Recommendation + Explanation:</b> Amend Commissioner references to conform with Act 60.</p> <p><b>Suggested Revision:</b> SECTION 44-55-60. <del>Commissioner</del><u>Director</u> to issue emergency order where imminent hazard to public health considered to exist. (A) An imminent hazard is considered to exist when in the judgment of the <del>commissioner</del><u>Director</u> there is a condition which may result in a serious immediate risk to public health in a public water system. (B) In order to eliminate an imminent hazard, the <del>commissioner</del><u>Director</u> may, without notice or hearing, issue an emergency order requiring the water system to immediately take such action as is required under the circumstances to protect the public health. A copy of the emergency order must be served by certified mail or other appropriate means. An emergency order issued by the <del>commissioner</del><u>Director</u> must be effected immediately and binding until the order is reviewed and <del>modified by the board or</del> modified or rescinded by a court of competent jurisdiction.</p>

358.	44-55-70(5)	State Safe Drinking Water Act	<b>Recommendation + Explanation:</b>
			Amend Board references to conform with Act 60.
			<b>Suggested Revision:</b>
			A public water system shall, as soon as practicable, give public notice if it: (1) is not in compliance with the State Primary Drinking Water Regulations; (2) fails to perform required monitoring; (3) is granted a variance for an inability to meet a maximum contaminant level requirement; (4) is granted an exemption; or (5) fails to comply with the requirements prescribed by a variance or exemption. The <del>board</del> <del>department</del> shall prescribe procedures for the public notice, including procedures for notification by publication in a newspaper of general circulation, notification to be given in the water bills of the systems, as long as a condition of violation exists, and other notification as is considered appropriate by the <del>board</del> <del>department</del> .
359.	44-55-120(C)	State Safe Drinking Water Act	<b>Recommendation + Explanation:</b>
			Amend Commissioner reference and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) There is established a Safe Drinking Water Advisory Committee for the purpose of advising and providing an annual review to the department and General Assembly on the fee schedule and the use of revenues deposited in the Drinking Water Trust Fund. The Governor shall appoint the advisory committee which must be composed of one member representing water systems with fifty thousand or more service connections, one member representing water systems with at least twenty-five thousand but fewer than fifty thousand service connections, one member representing water systems with at least ten thousand but fewer than twenty-five thousand water service connections, one member representing water systems with at least one thousand but fewer than ten thousand service connections, one member representing water systems with fewer than one thousand service connections, and the Executive Director of the Office of Regulatory Staff and the <del>Commissioner</del> <del>Director</del> of the Department of <del>Health and Environmental Control</del> <del>Services</del> , or a designee.
360.	44-55-210	Privies	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			<p>The term "privy" as used in this article shall be understood to include any and all buildings which are not connected with a system of sewage or with septic tanks of such construction and maintenance as are approved by the State Department of <del>Health and Environmental Control</del><u>Services</u> and which are used for affording privacy in acts of urination or defecation. For the purpose of this article the term "watershed" shall include the entire watershed of all streams, creeks and rivers that have a daily average flow of less than ten million gallons, but for watersheds of streams, creeks or rivers that have a daily average flow of more than ten million gallons, the watershed shall include only such drainage areas as lie within fifteen miles of the waterworks intake.</p>
361.	44-55-230	Privies	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p>
			<p>Every privy, located on property occupied by the owner or a tenant or by any person employed by the owner, shall be maintained in a sanitary manner and in accordance with rules and regulations prescribed by the Department of <del>Health and Environmental Control</del><u>Services</u> and posted in a suitable form inside of the privy by an officer of the Department.</p>
362.	44-55-250	Privies	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p>
			<p>SECTION 44-55-250. Supervision over privies by Department of <del>Health and Environmental Control</del><u>Services</u>. The Department of <del>Health and Environmental Control</del><u>Services</u>, through its officers and inspectors, shall exercise such supervision over the sanitary construction and maintenance of privies as may be necessary to enforce the provisions of this article.</p>
363.	44-55-260	Privies	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p>
			<p>Duly authorized agents of the Department of <del>Health and Environmental Control</del><u>Services</u> may enter upon any premises and into any buildings or institutions for the purposes of inspection as provided for or required by State laws or regulations of the Department pursuant to such laws, but the privacy of no person shall be violated. Any person who wilfully interferes with or obstructs the officers of</p>

			the Department in the discharge of any of their duties under this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned not more than thirty days.
364.	44-55-270	Privies	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			If an officer or an inspector of the Department of <del>Health and Environmental Control</del> <u>Services</u> shall find a privy which is not constructed in accordance with the provisions of this article or not being maintained in a sanitary manner and in accordance with the rules and regulations of the Department <del>at the officer or inspector</del> shall securely fasten on the privy a notice reading, "Unsanitary, Unlawful To Use."
365.	44-55-280	Privies	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			No person shall remove or deface an official notice fastened on or in a privy by an officer of the Department of <del>Health and Environmental Control</del> <u>Services</u> .
366.	44-55-290	Privies	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Health and Environmental Control</del> <u>Services</u> shall designate as its agents local health inspectors of incorporated towns or cities for the enforcement of the terms of this article and the rules and regulations issued pursuant thereto within one mile outside the corporate limits of such town or city. Such local health inspectors shall enforce such rules and regulations as may be issued by the Department under the terms of this article. In counties having health units it shall be the duty of such health units to enforce the rules and regulations of the Department in the territory of such counties lying beyond the distance of one mile from the corporate limits of towns or cities having local health inspectors. Provided, that nothing herein shall affect the Richland County board of health from having concurrent jurisdiction with the designated local health inspectors to implement the rules and regulations within one mile of the boundary of a city or town.

367.	44-55-420	Sewage Systems for Manufacturing Employees' Houses	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The construction of the sewage connections and the sanitary closets and the method of keeping such connections and closets in sanitary condition shall be under the supervision and control of the Department of <del>Health and Environmental Control</del> <u>Services</u> .
368.	44-55-430	Sewage Systems for Manufacturing Employees' Houses	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Health and Environmental Control</del> <u>Services</u> may make rules and regulations necessary for the enforcement of the provisions of this article.
369.	44-55-440	Sewage Systems for Manufacturing Employees' Houses	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			In case a person subject to the provisions of this article shall have installed, prior to June 3, 1951, in his tenement or mill village an adequate sewage system with adequate water closets in compliance with the law as it then existed on the subject, such person shall be exempt from the provisions hereof, except the requirement of maintenance in compliance with the rules and regulations of the Department of <del>Health and Environmental Control</del> <u>Services</u> .
370.	44-55-460	Sewage Systems for Manufacturing Employees' Houses	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Any person refusing or neglecting to carry into effect the provisions of this article, to obey the rules and regulations as established by the Department of <del>Health and Environmental Control</del> <u>Services</u> or to obey any order issued by said Department relative to the provisions of this article shall, upon conviction, be fined in a sum not exceeding one hundred dollars or not less than twenty-five dollars, and each day of such violation shall constitute a separate offense.
371.	44-55-822 (A)(1) and (B)(1)	Approval of Sewage Disposal Methods at Homesites	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			<p>(A)(1) The Department of <del>Health and Environmental Control</del> <u>Services</u> may issue a preliminary tract evaluation for tracts of land that may be developed in the future. For purposes of this section, a tract of land is any tract of land that is not yet divided into individual lots for the immediate or future purpose of building development. A preliminary tract evaluation will determine whether a tract of land is conceptually appropriate for the use of onsite wastewater systems. If the proposed subdivision is found to be suitable for onsite waste treatment systems, the department shall issue a preliminary subdivision approval letter.</p> <p>(2) When conducting a preliminary tract evaluation, the department shall consider a variety of factors including, but not limited to, soil maps, boundary plat, and distance to the nearest sewer line. The department may determine what documents and other supporting materials must be submitted with an application for a preliminary tract evaluation. When making a determination on a preliminary tract evaluation, the department may receive and consider information and data on soil from registered soil classifiers and other site conditions from engineers.</p> <p>(B)(1) The Department of <del>Health and Environmental Control</del> <u>Services</u> may issue a preliminary subdivision approval letter for subdivisions where the use of onsite wastewater systems is proposed as the method of sewage treatment and disposal. For purposes of this section, a subdivision is any tract of land divided into five or more lots for the immediate or future purpose of building development where onsite wastewater systems are to be considered except where all of the lots are five acres or larger, regardless of the number of lots.</p> <p>(2) The department must not issue a final subdivision approval letter for a residential subdivision for which it has approval responsibility without first conducting a soil suitability test on each lot in the proposed subdivision. The suitability test must determine if the soil conditions on each lot meet the requirements of regulation to support the use of an onsite wastewater system. The department shall issue permits on each approved lot within the subdivision if all of the conditions for permitting have been met pursuant to regulation. Following the completion of the soil suitability test for each lot as submitted by the developer, the department shall issue a final subdivision approval letter indicating the approval or disapproval for each lot in the proposed subdivision.</p> <p>(3) The department shall provide space on its "Application for Subdivision of Real Estate", or another applicable form in use, for the developer of the proposed subdivision to indicate the typical setback on the lots and the typical size house that is anticipated to be built in the proposed subdivision. Changes in the house size, addition of landscaping features, addition of structures, addition of impervious materials or other site alterations could jeopardize permitting a septic tank system</p>
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			for a proposed lot. If the septic permit application is denied for any reason, the department shall inform the subdivision lot owner if any corrective measures could be taken to remedy the problem and lead to the issuance of a septic tank permit.
372.	44-55-825(C)	Approval of Sewage Disposal Methods at Homesites	<b>Recommendation + Explanation:</b>
			Amend section reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) Onsite wastewater systems must be installed pursuant to construction and operation permits issued by the department pursuant to regulation. Deviation from the installation design and conditions in onsite wastewater permits may be considered by the department to be a violation. Violation of an onsite wastewater system permit installation must be enforced in accordance with the following: (1) First offense violations may be enforced under Section <del>44-1-15048-6-70</del> or by suspension of the installer's license by a period not to exceed one year. (2) Second offense violations may be enforced under Section <del>44-1-15048-6-70</del> or by suspension of the installer's license by a period not to exceed three years. (3) Third offense violations may be enforced under Section <del>44-1-15048-6-70</del> or by permanent revocation of the installer's license.
373.	44-55-827(C)	Approval of Sewage Disposal Methods at Homesites	<b>Recommendation + Explanation:</b>
			Amend section reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) Nothing in this chapter or regulations promulgated pursuant to this chapter affect the department's authority, under Section <del>44-1-14048-6-60</del> and regulation, to issue permits for the installation and construction of individual onsite wastewater systems.
374.	44-55-1310(2)	Passive Soil-Based On-Site Disposal Systems	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(2) "Department" means the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> .
375.	44-55-1360	Passive Soil-Based On-Site Disposal Systems	<b>Recommendation + Explanation:</b>
			Amend section references to conform with Act 60.



			<p><b>Suggested Revision:</b></p> <p>A violation of a provision of this chapter is punishable in accordance with Sections <del>44-1-150, 48-1-320, 48-1-330, and 48-1-340,</del> and <u>48-6-70</u>, as applicable.</p>
376.	44-55-2320 (1) and (2)	State Recreational Waters Act	<p><b>Recommendation + Explanation:</b></p> <p>Delete Board definition and amend Department name to conform with Act 60; recodify remaining items.</p>
			<p><b>Suggested Revision:</b></p> <p>As used in this article:  <del>(1) "Board" means the Board of Health and Environmental Control.</del>  <del>(21) "Director" means the director of the department or his or her authorized agent.</del>  <del>(32) "Department" means the Department of Health and Environmental Control Services.</del>  <del>(43) "Person" means an individual, public or private corporation, political subdivision, governmental agency, municipality, industry, copartnership, association, firm, trust, estate, or any other legal entity. "Person" does not mean a church, synagogue, or religious organization.</del>  <del>(54) "Public swimming pool" means an artificial structure used to impound water to provide for such recreational uses as bathing, swimming, diving, wading, spraying, sliding, floating, rafting, or other similar usage which is not built in connection with a single family residence and the use of which is not confined to the family of the residence and its private guests, or which is not owned, constructed, operated, or maintained by a church, synagogue, or religious organization.</del></p>
377.	44-55-2360	State Recreational Waters Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Board reference to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>It is unlawful for a person to fail to comply with the requirements of this article and regulations promulgated by the department including a permit or order issued by the <del>board,</del> director or department.</p>
378.	44-55-2390 (B) and (D)	State Recreational Waters Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(A) As a condition of obtaining and maintaining an operating permit, all Type "A" public swimming pools, as defined in Regulation 61-51, shall provide lifeguards, as</p>

			<p>defined in Regulation 61-51, in accordance with the following:</p> <p>(1) A public swimming pool of three thousand square feet or fewer must have:</p> <ul style="list-style-type: none"> <li>(a) one lifeguard for one through twenty-five patrons;</li> <li>(b) two lifeguards for twenty-six through fifty patrons;</li> <li>(c) three lifeguards for fifty-one through one hundred fifty patrons;</li> <li>(d) four lifeguards for one hundred fifty-one through two hundred fifty patrons;</li> <li>(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.</li> </ul> <p>(2) A public swimming pool of three thousand one square feet through six thousand square feet must have:</p> <ul style="list-style-type: none"> <li>(a) two lifeguards for one through twenty-five patrons;</li> <li>(b) three lifeguards for twenty-six through fifty patrons;</li> <li>(c) four lifeguards for fifty-one through one hundred fifty patrons;</li> <li>(d) five lifeguards for one hundred fifty-one through two hundred fifty patrons;</li> <li>(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.</li> </ul> <p>(3) A public swimming pool of six thousand one square feet through nine thousand square feet must have:</p> <ul style="list-style-type: none"> <li>(a) two lifeguards for one through twenty-five patrons;</li> <li>(b) three lifeguards for twenty-six through fifty patrons;</li> <li>(c) five lifeguards for fifty-one through one hundred fifty patrons;</li> <li>(d) six lifeguards for one hundred fifty-one through two hundred fifty patrons;</li> <li>(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.</li> </ul> <p>(4) A public swimming pool of greater than nine thousand square feet must have:</p> <ul style="list-style-type: none"> <li>(a) three lifeguards for one through twenty-five patrons;</li> <li>(b) four lifeguards for twenty-six through fifty patrons;</li> <li>(c) six lifeguards for fifty-one through one hundred fifty patrons;</li> <li>(d) seven lifeguards for one hundred fifty-one through two hundred fifty patrons;</li> <li>(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.</li> </ul> <p>(B) All Type "E" public swimming pools, as defined in Regulation 61-51, shall submit to the Department of <del>Health and Environmental Control</del> <u>Health and Environmental Control Services</u> a lifeguard coverage plan. Upon approval by the department, Type "E" public swimming pools shall provide lifeguards in accordance with their approved plan.</p> <p>(C) A public swimming pool, as defined in this chapter, required to have only one lifeguard shall, at all times, have at least one additional pool staff employee present and available to make an emergency call if necessary.</p>
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			(D) Any request for a variance from these provisions must be made in writing and must include a site-specific evaluation that demonstrates proof of equivalency with these provisions. The Department of <del>Health and Environmental Control</del> <u>Services</u> will consider the variance request and will provide written notice of its decision.
379.	44-56-20 (1) and (3)	South Carolina Hazardous Waste Management Act, General Provisions	<b>Recommendation + Explanation:</b>
			Delete Board definition and amend Department definition to incorporate part of Board definition; amend Department name to conform with Act 60; and recodify remaining items.
			<b>Suggested Revision:</b>
			Definitions as used in this chapter: <del>(1) "Board" means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Hazardous Waste Management Act.</del> (21) "Director" means the director of the department or his authorized agent. <del>(32) "Department" means the Department of Health and Environmental Control Services, which is charged with responsibility for implementation of the Hazardous Waste Management Act, including personnel thereof authorized by the board to act on behalf of the department or board.</del> (43) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste into or on any land or water so that such substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater. <del>(54) "Generation" means the act or process of producing waste materials.</del> <del>(65) "Hazardous waste" means any waste, or combination of wastes, of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may in the judgment of the department:</del> <ol style="list-style-type: none"> <li>a. cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or</li> <li>b. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Such wastes may include, but are not limited to, those which are toxic, corrosive, flammable, irritants, strong sensitizers, persistent in nature, assimilated, or concentrated in tissue, or which generate pressure through decomposition, heat, or other means. The term does not include solid or dissolved materials in domestic sewage, or solid dissolved materials in irrigation return flows,</li> </ol>

			<p>or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act or the Pollution Control Act of South Carolina or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954.</p> <p><del>(76)</del> "Hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes.</p> <p><del>(87)</del> "Manifest" means the form used for identifying the quantity, composition, or origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.</p> <p><del>(98)</del> "Permit" means the process by which the department can ensure cognizance of, as well as control over the management of hazardous wastes.</p> <p><del>(109)</del> "Storage" means the actual or intended containment of wastes, either on a temporary basis or for a period of years, in such manner as not to constitute disposal of such hazardous wastes.</p> <p><del>(140)</del> "Transport" means the movement of hazardous wastes from the point of generation to any intermediate points and finally to the point of ultimate treatment, storage or disposal.</p> <p><del>(121)</del> "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste, so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, reduced in volume, or suitable for final disposal.</p> <p><del>(132)</del> "Uncontrolled hazardous waste site" means any site where hazardous wastes or other hazardous substances have been released, abandoned, or otherwise improperly managed so that governmental response action is deemed necessary to remedy actual or potential damages to public health, the public welfare, or the environment.</p> <p>For the purpose of this item the term "hazardous waste" does not include petroleum, including crude oil or fraction thereof; natural gas; natural gas liquids; liquified natural gas; synthetic gas usable for fuel; or mixtures of natural gas and such synthetic gas.</p> <p><del>(143)</del> "Response action" is any cleanup, containment, inspection, or closure of a site ordered by the director as necessary to remedy actual or potential damages to public health, the public welfare, or the environment.</p>
<b>380.</b>	<b>44-56-30</b>		<b>Recommendation + Explanation:</b>

		<b>South Carolina Hazardous Waste Management Act, General Provisions</b>	Amend Board reference to conform with Act 60. <b>Suggested Revision:</b> The <del>board</del> <u>department</u> shall promulgate such regulations, procedures or standards as may be necessary to protect the health and safety of the public, the health of living organisms and the environment from the effects of improper, inadequate, or unsound management of hazardous wastes. Such regulations may prescribe contingency plans; the criteria for the determination of whether any waste or combination of wastes is hazardous; the requirements for the issuance of permits required by this chapter; standards for the transportation, containerization, and labeling of hazardous wastes consistent with those issued by the United States Department of Transportation; operation and maintenance standards; reporting and record keeping requirements; and other appropriate regulations.
381.	44-56-50, Title	<b>South Carolina Hazardous Waste Management Act, General Provisions</b>	<b>Recommendation + Explanation:</b> Amend Commissioner reference to conform with Act 60. <b>Suggested Revision:</b> SECTION 44-56-50. Powers of <del>commissioner</del> <u>director</u> .
382.	44-56-60(a)(1)	<b>South Carolina Hazardous Waste Management Act, General Provisions</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (a)(1) In order to provide the General Assembly with the information it needs to accomplish the above goals, the Department of <del>Health and Environmental Control</del> <u>Services</u> shall evaluate annually the effects of new and existing waste management technologies, alternate methods of storage or disposal, recycling, incineration, waste minimization laws and practices, and other factors that tend to reduce the volume of hazardous waste. The results of the department's evaluation must be reported to the General Assembly not later than February first of each year, beginning in 1991, in a form that will permit the General Assembly to determine whether or not hazardous waste landfill capacity in this State should be reduced.
383.	44-56-100	<b>South Carolina Hazardous Waste Management Act, General Provisions</b>	<b>Recommendation + Explanation:</b> Amend Board reference to conform with Act 60. <b>Suggested Revision:</b> The <del>board</del> <u>department</u> may issue, modify or revoke any order to prevent any violation of this chapter.

384.	44-56-130(3)	South Carolina Hazardous Waste Management Act, General Provisions	<b>Recommendation + Explanation:</b>
			Delete Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(3) It shall be unlawful for any person to fail to comply with this chapter and rules and regulations promulgated pursuant to this chapter; to fail to comply with any permit issued under this chapter; or to fail to comply with any order issued by the board, director, or department.
385.	44-56-160(A)	South Carolina Hazardous Waste Management Act, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The Department of Health and Environmental Control Services is directed to establish a Hazardous Waste Contingency Fund to ensure the availability of funds for response actions necessary at permitted hazardous waste landfills and necessary from accidents in the transportation of hazardous materials and to defray the costs of governmental response actions at uncontrolled hazardous waste sites. The contingency fund must be financed through the imposition of fees provided in Sections 44-56-170 and 44-56-510 and annual appropriations which must be provided by the General Assembly.
386.	44-56-200(B)	South Carolina Hazardous Waste Management Act, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) The Department of Health and Environmental Control Services is empowered to implement and enforce the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Public Law 96-510), and subsequent amendments to Public Law 96-510 as of the effective date of the amendments.
387.	44-56-210	South Carolina Hazardous Waste Management Act, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of Health and Environmental Control Services, in its discretion, shall assign not more than two full-time health inspectors to serve at each commercial hazardous waste treatment, storage, and disposal facility located in South Carolina for the purpose of assuring the protection of the health and safety of the public by monitoring the receipt and handling of hazardous waste at these sites. For any

			<p>facilities to which a full-time inspector is not assigned, there must be one or more inspectors who shall monitor these facilities on a rotating basis.</p> <p>The department shall implement a fee schedule to cover the costs of implementing this inspection program and the fees must be collected by the facilities from the hazardous waste generators utilizing these sites.</p>
388.	44-56-405	Drycleaning Facility Restoration Trust Fund	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>The purpose of the South Carolina Drycleaning Facility Restoration Trust Fund is to collect and manage funds for the investigation and remediation of environmental contamination arising from the operation of eligible drycleaning facilities and eligible wholesale supply facilities. The Department of Revenue shall collect, and enforce the payment of surcharges and fees, which constitute the fund, as required by this article. The Department of <del>Health and Environmental Control</del> <u>Services</u> shall administer the fund to ensure that the sites that pose the greatest threat to human health and the environment are remediated first and that the remediation is accomplished in compliance with this article.</p>
389.	44-56-410(2)	Drycleaning Facility Restoration Trust Fund	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(2) "Department" means the Department of <del>Health and Environmental Control</del> <u>Services</u>.</p>
390.	44-56-420(B)	Drycleaning Facility Restoration Trust Fund	<p><b>Recommendation + Explanation:</b></p> <p>Amend Board references and amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(B) The <del>board of the</del> Department of <del>Health and Environmental Control</del> <u>Services</u> shall establish a moratorium on administrative and judicial actions by the department concerning drycleaning facilities and wholesale supply facilities resulting from the release of drycleaning solvent to soil or waters of the State. This moratorium applies only to those sites deemed eligible as defined in Section 44-56-470. The <del>board</del> <u>Department</u> may review and determine the appropriateness of the moratorium as needed. The review <del>by the board</del> must include, but is not limited to,</p>

			<p>consideration of these factors:</p> <ol style="list-style-type: none"> <li>(1) the solvency of the fund as described in this article;</li> <li>(2) prioritization of the sites;</li> <li>(3) public health concerns related to the sites;</li> <li>(4) eligibility of the sites; and</li> <li>(5) corrective action plans submitted to the department. After review, the <del>board</del><u>Department</u> may suspend all or a portion of the moratorium if necessary.</li> </ol>
391.	44-56-495(C)	Drycleaning Facility Restoration Trust Fund	<b>Recommendation + Explanation:</b>
			Amend Department name and amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) Members enumerated in subsections (B)(1) through (B)(3) are appointed by the <del>board</del> <u>Director</u> of the Department of <del>Health and Environmental Control</del> <u>Services</u> and shall serve terms of two years and until their successors are appointed. The chairman of the council is elected by the members of the council at the first meeting of each new term.
392.	44-56-840(A)(6)	Hazardous Waste Management Research Fund	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is created a Hazardous Waste Management Select Oversight Committee to monitor funds generated from the fees imposed under Section 44-56-170(C) and (E) and designated for the fund under Section 44-56-810. The committee shall oversee the research efforts and projects approved for funding by the foundation. Notwithstanding any other provision of law, the committee is composed of: <ol style="list-style-type: none"> <li>(1) the Governor or his designee;</li> <li>(2) the chairman of the House Agriculture and Natural Resources Committee or his designee;</li> <li>(3) the chairman of the Senate Agriculture and Natural Resources Committee or his designee;</li> <li>(4) the chairman of the House Labor, Commerce and Industry Committee or his designee;</li> <li>(5) the chairman of the Senate Labor, Commerce and Industry Committee or his designee;</li> <li>(6) the Director of the Department of <del>Health and Environmental Control</del><u>Services</u> or his designee;</li> </ol>



			(7) one member representing business and industry appointed by the Governor; (8) one public member appointed by the Governor; and (9) one member representing environmental interests appointed by the Governor.
393.	44-59-10(1)	The River Basins Advisory Commissions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			As used in this chapter: (1) "River basins" means that land area designated as the Catawba/Wateree, Yadkin/Pee Dee River Basins by the North Carolina Department of Environmental and Natural Resources and the South Carolina Department of Health and Environmental Control <u>Services</u> .
394.	44-59-30	The River Basins Advisory Commissions	<b>Recommendation + Explanation:</b>
			Amend Department name and Commissioner name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The North Carolina Department of Environmental and Natural Resources and the South Carolina Department of Health and Environmental Control <u>Services</u> shall provide staff support and facilities to each commission within the existing programs of the respective agencies. (B) All agencies of the State of North Carolina and the State of South Carolina shall cooperate with the commissions and, upon request, shall assist each commission in fulfilling its responsibilities. The North Carolina Secretary of Environmental and Natural Resources and the <del>Commissioner</del> <u>Director</u> of the South Carolina Department of Health and Environmental Control <u>Services</u> or their designees shall each serve as the liaison between their respective state agencies and each commission.
395.	44-61-20 (5) and (8)	Emergency Medical Services	<b>Recommendation + Explanation:</b>
			Delete Board definition and amend Department name to conform with Act 60; recodify remaining items.
			<b>Suggested Revision:</b>
			As used in this article, and unless otherwise specified, the term: (1) "Ambulance" means a vehicle maintained or operated by a licensed provider who has obtained the necessary permits and licenses for the transportation of persons who are sick, injured, wounded, or otherwise incapacitated. (2) "Attendant" means a trained and qualified individual responsible for the operation of an ambulance and the care of the patients, regardless of whether the

			<p>attendant also serves as driver.</p> <p>(3) "Attendant-driver" means a person who is qualified as an attendant and a driver.</p> <p>(4) "Authorized agent" means any individual designated to represent the department.</p> <p><del>(5) "Board" means the governing body of the Department of Health and Environmental Control or its designated representative.</del></p> <p>(6) "Certificate" means official acknowledgment by the department that an individual has completed successfully one of the appropriate emergency medical technician training courses referred to in this article in addition to completing successfully the requisite examinations, which entitles that individual to perform the functions and duties as delineated by the classification for which the certificate was issued.</p> <p><del>(7) "Condition requiring an emergency response" means the sudden onset of a medical condition manifested by symptoms of such sufficient severity, including severe pain, that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect without medical attention, to result in:</del></p> <ul style="list-style-type: none"> <li>(a) serious illness or disability;</li> <li>(b) impairment of a bodily function;</li> <li>(c) dysfunction of the body; or</li> <li>(d) prolonged pain, psychiatric disturbance, or symptoms of withdrawal.</li> </ul> <p><del>(8) "Department" means the administrative agency known as the Department of Public Health and Environmental Control.</del></p> <p><del>(9) "Driver" means an individual who drives or otherwise operates an ambulance.</del></p> <p><del>(10) "Emergency medical responder agency" means a licensed agency providing medical care at the EMT level or above, as a nontransporting emergency medical responder.</del></p> <p>(11) "Emergency medical service system" means the arrangement of personnel, facilities, and equipment for the delivery of health care services under emergency conditions.</p> <p><del>(12) "Emergency medical technician" (EMT) when used in general terms for emergency medical personnel, means an individual possessing a valid EMT, advanced EMT (AEMT), or paramedic certificate issued by the State pursuant to the provisions of this article.</del></p> <p>(13) "Emergency transport" means services and transportation provided after the sudden onset of a medical condition manifesting itself by acute symptoms of such severity including severe pain that the absence of medical attention could reasonably be expected to result in the following:</p> <ul style="list-style-type: none"> <li>(a) placing the patient's health in serious jeopardy;</li> </ul>
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			<p>(b) causing serious impairment to bodily functions;</p> <p>(c) causing serious dysfunction of bodily organ or part; or</p> <p>(d) a situation that resulted from an accident, injury, acute illness, unconsciousness, or shock, for example, required oxygen or other emergency treatment, required the patient to remain immobile because of a fracture, stroke, heart attack, or severe hemorrhage.</p> <p>(143) "Immediate family" means a person's spouse. In the event there is no spouse, "immediate family" means a person's parents and children.</p> <p>(154) "In-service training" means a course of training approved by the department that is conducted by the licensed provider for his personnel at his prime location.</p> <p>(165) "Investigative Review Committee" means a professional peer review committee that may be convened by the department in its discretion when the findings of an official investigation against an entity or an individual regulated by the department may warrant suspension or revocation of a license or certification. This committee consists of the State Medical Control Physician, three regional EMS office representatives, at least one paramedic, and at least one emergency room physician who is also a medical control physician. Appointment is made to this committee by the Chief of the Bureau of EMS and Trauma.</p> <p>(176) "Legal guardian" means a person who is lawfully invested with the power, and charged with the obligation of, taking care of and managing the property and rights of a person who, because of age, understanding, or self-control, is considered incapable of administering his or her own affairs.</p> <p>(187) "Legal representative" of a person is his personal representative, general guardian, or conservator of his property or estate, or the person to whom power of attorney has been granted.</p> <p>(198) "License" means an authorization to a person, firm, corporation, or governmental division or agency to provide emergency medical services in the State.</p> <p>(2019) "Licensee" means any person, firm, corporation, or governmental division or agency possessing authorization, permit, license, or certification to provide emergency medical service in this State.</p> <p>(240) "Moral turpitude" means behavior that is not in conformity with and is considered deviant by societal standards.</p> <p>(221) "National Registry of Emergency Medical Technicians Registration" is given to an individual who has completed successfully the National Registry of Emergency Medical Technicians examination and its requirements.</p> <p>(232) "Nonemergency ambulance transport" means services and transportation provided to a patient whose condition is considered stable. A stable patient is one whose condition reasonably can be expected to remain the same throughout the</p>
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			<p>transport and for whom none of the criteria for emergency transport has been met. Prearranged transports scheduled at the convenience of the service or medical facility will be classified as a nonemergency transport.</p> <p>(243) "Nonemergency ambulance transport service" means an ambulance service that provides for routine transportation of patients that require medical monitoring in a nonemergency setting including, but not limited to, prearranged transports.</p> <p>(254) "Operator" means an individual, firm, partnership, association, corporation, company, group, or individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States.</p> <p>(265) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.</p> <p>(276) "Permit" means an authorization issued for an ambulance vehicle which meets the standards adopted pursuant to this article.</p> <p>(287) "Revocation" means that the department has permanently voided a license or certificate and the holder no longer may perform the function associated with the license, or certificate. The department will not reissue the license or certificate for a period of two years for a license or permit and four years for a certificate. At the end of this period the holder may petition for reinstatement.</p> <p>(298) "Standards" means the required measurable components of an emergency medical service system having permanent and recognized value that provide adequate emergency health care delivery.</p> <p>(3029) "State Medical Control Physician" means a physician who shall be contracted with the department to oversee all medical aspects of the EMS Program. The contracted physician must both reside and be licensed to practice in this State. Duties of the State Medical Control Physician shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>(a) protocol development;</li> <li>(b) establishment of the scope of practice for EMTs at all levels;</li> <li>(c) provide recommendations for disciplinary actions in cases involving inappropriate patient care; and</li> <li>(d) serve as Chairman of the State Medical Control Committee and the State Emergency Medical Services Advisory Council.</li> </ul> <p>(340) "Suspension" means that the department has temporarily voided a license, permit, or certificate and the holder may not perform the function associated with the license, permit, or certificate until the holder has complied with the statutory requirements and other conditions imposed by the department.</p>
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396.	44-61-30 (A) and (C)	Emergency Medical Services	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) The Department of <del>Public Health and Environmental Control</del>, with the advice of the Emergency Medical Services Advisory Council and the State Medical Control Physician, shall develop standards and promulgate regulations for the improvement of emergency medical services (hereinafter referred to as EMS) in the State. All administrative responsibility for this program is vested in the department.</p> <p>(B) The EMS Program shall include:</p> <ul style="list-style-type: none"> <li>(1) the regulation and licensing of public, private, volunteer, or other type ambulance services; however, in developing these programs for regulating and licensing ambulance services, the programs must be formulated in such a manner so as not to restrict or restrain competition;</li> <li>(2) inspection and issuance of permits for ambulance vehicles;</li> <li>(3) the licensing of emergency medical responder agencies;</li> <li>(4) training and certification of EMS personnel;</li> <li>(5) development, adoption, and implementation of EMS standards and state plan;</li> <li>(6) the development and coordination of an EMS communications system;</li> <li>(7) designation of trauma centers and the categorization of hospital emergency departments; and</li> <li>(8) the establishment of an electronic patient care reporting system to provide data to the National EMS Information System database for betterment of EMS across the nation.</li> </ul> <p>(C) An Emergency Medical Services Advisory Council must be established composed of representatives of the Department of <del>Public Health and Environmental Control</del>, the South Carolina Medical Association, the South Carolina Trauma Advisory Council, the South Carolina Hospital Association, the South Carolina Heart Association, Medical University of South Carolina, University of South Carolina School of Medicine, South Carolina College of Emergency Physicians, South Carolina Emergency Nurses Association, Emergency Management Division of the Office of the Adjutant General, South Carolina Emergency Medical Services Association, State Board for Technical and Comprehensive Education, Governor's Office of Highway Safety, Department of Health and Human Services, four regional Emergency Medical Services councils, and one EMT first responder agency. Membership on the council must be by appointment by the board. Three members of the advisory council must be members of organized rescue squads operating in this State, three members shall represent the private emergency services systems, and three members shall</p>
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			represent the county emergency medical services systems. The advisory council shall serve without compensation, mileage, per diem, or subsistence.
397.	44-61-40(B)	Emergency Medical Services	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) Applicants shall file license applications with the appropriate official of the department having authority over emergency services. At a minimum, license applications shall contain evidence of ability to conform to the standards and regulations established by the <del>board</del> <u>department</u> and such other information as may be required by the department. If the application is approved, the license will be issued. If the application is disapproved, the applicant may appeal in a manner pursuant to Article 3, Chapter 23, Title 1.
398.	44-61-50	Emergency Medical Services	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			A vehicle must not be operated as an ambulance, unless its licensed owner applies for and receives an ambulance permit issued by the department for that vehicle. Prior to issuing an original permit for an ambulance, the vehicle for which the permit is issued shall meet all requirements as to vehicle design, construction, staffing, medical and communication equipment and supplies, and sanitation as set forth in this article or in the standards and regulations promulgated by the <del>board</del> <u>department</u> . Absent revocation or suspension, permits issued for ambulances are valid for a period not to exceed two years.
399.	44-61-60 (A) and (B)	Emergency Medical Services	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Such equipment as deemed necessary by the department must be required of organizations applying for ambulance permits. Each licensee of an ambulance shall comply with regulations as may be promulgated by the <del>board</del> <u>department</u> and shall maintain in each ambulance, when it is in use as such, all equipment as may be prescribed by the <del>board</del> <u>department</u> . (B) The transportation of patients and the provision of emergency medical services shall conform to standards promulgated by the <del>board</del> <u>department</u> .

400.	44-61-70(C)	Emergency Medical Services	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) Whoever hinders, obstructs, or interferes with a duly authorized agent of the department while in the performance of his duties or violates a provision of this article or regulation of the <del>board</del> department promulgated pursuant to this article is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than five hundred dollars and not more than five thousand dollars or by imprisonment for not less than ten days nor more than six months for each offense. Information pertaining to the license or permit is admissible in evidence in all prosecutions under this article if it is consistent with applicable statutory provisions.
401.	44-61-80(G)	Emergency Medical Services	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(G) All instructors of emergency medical technician training courses must be certified by the department pursuant to requirements established by the <del>board</del> department; and all such training courses shall be supervised by certified instructors.
402.	44-61-130	Emergency Medical Services	<b>Recommendation + Explanation:</b>
			Amend Board reference and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			A certified emergency medical technician may perform any function consistent with his certification, according to guidelines and regulations that the <del>board</del> department may prescribe. Emergency medical technicians, trained to provide advanced life support and possessing current Department of <del>Public Health and Environmental Control</del> certification while on duty with a licensed service, are authorized to possess limited quantities of drugs, including controlled substances, as may be approved by the Department of <del>Public Health and Environmental Control</del> for administration to patients during the regular course of duties of emergency medical technicians, pursuant to the written or verbal order of a physician possessing a valid license to practice medicine in this State; however, the physician must be registered pursuant to state and federal laws pertaining to controlled substances.
403.	44-61-310(3), (4), (5), and (9)	Children's Emergency Medical Services Act	<b>Recommendation + Explanation:</b>
			Delete Board definition and amend Department name to conform with Act 60; recodify remaining items.

			<p><b>Suggested Revision:</b></p> <p>As used in this article:</p> <p>(1) "Advanced life support" means an advanced level of prehospital, interhospital, and emergency service care which includes basic life support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of antiarrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive ventilation devices, trauma care, and other techniques and procedures authorized by the department pursuant to regulations.</p> <p>(2) "Basic life support" means a basic level of prehospital care which includes patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization, and other techniques and procedures authorized by the department pursuant to regulations.</p> <p><del>(3) "Board" means the governing body of the Department of Health and Environmental Control or its designated representative.</del></p> <p><del>(43) "Department" means the Division of Emergency Medical Services and Trauma within the Department of Public Health and Environmental Control.</del></p> <p><del>(54) "Director" means the Director of the Department of Public Health and Environmental Control.</del></p> <p><del>(65) "EMSC Program" means the Emergency Medical Services for Children Program established pursuant to this article and other relevant programmatic activities conducted by the department in support of appropriate treatment, transport, and triage of ill or injured children.</del></p> <p><del>(76) "Emergency medical services personnel" means persons trained and certified or licensed to provide emergency medical care, whether on a paid or volunteer basis, as part of a basic life support or advanced life support prehospital emergency care service or in an emergency department or pediatric critical care or specialty unit in a licensed hospital.</del></p> <p><del>(87) "Emergency medical technician" or "EMT" means, when used in general terms for emergency medical personnel, an individual possessing a valid, emergency medical technician (EMT), advanced emergency medical technician (AEMT), or paramedic certificate issued by the State pursuant to the provisions of this article.</del></p> <p><del>(98) "Manager" means the person coordinating the EMSC Program within the Department of Public Health and Environmental Control.</del></p> <p><del>(109) "Prehospital care" means the provision of emergency medical care or transportation by trained and certified or licensed emergency medical services personnel at the scene of an emergency and while transporting sick or injured persons to a medical care facility or provider.</del></p>
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404.	44-61-320	Children's Emergency Medical Services Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			There is established within the Department of <u>Public Health and Environmental Control</u> , Division of Emergency Medical Services, the Emergency Medical Services and Trauma for Children Program.
405.	44-61-340(C)(1)	Children's Emergency Medical Services Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) Except as otherwise authorized in this section, patient information must not be released except to: (1) appropriate staff of the Division of Emergency Medical Services and Trauma within the Department of <u>Public Health and Environmental Control</u> , South Carolina Data Oversight Council, and Revenue and Fiscal Affairs Office; (2) submitting hospitals or their designees; (3) a person engaged in an approved research project, except that no information identifying a subject of a report or a reporter may be made available to a researcher unless consent is obtained pursuant to this section.
406.	44-61-350(B)	Children's Emergency Medical Services Act	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) Committee members must be appointed by the <del>board</del> director of the <u>department</u> .
407.	44-61-510(1)	Trauma Care System	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(1) "Department" means the South Carolina Department of <u>Public Health and Environmental Control</u> .
408.	44-61-520(A)	Trauma Care System	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			(A) The Department of <del>Public Health and Environmental Control</del> , with the advice of the Trauma Advisory Council, established pursuant to Section 44-61-530, may develop standards and promulgate regulations for the creation and establishment of a State Trauma Care System to promote access to trauma care for all residents of the State.
409.	44-61-530 (A)(6) and (11)	Trauma Care System	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is established the Trauma Advisory Council composed of, but not limited to, the following members to be appointed by the director of the department for terms of three years and members may be reappointed: (1) a surgeon who oversees trauma care at each designated level, upon the recommendation of the South Carolina Chapter of the American College of Surgeons; (2) a hospital administrator from each designated level, upon the recommendation of the South Carolina Hospital Association; (3) a hospital administrator from a nondesignated facility, upon the recommendation of the South Carolina Hospital Association; (4) an emergency physician representative from each designated level, upon the recommendation of the South Carolina Chapter of the College of Emergency Physicians; (5) a trauma nurse coordinator from each designated level, upon the recommendation of the Trauma Association of South Carolina; (6) the chairman of the South Carolina Department of <del>Public Health's and Environmental Control's</del> Medical Control Committee; (7) one public and one private field emergency medical services provider, upon the recommendation of the Emergency Medical Services Association; (8) a physician, upon the recommendation of the South Carolina Medical Association; (9) the chairman of the Committee on Trauma of the South Carolina Chapter of the American College of Surgeons; (10) a rehabilitation center administrator, upon the recommendation of the South Carolina Hospital Association; (11) the chairman of the Emergency Medical Services Advisory Council of the South Carolina Department of <del>Public Health and Environmental Control</del> ; (12) a representative from the South Carolina State Office of Rural Health;

			<p>(13) a third party payor representative, upon the recommendation of the Insurance Commissioner;</p> <p>(14) a consumer representative appointed by the director;</p> <p>(15) a representative from the South Carolina Department of Disabilities and Special Needs;</p> <p>(16) a representative from the South Carolina Department of Health and Human Services;</p> <p>(17) an orthopedic physician representative, upon the recommendation of the South Carolina Orthopedic Association; and</p> <p>(18) a pediatric physician representative, upon the recommendation of the South Carolina Chapter of the American Academy of Pediatrics.</p>
410.	44-61-540(B)	Trauma Care System	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) The fund must be a separate and distinct fund for the payment of the Department of <del>Public Health's and Environmental Control's</del> expenses in establishing, administering, and overseeing the Trauma Care System. After the payment of the department's operating expenses from the fund, the department may authorize and allocate the distribution of any remaining funds for any or all of the following purposes:
411.	44-61-630 (1) and (2)	Stroke System of Care Act of 2011	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>As used in this article:</p> <p>(1) "Department" means the South Carolina Department of <del>Public Health and Environmental Control</del>.</p> <p>(2) "Director" means the Director of the South Carolina Department of <del>Public Health and Environmental Control</del>.</p>
412.	44-61-650(A)(6)	Stroke System of Care Act of 2011	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is established a Stroke System of Care Advisory Council to be appointed by the director of the department. Representation on the council must be as geographically diverse as possible and composed of, but not limited to,

			<p>knowledgeable and experienced individuals from the following areas:</p> <p>(1) a hospital administrator, or designee, from a primary stroke center, upon the recommendation of the South Carolina Hospital Association;</p> <p>(2) a hospital administrator, or designee, from a hospital with a stroke telemedicine program that is not a primary stroke center upon the recommendation of the South Carolina Hospital Association;</p> <p>(3) a hospital administrator, or designee, from a hospital capable of providing emergent stroke care as levels of nationally recognized, disease-specific certification or accreditation programs become available, upon the recommendation of the South Carolina Hospital Association;</p> <p>(4) a licensed neurologist from a primary stroke center, upon the recommendation of the South Carolina Medical Association;</p> <p>(5) a licensed emergency department physician who also serves as an emergency medical services medical director from a hospital capable of providing emergent stroke care, upon the recommendation of the South Carolina Chapter of the College of Emergency Physicians;</p> <p>(6) a licensed emergency medical services agency representative, upon the recommendation of the South Carolina Emergency Medical Services Advisory Council of the Department of <del>Public Health and Environmental Control</del>;</p> <p>(7) a licensed emergency medical services agency representative, upon the recommendation of the South Carolina Emergency Medical Services Association;</p> <p>(8) a licensed air ambulance representative, upon the recommendation of the South Carolina Association of Air Medical Services;</p> <p>(9) a representative from a rehabilitation facility that provides comprehensive inpatient post-acute stroke services, upon the recommendation of the South Carolina Hospital Association;</p> <p>(10) an acute stroke patient advocate; and</p> <p>(11) a representative from the American Stroke Association.</p>
413.	44-63-10	Vital Statistics	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>SECTION 44-63-10. Duties of Department of <del>Public Health and Environmental Control</del>.</p> <p>The Department of <del>Public Health and Environmental Control</del> shall prepare the necessary methods and forms for obtaining vital statistics.</p>

414.	44-63-20	Vital Statistics	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Public Health and Environmental Control</del> shall establish a bureau of vital statistics and provide an adequate system for the registration and certification of births, deaths, marriages, and divorces by formulating, promulgating, and enforcing regulations prescribing the method and form of making the registration and certification.
415.	44-63-30	Vital Statistics	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Director of the Department of <del>Public Health and Environmental Control</del> is the state registrar of vital statistics and shall carry into effect the regulations and orders of the department. The department shall provide suitable apartments properly equipped with fireproof vaults and filing cases for the permanent preservation of all official records.
416.	44-63-80(C)	Vital Statistics	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) The Department of Social Services may obtain a birth certificate by requesting the certificate in writing pursuant to the terms of a written agreement that shall be entered into between the Department of <del>Public Health and Environmental Control</del> and the Department of Social Services, and no copies of court orders or other third-party records shall be required when the Department of Social Services requests a birth certificate pursuant to the written agreement.
417.	44-63-86	Vital Statistics	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Copies of marriage certificates and reports of divorce registered with the Department of <del>Public Health and Environmental Control</del> must be issued to the parties married or divorced, their adult children, a present or former spouse of either party married or divorced, their respective legal representative, or upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support

			obligation. Other applicants may be provided with a statement that the marriage or divorce occurred, the date, and county of the event.
418.	44-63-110	Vital Statistics	<b>Recommendation + Explanation:</b>
			Amend Board reference and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			For making, furnishing, or certifying any card, certificate, or certified copy of the record, for filing a record amendment according to the provisions of Section 44-63-60, 44-63-80, 44-63-90 or 44-63-100, or for searching the record, when no card, certificate, or certified copy is made, a fee in an amount as determined by the Board of the Department of <del>Public Health and Environmental Control</del> must be paid by the applicant, except that the Department of Social Services or its designee is not required to pay a fee when the information is needed for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. The amount of the fee established by the board may not exceed the cost of the services performed and to the extent possible must be charged on a uniform basis throughout the State. When verification of the facts contained in these records is needed for Veterans Administration purposes in connection with a claim, it must be furnished without charge to the Veterans' Affairs Department of the Governor's Office or to a county veterans affairs officer upon request and upon the furnishing of satisfactory evidence that the request is for the purpose authorized in this chapter.
419.	44-63-161(A)(1)	Vital Statistics	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) It is unlawful for a person: (1) other than the Department of <del>Public Health and Environmental Control</del> and county health departments to issue copies or certified copies of birth and death certificates or a document purporting to be a birth or death certificate; (2) to wilfully make a false statement in a certificate, record, or report required to be filed by this chapter or a regulation, or in an application for an amendment to or for a certified copy of the certificate, record, or report, or to wilfully supply false information intending that the information be used in the preparation or amendment of the certificate, record, or report; (3) without lawful authority to wilfully make, sell, counterfeit, alter, amend, or mutilate a certificate, record, or report required to be filed by this chapter or a regulation or a certified copy of the certificate, record, or report;

			<p>(4) to wilfully obtain, possess, use, sell, furnish to another, or attempt to obtain, possess, use, sell, or furnish to another, for the purpose of deception, a certificate, record, report required to be filed by this chapter or a regulation, or a certified copy of these, including a certificate, record, or report or certified copy that has been counterfeited, altered, amended, or mutilated or a document purporting to be the certificate, record, or report;</p> <p>(5) to wilfully violate a regulation or an order of the department relative to recording, reporting, or filing information for the Bureau of Vital Records.</p>
420.	44-63-163	Vital Statistics	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to Section 63-17-70(A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of <del>Public Health and Environmental Control</del> showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of <del>Public Health and Environmental Control</del>. A new certificate must be prepared for a child born in this State to reflect the name of the father determined by the court or an administrative agency of competent jurisdiction upon receipt of a certified copy of a court or administrative determination of paternity pursuant to Section 63-17-10. Orders modifying, vacating, or amending paternity orders must be handled by the clerk of court and State Registrar in the same manner. If the surname of the child is not decreed by the court, the surname must not be changed on the certificate. When an amended certificate is prepared, the original certificate and certified copy of the court order must be placed in a sealed file not to be subject to inspection except by order of the family court.</p>
421.	44-69-20 (1) and (3)	Licensure of Home Health Agencies	<b>Recommendation + Explanation:</b>
			Delete Board reference and amend Department name to conform with Act 60; recodify remaining items.
			<b>Suggested Revision:</b>
			<p>As used in this chapter:</p> <p>(1) "Board" shall mean the South Carolina Board of Health and Environmental Control.</p> <p>(2) "Branch office" shall mean a location or site from which a home health agency provides services within a portion of the total geographic area served by the parent</p>

			<p>agency. The branch office is part of the home health agency and is located sufficiently close to share administration, supervision, and services in a manner that renders it unnecessary for the branch independently to meet the conditions of participation as a home health agency.</p> <p><del>(32)</del> "Department" shall mean South Carolina Department of <u>Public Health and Environmental Control</u>.</p> <p><del>(43)</del> "Home health agency" shall mean public, nonprofit, or proprietary organization, whether owned or operated by one or more persons or legal entities, which furnishes or offers to furnish home health services.</p> <p><del>(54)</del> "Home health services" shall mean those items and services furnished to an individual by a home health agency, or by others under arrangement with the home health agency, on a visiting basis, and except for subsection "e" below, in a place of temporary or permanent residence used as the individual's home as follows:</p> <ul style="list-style-type: none"> <li>(a) Part-time or intermittent skilled nursing care as ordered by a physician, an APRN pursuant to Section 40-33-34(D)(2)(h), or a PA pursuant to Section 40-47-935(B)(8) and as provided by or under the supervision of a registered nurse and at least one other service listed below;</li> <li>(b) Physical, occupational or speech therapy;</li> <li>(c) Medical social services, home health aide services and other therapeutic services;</li> <li>(d) Medical supplies and the use of medical appliances;</li> <li>(e) Any of the foregoing items and services which are provided on an outpatient basis under arrangements made by the home health agency with a hospital, nursing care facility, or rehabilitation center and the furnishing of which involves the use of equipment of such a nature that the items and services cannot be readily made available to the individual in his home, or which are furnished at such facility while the patient is there to receive such items or service, but not including transportation of the individual in connection with any such items or services.</li> </ul> <p><del>(65)</del> "License" shall mean a license issued by the Department.</p> <p><del>(76)</del> "Licensee" shall mean the individual, corporation, or public entity with whom rests the ultimate responsibility for maintaining approved standards for the home health agency.</p> <p><del>(87)</del> "Parent Home Health Agency" shall mean the agency that develops and maintains administrative controls of subunits or branch offices.</p> <p><del>(98)</del> "Physician" shall mean an individual currently licensed to practice medicine, surgery, or osteopathy in this State.</p> <p><del>(109)</del> "Registered Nurse" shall mean an individual who is currently licensed as such in this State.</p>
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			(14Q) "Subunit" shall mean a semiautonomous organization, which serves patients in a geographic area different from that of the parent agency. The subunit by virtue of the distance between it and the parent agency is judged incapable of sharing administration, supervision, and services on a daily basis with the parent agency and must, therefore, independently meet the conditions of participation for home health agencies.
422.	44-69-30, Paragraph 1	Licensure of Home Health Agencies	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			No person, private or public organization, political subdivision, or other governmental agency shall establish, conduct, or maintain a home health agency or represent itself as providing home health services without first obtaining a license from the Department of <del>Public Health and Environmental Control</del> . This license is effective for a twelve-month period following the date of issue. A license issued under this chapter is not assignable or transferable and is subject to suspension or revocation at any time for failure to comply with this act. Subunits of parent home health agencies must be separately licensed.
423.	44-69-50	Licensure of Home Health Agencies	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			Reasonable fees shall be established by the <del>Board</del> Department. Such fees shall be paid into the State Treasury or refunded to the applicant if the license is denied. Governmental home health agencies are exempt from payment of license fees.
424.	44-70-20(1)	Licensure of In-Home Care Providers Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(1) "Department" means the South Carolina Department of <del>Public Health and Environmental Control</del> .
425.	44-71-20	Quality Hospice Programs Act	<b>Recommendation + Explanation:</b>
			Delete Board definition and amend Department name to conform with Act 60; recodify remaining items.

			<p>[Note: The term "Board" does not appear in the Quality Hospice Programs Act other than in the definitions.]</p> <p><b>Suggested Revision:</b></p> <p>As used in this chapter:</p> <p>(1) "Board" means the South Carolina Board of Health and Environmental Control.</p> <p>(21) "Department" means the South Carolina Department of <u>Public Health and Environmental Control</u>.</p> <p>(32) "Hospice" means a centrally administered, interdisciplinary health care program, which provides a continuum of medically supervised palliative and supportive care for the terminally ill patient and the family including, but not limited to, outpatient and inpatient services provided directly or through written agreement. Inpatient services include, but are not limited to, services provided by a hospice in a licensed hospice facility.</p> <p>Admission to a hospice program of care is based on the voluntary request of the hospice patient alone or in conjunction with designated family members.</p> <p>(43) "Hospice facility" means an institution, place, or building in which a licensed hospice provides room, board, and appropriate hospice services on a twenty-four hour basis to individuals requiring hospice care pursuant to the orders of a physician.</p> <p>(54) "Licensee" means the individual, corporation, or public entity with whom rests the ultimate responsibility for maintaining approved standards for the hospice or hospice facility.</p> <p>(65) "Multiple location" means a properly registered additional site, other than the licensed primary office, from which a parent hospice organization provides hospice services. "Multiple location" does not mean a "work station" as defined in item (9).</p> <p>(76) "Parent hospice" means a properly licensed hospice that, in addition to its primary office, also provides hospice services from a multiple location as defined in item (6).</p> <p>(87) "Primary office" means the main office of a hospice program from which a parent hospice provides hospice services to patients and their families and from which a parent hospice performs oversight, administrative, and coordination of care duties for any multiple location.</p> <p>(98) "Work station" means a site operated within the licensed service area of a hospice solely for the convenience of the staff where they may conduct activities including, but not limited to, completing paperwork, checking messages, or storing equipment. These work stations must not have signage with an address or operating</p>
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			hours, must not be advertised, and must not be open to the public for any reason, such as to distribute supplies or to receive referrals.
426.	44-71-70 (A) and (D)	Quality Hospice Programs Act	<b>Recommendation + Explanation:</b>
			Amend appeals process language to conform with controlling law and Act 60.
			<b>Suggested Revision:</b>
			(A) The department is authorized to issue, deny, suspend, or revoke licenses in accordance with regulations promulgated pursuant to this section. <del>Such regulations must include hearing procedures related to denial, suspension, or revocation of licenses.</del> (B) The department is authorized to deny, suspend, or revoke approvals of multiple locations in accordance with regulations promulgated pursuant to this section when there is evidence or reason to believe that any of the following requirements and conditions are not being met: (1) the parent hospice is properly licensed, operating in accordance with all South Carolina laws and regulations; (2) the multiple location will provide the full scope of hospice services in all geographical areas listed on the license; (3) the multiple location will share administration, supervision, and services with the parent hospice; and (4) the multiple location will be included in the quality improvement activities of the parent hospice. (C) The department shall approve a request to expand the service area of a parent hospice to include additional counties only when the additional counties are requested in a properly filed application as required by Section 44-71-40(C). (D) <del>Regulations pertaining to the denial, suspension, or revocation of approvals must include hearing procedures related to denial, suspension, or revocation of licenses. A department decision denying, suspending, or revoking a license or approval made pursuant to this section may be appealed in accordance with Section 44-1-60 and applicable law.</del>
427.	44-74-50(A)	Medical Radiation Health and Safety Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Any person employing or allowing a person to operate x-ray machinery without possessing a certificate must be reported to the South Carolina Department of Health and Environmental Control Services. The South Carolina Department of Health

			and Environmental Control Services must take appropriate action against the registrant of the x-ray machinery pursuant to regulations of the South Carolina Department of Health and Environmental Control Services. Reports of violations can be made to the South Carolina Department of Health and Environmental Control Services by members of the public, licensed health care professionals, hospitals, or the South Carolina Radiation Quality Standards Association. The South Carolina Department of Health and Environmental Control Services must act on these complaints within ninety days. A current copy of the operators' certificate must be reviewed by the South Carolina Department of Health and Environmental Control Services at the time of inspection. The registrant of the equipment must display the current operators' certificates in public view.
428.	44-74-60(B)	Medical Radiation Health and Safety Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) The board must be composed of thirteen members from the below listed trade associations as follows: one member shall be a representative from the South Carolina Society of Medical Assistants, Incorporated, who is also a certified limited practice radiographer and a certified medical assistant; one member shall be a consumer from the South Carolina Radiation Standards Association; two members shall be radiologic technologists from the South Carolina Society of Radiologic Technologists (SCSRT), one of whom is employed by a hospital and from the South Carolina Health Care Alliance; one member shall be a radiologic technologist educator from the SCSRT; one member shall be a radiologic technologist of nuclear medicine from the South Carolina Society of Nuclear Medicine; one member shall be a radiation therapist from the SCSRT; three members shall be medical doctors, one doctor shall be a licensed family physician from the South Carolina Academy of Family Physicians, one doctor shall be a licensed radiologist from the South Carolina Radiological Society, and one doctor shall be a medical doctor of another specialty from the South Carolina Medical Association; one member shall be a chiropractor from the South Carolina Chiropractic Association; one member shall be a podiatrist from the South Carolina Podiatric Medical Association; and one member shall be a nonvoting representative from the South Carolina Department of Health and Environmental Control Services, ex officio, and from the Radiological Health Branch.
429.	44-78-15(3)		<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.

		<b>Emergency Medical Services Do Not Resuscitate Order Act</b>	<p><b>Suggested Revision:</b></p> <p>(3) "EMS personnel" means emergency medical personnel certified by the South Carolina Department of <del>Public Health and Environmental Control</del> including first responders who have completed a Department of <del>Public Health and Environmental Control</del>-approved medical first responder program.</p>
430.	44-78-65	<b>Emergency Medical Services Do Not Resuscitate Order Act</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>The South Carolina Department of <del>Public Health and Environmental Control</del> shall promulgate regulations necessary to provide direction to emergency personnel in identifying patients who have a "do not resuscitate order for emergency services".</p>
431.	44-80-10 (3) and (4)	<b>Physician Orders for Scope of Treatment</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>As used in this chapter:</p> <p>(1) "Advance care planning" or "ACP" means the making of decisions by a person about the care the person wants to receive if the person becomes unable to communicate or consent to care and the documentation of those decisions by acceptable methods recognized by the State.</p> <p>(2) "Advance directive" means a written statement such as a health care power of attorney executed in accordance with Section 62-5-504, in which an individual expresses certain wishes relating to life-sustaining treatment, including resuscitative services.</p> <p>(3) "Department" means the South Carolina Department of <del>Public Health and Environmental Control</del>.</p> <p>(4) "Director" means the Director of the South Carolina Department of <del>Public Health and Environmental Control</del>.</p> <p>(5) "Emergency medical technician (EMT)" when used in general terms for emergency medical personnel, means an individual possessing a valid EMT, advanced EMT (AEMT), or paramedic certificate issued by the State pursuant to the provisions of Section 44-61-20.</p> <p>(6) "Health care facility" means any nonfederal public or private institution, building, agency, or portion thereof, whether for-profit or not-for-profit, that is used, operated, or designed to provide health services; medical treatment; or nursing, rehabilitative or preventive care to any person or persons. This includes, but is not</p>

			<p>limited to, ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices, hospitals, infirmaries, intermediate care facilities, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, skilled nursing facilities, and adult daycare centers. The term also includes, but is not limited to, the following related property when used for or in connection with the foregoing: laboratories; research facilities; pharmacies; laundry facilities; health personnel training and lodging facilities; patient, guest, and health personnel food service facilities; and offices or office buildings for persons engaged in health care professions or services.</p> <p>(7) "Health care provider" means a person, health care facility, organization, or corporation licensed, certified, or otherwise authorized or permitted by the laws of this State to administer health care.</p> <p>(8) "Legal representative" means a person with priority to make health care decisions for a patient pursuant to the Adult Health Care Consent Act.</p> <p>(9) "Patient" means an individual who presents or is presented to a health care provider for treatment.</p> <p>(10) "Physician" means a doctor of medicine or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners.</p> <p>(11) "Physician Orders for Scope of Treatment (POST) form" means a designated document designed for use as part of advance care planning, the use of which must be limited to situations where the patient has been diagnosed with a serious illness or, based upon medical diagnosis, may be expected to lose capacity within twelve months and consists of a set of medical orders signed by a patient's physician addressing key medical decisions consistent with patient goals of care concerning treatment at the end of life that is portable and valid across health care settings.</p> <p>(12) "Serious illness" means a condition which, based upon best medical judgment, is likely to result in death within a period of not to exceed twelve months.</p>
432.	44-81-30(1)	Bill of Rights for Residents of Long-Term Care Facilities	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (1) "Long-term care facility" means an intermediate care facility, nursing care facility, or residential care facility subject to regulation and licensure by the State Department of <del>Public Health and Environmental Control</del> (department).</p>
433.	44-87-10(4)		<p><b>Recommendation + Explanation:</b></p>

		<b>Asbestos Abatement License</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (4) "Department" means the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> .
<b>434.</b>	<b>44-89-30 (2) and (3)</b>	<b>Birthing Center Licensure Act</b>	<b>Recommendation + Explanation:</b> Delete Board definition and amend Department name to conform with Act 60; recodify remaining items.  [Note: The term "Board" does not appear in the Birthing Center Licensure Act other than in the definitions.] <b>Suggested Revision:</b> As used in this chapter: (1) "Birthing center" means a facility or other place where human births are planned to occur. This does not include the usual residence of the mother or any facility which is licensed as a hospital. (2) " <del>Board</del> " means the South Carolina Board of Health and Environmental Control. (3) " <del>Certified Nurse-Midwife (CNM)</del> " means a person educated in the discipline of nursing and midwifery, certified by examination by the American College of Nurse-Midwives, and licensed by the State Board of Nursing as a Registered Nurse. (4) " <del>Department</del> " means the South Carolina Department of <u>Public Health</u> <del>and Environmental Control</del> . (5) " <del>Lay midwife</del> " means an individual so licensed by the department. (6) " <del>Low risk</del> " means normal, uncomplicated prenatal course as determined by adequate prenatal care and prospects for a normal, uncomplicated birth as defined by reasonable and generally accepted criteria of maternal and fetal health. (7) " <del>Midwifery</del> " means the application of scientific principles in the care of "with woman" care during uncomplicated pregnancy, birth, and puerperium including care of the newborn, support of the family unit, and gynecologic health care. (8) " <del>Person</del> " means a natural individual, private or public organization, political subdivision, or other governmental agency. (9) " <del>Physician</del> " means a doctor of medicine or osteopathy with training in obstetrics or midwifery and licensed by the South Carolina State Board of Medical Examiners to practice medicine.
<b>435.</b>	<b>44-89-90</b>	<b>Birthing Center Licensure Act</b>	<b>Recommendation + Explanation:</b> Amend appeals process language to conform with controlling law and Act 60.

			<p>[Also, the reference in the statute to 44-85-80 appears to be incorrect. The correct section number appears to be 44-89-80. Recommend that Code Commissioner review and consider changing citation from 44-85-80 to 44-89-80 if appropriate.]</p> <p><b>Suggested Revision:</b></p> <p>Any applicant or licensee who is aggrieved with a final decision of the department as a result of the hearing provided for by <del>44-85-80</del> <u>44-89-80</u> may appeal in accordance with Section 44-1-60 and applicable law to the appropriate court for judicial review pursuant to the Administrative Procedures Act.</p>
436.	44-93-20 (C) and (F)	Infectious Waste Management	<p><b>Recommendation + Explanation:</b></p> <p>Delete Board definition and amend Department definition to incorporate part of Board definition; amend Department name to conform with Act 60; and recodify remaining items.</p> <p><b>Suggested Revision:</b></p> <p>(A) "Infectious waste" or "waste" means:</p> <ol style="list-style-type: none"> <li>(1) sharps;</li> <li>(2) cultures and stocks of infectious agents and associated biologicals;</li> <li>(3) human blood and blood products;</li> <li>(4) pathological waste;</li> <li>(5) contaminated animal carcasses, body parts, and bedding of animals intentionally exposed to pathogens; and</li> <li>(6) isolation waste pursuant to the "Guidelines for Isolation Precautions in Hospitals", Centers for Disease Control.</li> </ol> <p>Nothing in this chapter prohibits a generator of infectious wastes from designating and managing wastes in addition to those listed above as infectious wastes.</p> <p>(B) "Infectious waste management" means the systematic control of the collection, source separation, storage, transportation, treatment, and disposal of infectious wastes.</p> <p><del>(C) "Board" means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Infectious Waste Management Act.</del></p> <p><del>(D)</del> (C) "Director" means the director of the department or his authorized agent.</p> <p><del>(E)</del> (D) "Containment" means the packaging of infectious waste or the containers in which infectious waste is placed.</p> <p><del>(F)</del> (E) "Department" means the Department of Health and Environmental Control Services, which is charged with responsibility for implementation of the Infectious Waste Management Act, including personnel of the department</p>



			<p>authorized by the board to act on behalf of the department or board.</p> <p>(<del>GF</del>) "Dispose" means to discharge, deposit, inject, dump, spill, leak, or place any infectious waste into or on any land or water including groundwater so that the substance may enter the environment or be emitted into the air or discharged into any waters, including groundwater.</p> <p>(<del>HG</del>) "Facility" means a location or site within which infectious waste is treated, stored, or disposed of.</p> <p>(<del>H</del>) "Generator" means the person producing infectious waste except waste produced in a private residence.</p> <p>(<del>J</del>) "Generator facility" means a facility that treats infectious waste that is owned or operated by a combination or association of generators, a nonprofit professional association representing generators or a nonprofit corporation controlled by generators, nonprofit foundation of hospitals, or nonprofit corporations wholly owned by hospitals, if the waste is generated in this State and treatment is provided on a nonprofit basis.</p> <p>(<del>K</del>) "Person" means an individual, partnership, co-partnership, cooperative, firm, company, public or private corporation, political subdivision, agency of the State, county, or local government, trust, estate, joint structure company, or any other legal entity or its legal representative, agent, or assigns.</p> <p>(<del>L</del>) "Storage" means the actual or intended holding of infectious wastes, either on a temporary basis or for a period of time, in the manner as not to constitute disposing of the wastes.</p> <p>(<del>M</del>) "Transport" means the movement of infectious waste from the generation site to a facility or site for intermediate storage.</p> <p>(<del>N</del>) "Treatment" means a method, technique, or process designed to change the physical, chemical, or biological character or composition of infectious waste so as to sufficiently reduce or eliminate the infectious nature of the waste.</p> <p>(<del>O</del>) "Expand" means an increase in the capacity of the facility or an increase in the quantity of infectious waste received by a facility that exceeds a permit condition.</p>
437.	44-93-160(B)	Infectious Waste Management	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(B) The owner or operator of a facility required to be permitted pursuant to this chapter treating infectious waste shall submit, not later than the tenth day of each month, to the Department of Health and Environmental Control <u>Services</u>:</p>

438.	44-96-40 (9), (24), (29), (51), and (55)	Solid Waste Policy; Specific Wastes	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>As used in this chapter:</p> <p>(1) "Beverage" means beer or malt beverages, mineral water, soda water, and similar carbonated soft drinks in liquid form, and all other liquids intended for human consumption, except for liquids marketed for and intended for consumption for medicinal purposes.</p> <p>(2) "Beverage container" means the individual, separate, and sealed glass, aluminum or other metal, or plastic bottle, can, jar, or carton containing beverage intended for human consumption.</p> <p>(3) "Collection" means the act of picking up solid waste materials from homes, businesses, governmental agencies, institutions, or industrial sites.</p> <p>(4) "Compost" means the humus-like product of the process of composting waste.</p> <p>(5) "Composting facility" means any facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material.</p> <p>(6) "Construction and demolition debris" means discarded solid wastes resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. The wastes include, but are not limited to, bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps, but does not include solid waste from agricultural or silvicultural operations.</p> <p>(7) "County solid waste management plan" means a solid waste management plan prepared, approved, and submitted by a single county pursuant to Section 44-96-80.</p> <p>(8) "Degradable", with respect to any material, means that the material, after being discarded, is capable of decomposing to components other than heavy metals or other toxic substances after exposure to bacteria, light, or outdoor elements.</p> <p>(9) "Department" means the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u>.</p> <p>(10) "Discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of solid waste, including leachate, into or on any land or water.</p> <p>(11) "Disposal" means the discharge, deposition, injection, dumping, spilling or placing of any solid waste into or on any land or water, so that the substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.</p>

			<p>(12) "Energy recovery" means the beneficial use, reuse, recycling, or reclamation of solid waste through the use of the waste to recover energy therefrom.</p> <p>(13) "Facility" means all contiguous land, structures, other appurtenances and improvements on the land used for treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal operational units, including, but not limited to, one or more landfills, surface impoundments, or combination thereof.</p> <p>(14) "For hire motor carrier" means a company operating a fleet of vehicles used exclusively in the transportation of freight for compensation.</p> <p>(15) "Generation" means the act or process of producing solid waste.</p> <p>(16) "Groundwater" means water beneath the land surface in the saturated zone.</p> <p>(17) "Hazardous waste" has the meaning provided in Section 44-56-20 of the South Carolina Hazardous Waste Management Act.</p> <p>(18) "Incineration" means the use of controlled flame combustion to thermally break down solid, liquid, or gaseous combustible wastes, producing residue that contains little or no combustible materials.</p> <p>(19) "Industrial waste" means solid waste that results from industrial processes including, but not limited to, factories and treatment plants.</p> <p>(20) "Infectious waste" has the meaning given in Section 44-93-20 of the South Carolina Infectious Waste Management Act.</p> <p>(21) "Land-clearing debris" means solid waste which is generated solely from land-clearing activities, but does not include solid waste from agricultural or silvicultural operations.</p> <p>(22) "Landfill" means a disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.</p> <p>(23) "Lead-acid battery" means any battery that consists of lead and sulfuric acid, is used as a power source, and has a capacity of six volts or more, except that this term shall not include a small sealed lead-acid battery which means a lead-acid battery weighing twenty-five pounds or less, used in non-vehicular, non-SLI (start lighting ignition) applications.</p> <p>(24) "Lead-acid battery collection facility" means a facility authorized by the Department of Health and Environmental Control <u>Services</u> to accept lead-acid batteries from the public for temporary storage prior to recycling.</p> <p>(25) "Local government" means a county, any municipality located wholly or partly within the county, and any other political subdivision located wholly or partly within the county when such political subdivision provides solid waste management services.</p>
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			<p>(26) "Materials Recovery Facility" means a solid waste management facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.</p> <p>(27) "Motor oil" and "similar lubricants" mean the fraction of crude oil or synthetic oil that is classified for use in the crankcase, transmission, gearbox, or differential of an internal combustion engine, including automobiles, buses, trucks, lawn mowers and other household power equipment, industrial machinery, and other mechanical devices that derive their power from internal combustion engines. The terms include re-refined oil but do not include heavy greases and specialty industrial or machine oils, such as spindle oils, cutting oils, steam cylinder oils, industrial oils, electrical insulating oils, or solvents which are not sold at retail in this State.</p> <p>(28) "Municipal solid waste landfill" means any sanitary landfill or landfill unit, publicly or privately owned, that receives household waste. The landfill may also receive other types of solid waste, such as commercial waste, nonhazardous sludge, and industrial solid waste.</p> <p>(29) "Office" means the Office of Solid Waste Reduction and Recycling established within the Department of Health and Environmental Control Services pursuant to Section 44-96-110.</p> <p>(30) "Owner/operator" means the person who owns the land on which a solid waste management facility is located or the person who is responsible for the overall operation of the facility, or both.</p> <p>(31) "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.</p> <p>(32) "Plastic bottle" means a plastic container intended for single use, which has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure, and has a capacity of sixteen fluid ounces or more, but less than five gallons.</p> <p>(33) "Plastic container" means any container having a wall thickness of not less than one one-hundredth of an inch used to contain beverages, foods, or nonfood products and composed of synthetic polymeric materials.</p> <p>(34) "Recovered materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing. At least seventy-five percent by weight of the materials received during the previous calendar year must be used, reused, recycled, or transferred to a different site for use, reuse, or recycling in order to qualify as a recovered material.</p> <p>(35) "Recovered Materials Processing Facility" means a facility engaged solely in the</p>
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			<p>recycling, storage, processing, and resale or reuse of recovered materials. The term does not include a solid waste processing facility; however, solid waste generated by a recovered material processing facility is subject to all applicable laws and regulations relating to the solid waste. The term does not include facilities which thermally treat solid waste principally for volume reduction or for reduction of contaminants. Records must be kept documenting the amount by weight of materials that are received at the facility and used, reused, or recycled or transferred to another site for use, reuse, or recycling. Records must also be kept which clearly document the location of final disposition of the materials. Records must be made available for inspection by department personnel upon request.</p> <p>(36) "Recyclable material" means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.</p> <p>(37) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products (including composting).</p> <p>(38) "Region" means a group of counties in South Carolina which is planning to or has prepared, approved, and submitted a regional solid waste management plan to the department pursuant to Section 44-96-80.</p> <p>(39) "Regional solid waste management plan" means a solid waste management plan prepared, approved, and submitted by a group of counties in South Carolina pursuant to Section 44-96-80.</p> <p>(40) "Resource recovery" means the process of obtaining material or energy resources from solid waste which no longer has any useful life in its present form and preparing the waste for recycling.</p> <p>(41) "Resource recovery facility" means a combination of structures, machinery, or devices utilized to separate, process, modify, convert, treat, or prepare collected solid waste so that component materials or substances or recoverable resources may be used as a raw material or energy source.</p> <p>(42) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.</p> <p>(43) "Rigid plastic container" means any formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible finite shape or form with a capacity of eight ounces or more, but less than five gallons.</p> <p>(44) "Sanitary landfill" means a land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards and meets the design and operation requirements of this chapter.</p> <p>(45) "Secondary lead smelter" means a facility which produces metallic lead from</p>
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			<p>various forms of lead scrap, including used lead-acid batteries.</p> <p>(46) "Solid waste" means any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations or refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment. For the purposes of this chapter, this term excludes steel slag that is a product of the electric arc furnace steelmaking process; provided, that such steel slag is sold and distributed in the stream of commerce for consumption, use, or further processing into another desired commodity and is managed as an item of commercial value in a controlled manner and not as a discarded material or in a manner constituting disposal.</p> <p>(47) "Solid waste disposal facility" means any solid waste management facility or part of a facility at which solid waste is intentionally placed into or on any land or water and at which waste will remain after closure.</p> <p>(48) "Solid waste management" means the systematic control of the generation, collection, source separation, storage, transportation, treatment, recovery, and disposal of solid waste.</p> <p>(49) "Solid waste management facility" means any solid waste disposal area, volume reduction plant, transfer station, or other facility, the purpose of which is the storage, collection, transportation, treatment, utilization, processing, recycling, or disposal, or any combination thereof, of solid waste. The term does not include a recovered materials processing facility or facilities which use or ship recovered materials, except that portion of the facilities which is managing solid waste.</p> <p>(50) "Solid Waste Management Grant Program" means the grant program established and administered by the Office of Solid Waste Reduction and Recycling pursuant to Section 44-96-130.</p> <p>(51) "Solid Waste Management Trust Fund" means the trust fund established within the Department of Health and Environmental Control Services pursuant to Section 44-96-120.</p>
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			<p>(63) "Used oil" means oil that has been refined from crude oil or synthetic oil and that has been used and, as a result of that use, is contaminated by physical or chemical impurities.</p> <p>(64) "Used oil collection center" means a facility which, in the course of business, accepts used oil for subsequent disposal or recycling.</p> <p>(65) "Used oil energy recovery facility" means a facility that burns more than six thousand gallons of used oil annually for energy recovery.</p> <p>(66) "Used oil recycling facility" means a facility that recycles more than six thousand gallons of used oil annually.</p> <p>(67) "Waste tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.</p> <p>(68)(a) "Waste tire collection facility" means a permitted facility used for the storage of waste tires or processed tires before recycling, processing, or disposal</p> <p>(b) "Waste tire disposal facility" means a permitted facility where processed waste tires are placed on the land in a manner which constitutes disposal.</p> <p>(c) "Waste tire processing facility" means a permitted facility where equipment is used to cut, shred, burn for volume reduction, or to otherwise alter whole waste tires. The term includes mobile waste tire processing equipment.</p> <p>(d) "Waste tire recycling facility" means a permitted facility where waste tires are used as a fuel source or returned to use in the form of products or raw materials.</p> <p>(69) "Waste tire hauler" means a person engaged in the picking up or transporting of waste tires for the purpose of storage, processing, or disposal.</p> <p>(70) "Waste tire site" means an establishment, site, or place of business, without a collector or processor permit, that is maintained, operated, used, or allowed to be used for the disposal, storing, or depositing of unprocessed used tires, but does not include a truck service facility which meets the following requirements:</p> <p>(a) all vehicles serviced are owned or leased by the owner or operator of the service facility;</p> <p>(b) no more than two hundred waste tires are accumulated for a period of not more than thirty days at a time;</p> <p>(c) the facility does not accept any tires from sources other than its own; and</p> <p>(d) all waste tires are stored under a covered structure.</p> <p>(71) "Waste tire treatment site" means a permitted site used to produce or manufacture usable materials, including fuel, from waste tires.</p> <p>(72) "Waters of the State" means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are</p>
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			<p>wholly or partially within or bordering the State or within its jurisdiction.</p> <p>(73) "White goods" include refrigerators, ranges, water heaters, freezers, dishwashers, trash compactors, washers, dryers, air conditioners, and commercial large appliances.</p> <p>(74) "Yard trash" means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.</p> <p>(75) "Advanced recycling" means manufacturing processes that convert post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, waxes, lubricants, and other products through processes that include pyrolysis, gasification, depolymerization, solvolysis, catalytic cracking, reforming, hydrogenation, and other similar technologies. The recycled products produced from advanced recycling include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced recycling is not incineration, combustion, energy recovery, material recovery, or treatment. For the purpose of advanced recycling:</p> <p>(a) "Depolymerization" means a manufacturing process at an advanced recycling facility where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings, and other basic hydrocarbons.</p> <p>(b) "Gasification" means a manufacturing process at an advanced recycling facility through which recovered feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient atmosphere and the mixture is converted to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.</p> <p>(c) "Pyrolysis" means a manufacturing process at an advanced recycling facility through which post-use polymers or recovered feedstock are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil or other fuels, chemicals, waxes, lubricants, chemical feedstocks, diesel and gasoline blendstocks, or other raw materials or intermediate or final products that are returned to the economic mainstream in the form of raw materials, products, or fuels.</p> <p>(d) "Solvolysis" means a manufacturing process at an advanced recycling facility through which post-use plastics are reacted with the aid of solvents while heated at low temperatures or pressurized to make useful products, while allowing additives</p>
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			<p>and contaminants to be separated. The products of solvolysis include, but are not limited to, monomers, intermediates, and valuable raw materials. The process includes, but is not limited to, hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis, and glycolysis.</p> <p>(76) "Advanced recycling facility" means a manufacturing facility that receives, separates, stores, and converts the post-use polymers and recovered feedstocks it receives using advanced recycling. An advanced recycling facility is not a solid waste processing facility, solid waste management facility, materials recovery facility, waste-to-energy facility, or incinerator, but the facility is subject to department inspections to ensure compliance. Solid waste generated by an advanced recycling facility is subject to all applicable laws and regulations for manufacturers relating to storage and disposal of solid waste. Post-use polymers and recovered feedstock may not be mixed with solid waste or hazardous waste on-site or during processing at an advanced recycling facility. At least seventy-five percent of the weight or volume of recovered feedstocks or post-use polymers received during the previous calendar year must be processed at an advanced recycling facility or transferred to a different site for processing in order for a facility to qualify as an advanced recycling facility. If an advanced recycling facility does not comply with the requirements of this definition, then it is not an advanced recycling facility and is subject to all applicable solid waste laws and regulations as determined by the department. Within sixty days of the termination of operations at an advanced recycling facility, all unused pre-converted and post-converted post-use polymers or recovered feedstock must be sold or disposed of by the advanced recycling facility in compliance with applicable laws.</p> <p>(77) "Post-use polymer" means a plastic polymer that is not solid waste when the following apply:</p> <ul style="list-style-type: none"> <li>(a) it is derived from any industrial, commercial, agricultural, or domestic activities;</li> <li>(b) its use or intended use is to manufacture crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using advanced recycling;</li> <li>(c) it may contain incidental contaminants or impurities, such as paper labels or metal rings; and</li> <li>(d) it is processed at an advanced recycling facility or held at an advanced recycling facility prior to processing.</li> </ul> <p>(78)(a) "Recovered feedstock" means one or more of the following materials that has been processed so that it may be used as feedstock in an advanced recycling facility:</p> <ul style="list-style-type: none"> <li>(i) post-use polymers;</li> <li>(ii) materials for which the United States Environmental Protection Agency has</li> </ul>
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			<p>made a nonwaste determination under 40 C.F.R. 241.3(c); or</p> <p>(iii) materials that the United States Environmental Protection Agency has otherwise determined are feedstocks and not solid waste.</p> <p>(b) Recovered feedstock does not include unprocessed municipal solid waste.</p>
439.	44-96-60(C)(3)	Solid Waste Policy; Specific Wastes	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(C) Not later than six months after this chapter is effective, there shall be established a State Solid Waste Advisory Council. The council shall consist of the following sixteen members:</p> <p>(1) twelve members appointed by the Governor which shall include one member to represent manufacturing interests; one member to represent the retail industry; two members to represent the solid waste disposal industry; one member to represent existing private recycling industry; two members to represent the general public; three members to represent county governments to be recommended by the South Carolina Association of Counties, one shall represent a county with a population of 50,000 or less, one shall represent a county with a population more than 50,000 and up to 100,000, and the final county representative shall represent a county with a population over 100,000; and two members shall represent municipalities to be recommended by the South Carolina Municipal Association. County, regional, and municipal representatives who are elected officials shall serve ex officio;</p> <p>(2) the consumer advocate or his designee;</p> <p>(3) one member to represent the Department of <del>Health and Environmental Control</del> <u>Services</u>;</p> <p>(4) the Secretary of Commerce or his designee; and</p> <p>(5) one member to represent the Governor.</p> <p>The members of the council in (1) above appointed after May 27, 1997, shall serve terms of four years dating from May 27, 1997, except that the member representing manufacturing interests, one member representing the solid waste disposal industry, the member representing existing private recycling industry, one member representing the general public, the member representing a county with a population of over one hundred thousand, and one municipal member must be appointed for a term of two years dating from May 27, 1997, and subsequent appointment of these members must be for a term of four years. No member appointed after May 27, 1997, may serve more than two terms. Members named in (2), (3), (4), and (5) above shall serve co-terminus with their office or at the pleasure</p>

			of the respective appointing authority. No member appointed before May 27, 1997, shall serve past May 27, 2001. Members shall promulgate regulations concerning meeting attendance. The council shall advise the department on the preparation of the state solid waste management plan, on methods of implementing the state plan on the preparation of the annual reports by the department on solid waste management and provide technical expertise regarding solid waste management grants and planning. The council shall be provided with drafts of the plan and reports and shall be given adequate opportunity to comment. The council also shall be advised on a regular basis by the department regarding the grant applications which have been accepted or denied under the Solid Waste Management Grant Program and on the status of the Solid Waste Management Trust Fund.
440.	44-96-85(A)	Solid Waste Policy; Specific Wastes	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60, and amend to correct capitalization.
			<b>Suggested Revision:</b>
			(A) There is established a Solid Waste Emergency Fund to be administered by the Department of Health and Environmental Control Services.
441.	44-96-100(A)	Solid Waste Policy; Specific Wastes	<b>Recommendation + Explanation:</b>
			Delete Board reference and amend appeal process to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Whenever the department determines that a person is in violation of a regulation promulgated pursuant to this article regarding Sections 44-96-160(X) (Used Oil), 44-96-170(H) (Waste Tires), or 44-96-190(A) (Yard trash, compost), the department may issue an order requiring the person to comply with the regulation or the department may bring civil action for injunctive relief in the appropriate court or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties not to exceed ten thousand dollars, for each day of violation, for violations of the regulations promulgated pursuant to this article regarding Sections 44-96-160(X), 44-96-170(H), or 44-96-190(A). After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department or board of the court of common pleas, pursuant to the Administrative Procedures Act in accordance with Section 48-6-30 and applicable law.

442.	44-96-120(C)	Solid Waste Policy; Specific Wastes	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) The department shall report on a quarterly basis to the State Solid Waste Advisory Council, House Ways and Means Committee, Senate Finance Committee, and the Joint Legislative Committee on Energy on the condition of the Solid Waste Management Trust Fund and on the use of all funds allocated from the Solid Waste Management Trust Fund. Quarterly reports shall be made not later than sixty days after the last day of each fiscal quarter beginning with the first full quarter after this chapter is effective. Notwithstanding Chapter 39 of Title 11, the Department of <del>Health and Environmental Control</del> <u>Services</u> , through the Office of Solid Waste Reduction and Recycling, shall make decisions on the allocation of oil overcharge funds transferred to the Solid Waste Management Trust Fund pursuant to Section 44-96-120(B)(9). The department's decisions shall be made upon the approval of the statewide Solid Waste Advisory Council and after consultation with the Governor's Office and the Joint Legislative Committee on Energy to ensure that the funds are administered according to decisions of the federal courts and requirements of the United States Department of Energy. If all oil overcharge funds transferred to the Solid Waste Management Trust Fund are not committed for projects or programs authorized by this chapter five years from the date this chapter is effective, they shall be returned to the Governor's Office.
443.	44-96-165	Solid Waste Policy; Specific Wastes	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Health and Environmental Control</del> <u>Services</u> , with the approval of the State Auditor, shall contract with one or more qualified, independent certified public accountants on a one-year basis to audit revenues and disbursements from the Solid Waste Management Trust Fund and the Waste Tire Trust Fund established pursuant to Section 44-96-120 and from the Petroleum Fund established pursuant to Section 44-96-160(V). The auditors may audit relevant records of a public or private entity that has submitted, kept, handled, or tracked monies for any of the three funds. This contract must be funded by the Solid Waste Management Trust Fund, the Petroleum Fund, and the Waste Tire Trust Fund.
444.	44-96-170 (N), (P), and (Q)(4)	Solid Waste Policy; Specific Wastes	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			<p>(N) For sales made on or after November 1, 1991, there is imposed a fee of two dollars for each new tire sold with a Department of Transportation number to the ultimate consumer, whether or not the tire is mounted by the seller. The wholesaler or retailer receiving new tires from unlicensed wholesalers is responsible for paying the fee imposed by this subsection.</p> <p>The Department of Revenue shall administer, collect, and enforce the tire recycling fee in the same manner that the sales and use taxes are collected pursuant to Chapter 36 of Title 12. The fee imposed by this subsection must be remitted on a monthly basis. Instead of the discount allowed pursuant to Section 12-36-2610, the taxpayer may retain three percent of the total fees collected as an administrative collection allowance. This allowance applies whether or not the return is timely filed. The department shall deposit all fees collected to the credit of the State Treasurer who shall establish a separate and distinct account from the state general fund. The State Treasurer shall distribute one and one-half dollars for each tire sold, less applicable credit, refund, and discount, to each county based upon the population in each county according to the most recent United States Census. The county shall use these funds for collection, processing, or recycling of waste tires generated within the State.</p> <p>The remaining portion of the tire recycling fee is to be credited to the Solid Waste Management Trust Fund by the State Treasurer for the Waste Tire Grant Trust Fund, established under the administration of the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u>.</p> <p>The General Assembly shall review the waste tire disposal recycling fee every five years.</p> <p>(P) The Office of Solid Waste Reduction and Recycling of the Department of <del>Health and Environmental Control</del> <u>Services</u> may provide grants from the Waste Tire Trust Fund to counties which have exhausted all funds remitted to counties under Section 44-96-170(N), to regions applying on behalf of those counties and to local governments within those counties to assist in the following:</p> <p>(Q) Waste tire grants must be awarded on the basis of written grant request proposals submitted to and approved, not less than annually, by the committee consisting of ten members appointed by the commissioner representing:</p> <ol style="list-style-type: none"> <li>(1) the South Carolina Tire Dealers and Retreaders Association;</li> <li>(2) the South Carolina Association of Counties;</li> <li>(3) the South Carolina Association of Regional Councils;</li> <li>(4) the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u>;</li> </ol>
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445.	44-96-250(4)	Solid Waste Management	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b> (4) "Director" means the Director of the South Carolina Department of Health and Environmental Control Services.
446.	44-96-280, Title	Solid Waste Management	<b>Recommendation + Explanation:</b>
			Amend Commissioner name to conform with Act 60.
			<b>Suggested Revision:</b> SECTION 44-96-280. Powers of the commissioner director.
447.	44-96-440	Solid Waste Management	<b>Recommendation + Explanation:</b>
			Delete Board reference and amend Commissioner name to conform with Act 60.
			<b>Suggested Revision:</b> (C) It shall be unlawful for any person to fail to comply with this article and any regulations promulgated pursuant to this article, or to fail to comply with any permit issued under this article, or to fail to comply with any order issued by the board, commissioner, director or department.
448.	44-96-450(A)	Solid Waste Policy	<b>Recommendation + Explanation:</b>
			Delete Board reference and amend appeal process to conform with Act 60.
			<b>Suggested Revision:</b> (A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or requirement under this article, the department may issue an order requiring the person to comply with the permit, regulation, standard, or requirement, or the department may bring civil action for injunctive relief in the appropriate court, or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties established by regulation, not to exceed ten thousand dollars for each day of violation, for violations of the provisions of this article, including any order, permit, regulation, or standard. After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department or board to the court of common pleas in accordance with Section 48-6-30 and applicable law.
449.	44-99-10(3)		<b>Recommendation + Explanation:</b>

		<b>Emergency Anaphylaxis Treatment</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (3) "Department" means the South Carolina Department of <del>Public Health and Environmental Control</del> .
450.	44-99-30	<b>Emergency Anaphylaxis Treatment</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> Notwithstanding any other provision of law, an authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this chapter. Epinephrine auto-injectors acquired pursuant to this chapter must be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use, requirements that may be established by the South Carolina Department of <del>Public Health and Environmental Control</del> , and recommendations included as part of an approved training. An authorized entity shall designate employees or agents who have completed the training required by Section 44-99-50, to be responsible for the storage, maintenance, control, and general oversight of epinephrine auto-injectors acquired by the authorized entity.
451.	44-99-50(A)	<b>Emergency Anaphylaxis Treatment</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (A) An employee, agent, or other individual described in Section 44-99-30 or 44-99-40, before undertaking an act authorized by this chapter, shall complete an anaphylaxis training program and must complete an anaphylaxis training program at least every two years following completion of the initial anaphylaxis training program. The training must be conducted by the South Carolina Department of <del>Public Health and Environmental Control</del> , a licensed medical provider, a nationally recognized organization experienced in training laypersons in emergency health treatment, the manufacturer of an epinephrine auto-injector, an organization with a training program that has been approved in at least three states, or an entity or individual approved by the department. The department also may approve specific entities or individuals or may approve classes of entities or individuals to conduct training.
452.	44-113-20(3)	<b>Provider Self-Referral</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.



			<p><b>Suggested Revision:</b></p> <p>(3) "Department" means the South Carolina Department of <u>Public Health and Environmental Control</u>.</p>
453.	44-115-80(A)(3)	Physicians' Patient Records Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(A) A physician, or other owner of medical records as provided for in Section 44-115-130, may charge a fee for the search and duplication of a paper or electronic medical record, but the fee may not exceed:</p> <p>(1) Sixty-five cents per page for the first thirty pages provided in an electronic format and fifty cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page costs may not exceed one hundred fifty dollars per request, but to which may be added actual postage and applicable sales tax. The search and handling fee is permitted even though no medical record is found as a result of the search, except where the request is made by the patient.</p> <p>(2) Sixty-five cents per page for the first thirty printed pages and fifty cents per page for all other printed pages, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which combined with the per page print costs may not exceed two hundred dollars per request, and to which may be added actual postage and applicable sales tax. The search and handling fee is permitted even though no medical record is found as a result of the search, except where the request is made by the patient.</p> <p>(3) All fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI-U), published by the U.S. Department of Labor. The Department of <u>Public Health and Environmental Control</u> is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.</p>
454.	44-115-130	Physicians' Patient Records Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>A physician may not sell medical records to someone other than a physician or osteopath licensed by the South Carolina State Board of Medical Examiners or a hospital licensed by the South Carolina Department of <u>Public Health and</u></p>

			<del>Environmental Control</del> . Exceptions to this prohibition may be granted and approved by the South Carolina State Board of Medical Examiners.
455.	44-117-50(d)	Prescription Information Privacy Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			This chapter does not invalidate: (a) any other provision of law concerning medical records or patient prescription drug information, the alteration of medical records or patient prescription drug information, any interest a patient has in the information contained within the medical record or patient prescription drug information, or any civil action brought in the state or federal courts alleging negligence by a practitioner or pharmacist; (b) the authority of a court to issue a subpoena for medical records and patient prescription drug information; (c) the authority of a licensing or disciplinary board of this State to obtain these records as provided by law; or (d) the authority of the Department of <del>Public Health and Environmental Control</del> to obtain medical records or patient prescription drug information as provided by state and federal law.
456.	44-122-50, Title and (E)	County Grants Fund for Adolescent Pregnancy Prevention Initiatives	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			SECTION 44-122-50. Duties and responsibilities of the Department of Social Services, county governments, local interagency councils, contractors, and the Department of <del>Public Health and Environmental Control</del> .  (E) The Department of <del>Public Health and Environmental Control</del> shall: (1) provide technical assistance and training to county governments and contractors, as needed, related to adolescent pregnancy prevention issues; and (2) if a community health assessment has been conducted in a county, share information with county governments, contractors, and program applicants about the nature of the problem, available resources, and potential barriers to the development of teen pregnancy prevention projects and activities.
457.	44-125-20(A)		<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.

		<b>Osteoporosis Prevention and Treatment Education</b>	<p><b>Suggested Revision:</b></p> <p>(A) There is established the Osteoporosis Education Fund, separate and distinct from the general fund, in the State Treasury and to be administered by the Department of <u>Public Health and Environmental Control</u>. The purpose of the fund is to promote public awareness, prevention, and treatment of osteoporosis.</p>
458.	44-128-20(A)	<b>South Carolina Youth Smoking Prevention Act</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) The Department of <u>Public Health and Environmental Control</u> shall develop and implement a Youth Smoking Prevention Plan for the purpose of preventing and reducing cigarette smoking by minors.</p>
459.	44-128-50 (B)(3)(a)	<b>South Carolina Youth Smoking Prevention Act</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(B) Notwithstanding the provisions of Section 8-13-770, the membership of the advisory commission is as follows:</p> <p>(1) two members appointed by the Speaker of the House of Representatives from the membership of the House of Representatives;</p> <p>(2) two members appointed by the President of the Senate from the membership of the Senate; and</p> <p>(3) eleven members appointed by the Governor as follows:</p> <p>(a) one representative of the Department of <u>Public Health and Environmental Control</u>;</p> <p>(b) one representative of the Department of Alcohol and Other Drug Abuse Services;</p> <p>(c) three health professionals;</p> <p>(d) two youths between the ages of twelve and eighteen; and</p> <p>(e) five citizens of the State with knowledge, competence, experience, or interest in youth smoking prevention, or other relevant background including, but not limited to, youth education, public health, social science, and business expertise.</p>
460.	44-130-20(3)	<b>South Carolina Overdose Prevention Act</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p>

			(3) "Department" means the Department of <del>Public Health and Environmental Control</del> .
461.	44-130-40(D)	South Carolina Overdose Prevention Act	<b>Recommendation + Explanation:</b>
			As the requirement was met, no changes to this provision are recommended.
			<b>Suggested Revision:</b>
			(D) The Veterans Equal Access Amendment to the Military Construction and Veterans Affairs Appropriations passed by the United States Congress provides that: "Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall authorize physicians and other health care providers employed by the Department of Veterans Affairs to provide recommendations and opinions to veterans who are residents of states with state marijuana programs regarding the participation of veterans in such state marijuana programs." The Department of Health and Environmental Control is directed to study: (1) the possibility that a person experiencing an opioid-related overdose would be decreased if access to cannabis was legally permitted; and (2) the extent to which states have latitude by federal law for a Veterans Affairs' physician licensed in the State of South Carolina to provide a written certification that a veteran would benefit from the use of marijuana for medicinal purposes rather than being prescribed opioids. DHEC shall provide the General Assembly a report on the findings by January 1, 2017.
462.	44-130-70(C)(3)	South Carolina Overdose Prevention Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(C)(1) A community distributor acting in good faith may distribute an opioid antidote: <ul style="list-style-type: none"> <li>(a) obtained pursuant to a written prescription or standing order issued in accordance with this section; and</li> <li>(b) pursuant to a written joint protocol issued by the Board of Medical Examiners and the Board of Pharmacy.</li> </ul> (2) Not later than six months after passage of this act, the Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a community distributor to distribute an opioid antidote without a patient-specific written order or prescription to a person at risk of experiencing an opioid-related overdose or to a caregiver of such a person, and without the requirement for a pharmacist to dispense the opioid antidote. <p>(3) The Board of Medical Examiners and the Board of Pharmacy must appoint an advisory committee to advise and assist in the development of the joint protocol for</p>

			<p>their consideration. The membership of the committee must include, but not be limited to, a representative of the Department of <del>Public Health and Environmental Control</del>, a representative of the Department of Alcohol and Other Drug Abuse Services, and health care professionals licensed in the State.</p> <p>(4) For purposes of this subsection, "caregiver" means a person who is not at risk of an opioid overdose but who, in the judgment of the community distributor, may be in a position to assist another individual during an overdose.</p>
463.	44-139-40(A)(1)	Medical Ethics and Diversity Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) No medical practitioner may be discriminated against in any manner because the medical practitioner:</p> <p>(1) provided, caused to be provided, or is about to provide or cause to be provided to the practitioner's employer, the Attorney General of South Carolina, the Department of <del>Public Health and Environmental Control</del>, the South Carolina Board of Medical Examiners, any state agency charged with protecting health care rights of conscience, the U.S. Department of Health and Human Services Office of Civil Rights, or any other federal agency charged with protecting health care rights of conscience information relating to any violation of, or any act or omission the medical practitioner reasonably believes to be a violation of, any provision of this chapter;</p> <p>(2) testified or is about to testify in a proceeding concerning such violation;</p> <p>(3) assisted or participated, or is about to assist or participate, in such a proceeding;</p> <p>or</p> <p>(4) refused to participate in an abortion.</p>
464.	44-139-50(B)(1)	Medical Ethics and Diversity Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(B) The State Human Affairs Commission must investigate reports of alleged violations of this chapter. If the State Human Affairs Commission finds that a respondent has engaged in an unlawful discriminatory practice pursuant to this chapter, the State Human Affairs Commission will assist respondent with appropriate corrective action. If, despite assistance, corrective action is not satisfactory, the State Human Affairs Commission shall consult other public officers as the commission deems proper regarding options to overcome the effects of such violations. At a minimum, the State Human Affairs Commission must provide a copy</p>

			<p>of its report to:</p> <p>(1) the Director of the Department of <del>Public Health and Environmental Control</del>, if the respondent is a health care facility;</p> <p>(2) the Director of the Department of Labor, Licensing and Regulation, if the respondent is a medical practitioner.</p>
465.	45-4-30(B)	South Carolina Bed and Breakfast Act	<p><b>Recommendation + Explanation:</b></p> <p>If the intent is to continue to exempt B&amp;Bs providing only the food service identified in subsection (A) of 45-4-30 from regulation, the following suggested revision set forth below is recommended.</p>
			<p><b>Suggested Revision:</b></p> <p>(B) Regulations promulgated by the Department of <del>Public Health pursuant to Section 44-1-140(2) and the Department of Health and Environmental Control</del>Agriculture pursuant to Section <del>44-1-140(2)</del>46-57-50(1) or other provision of law regarding food service do not apply to a bed and breakfast providing only the food service identified in subsection (A) of this section. Instead of those regulations, a bed and breakfast must comply with the provisions of Section 45-4-40.</p>
466.	45-4-70	South Carolina Bed and Breakfast Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>If a bed and breakfast has a swimming pool which is available to guests, it must be constructed and operated in accordance with Department of <del>Health and Environmental Control</del>Services standards for residential swimming pools.</p>
467.	46-1-130	Agriculture – General Provisions; Offenses	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(a) Notwithstanding any other provisions of the law, any person having knowledge of the death of a person who engages in seasonal agricultural work as his primary source of income and does not normally return to his permanent place of residence each night shall, without delay, report the fact of such death to the Department of <del>Public Health and Environmental Control</del> in the county in which the body is located together with any information he may possess respecting the deceased including his identity, place of employment, permanent residence, and the name, address, and telephone number of any relatives. The County Department of <del>Public Health and</del></p>

			<p><del>Environmental Control</del> shall within a reasonable amount of time of receiving such report transmit to the State Department of <del>Public Health and Environmental Control</del> notice of the death of the deceased worker and information pertaining thereto. The State Department of <del>Public Health and Environmental Control</del> shall upon such notification make every effort to inform the nearest relative of such death.</p> <p>(b) In the event that the identity of the deceased cannot be determined within a reasonable period of time, or in the event that the body of the deceased is unclaimed seven days after death, or in the event that the estate or the relatives are unable to provide for the burial of the deceased, the Department of <del>Public Health and Environmental Control</del> is authorized to allocate a sum of not more than three hundred and fifty dollars for the burial of such worker.</p> <p>(c) In the event that the estate or the relatives of the deceased are able to provide for the burial but are unable to provide for the transportation of the body of the deceased to his legal residence or the legal residence of the relatives, the Department of <del>Public Health and Environmental Control</del> is authorized to allocate a sum of not more than two hundred dollars to defray the transportation expenses.</p> <p>(d) The Department of <del>Public Health and Environmental Control</del> is authorized to file a claim with the Social Security Administration for reimbursement of the maximum amount allowable in behalf of the deceased and to use such funds or any assets belonging to the deceased to defray the burial or transportation expenses.</p>
468.	46-1-140	Agriculture	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>Any irrigation system which is designed or used for the applications of fertilizer, pesticide, or chemicals must be equipped with an anti-syphon device adequate to protect against contamination of the water supply. The minimum acceptable anti-syphon device shall include a check valve, vacuum breaker, and low pressure drain on the irrigation supply line between the irrigation pump and the point of injection of fertilizer, pesticide, or chemicals. The vacuum breaker must be upstream from the check valve. The low pressure drain must be upstream from the vacuum breaker. The injection pump must be tied to the irrigation pump either mechanically or electrically so that the injection pump shall stop operating if the irrigation pump fails to function.</p> <p>Any person who uses an irrigation system for the application of fertilizer, pesticide, or chemicals which is not equipped with an anti-syphon device as required by this</p>

			<p>section is subject to a civil penalty of not more than five hundred dollars. Each day's violation is subject to an additional fine.</p> <p>The Division of Regulatory and Public Service Programs at Clemson University shall promulgate regulations with the advice of the Department of <del>Health and Environmental Control</del> <u>Services</u> as it considers necessary to implement this section and is also charged with enforcing this section. The provisions of this section do not apply to residential yard use.</p>
469.	46-3-240	Department and Commissioner of Agriculture	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Commissioner of Agriculture and all inspectors and chemists employed under Chapter 27 of this Title shall be charged with the enforcement of such regulations relating to food and drugs, in addition to those with which they are expressly charged by law, as the Department of <u>Public Health and Environmental Control</u> may issue under the authority of law. And such inspectors shall also assist in the enforcement of all of the provisions of this chapter.
470.	46-7-100	Clemson University	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Every veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person having the care of animals must report animals having or suspected of having any disease that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents and might pose a substantial risk of a significant number of human or animal fatalities or incidents of permanent or long-term disability. The report must be made by telephone, in writing, or by compatible electronic format within twenty-four hours to the State Veterinarian and must include as much of the following information as is available: the geographical location of the animal or the exposure, the name and address of any known owner, and the name and address of the reporting individual. The State Veterinarian must report to the Department of <u>Public Health and Environmental Control</u> any incidents which affect public health, or which create a public health emergency, as defined in Section 44-4-130. For purposes of this section, the terms chemical terrorism, bioterrorism, and radiological terrorism have the same meanings as provided in Section 44-4-130.



471.	46-7-110(A)-(B)	Clemson University	<p><b>Recommendation + Explanation:</b> Change Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) Clemson University, in conjunction with the Department of <del>Health and Environmental Control</del><u>Services</u>, shall create a training and certification program for owners or operators of an animal facility as defined in Regulation 61-43 which must include, but is not limited to, understanding relevant regulations, issues, standards, principles, and practices regarding siting and management of an animal facility and land application of animal waste; controlling vectors, testing for toxic metals, organic materials, and other elements; and implementing emergency procedures and spill prevention protocols. (B) An operator of an animal facility and waste utilization area must be trained and certified according to South Carolina Department of <del>Health and Environmental Control</del><u>Services</u> Regulations on the operation of animal waste management under the program created in subsection (A).</p>
472.	46-9-120	State Crop Pest Commission	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> Every farmer, agriculturalist, county extension agent, agricultural products processor, crop advisor, or other person working in agriculture, or person having responsibility for agricultural production or processing must report agricultural products having or suspected of having any disease or infection from any crop pest whatsoever that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly infectious agents and which might cause serious agricultural threat to the State. The report must be made by telephone, in writing, or by compatible electronic format within twenty-four hours to the Director, Regulatory and Public Service Programs, Clemson University, and must include as much of the following information as is available: the geographic location of the agricultural product and/or its origin; the name and address of any known owner, the name and address of any known shipper; the name and address of the owner of the point of origin; and the name and address of the reporting individual. The director must report to the Department of <del>Public Health and Environmental Control</del> any incidents which affect public health, or which create a public health emergency, as defined in Section 44-4-130. For purposes of this section, the terms chemical terrorism, bioterrorism, and radiological terrorism have the same meanings as provided in Section 44-4-130.</p>

473.	46-13-110	Pesticide Control Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Director may by regulation require the reporting of significant pesticide accidents or incidents to the Department of <del>Health and Environmental Control</del> <u>Services</u> .
474.	46-13-150 Introductory paragraph, (9) and (10)	Pesticide Control Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			There is created a pesticide advisory committee consisting of five licensed commercial applicators residing in the State, one of whom must be licensed to operate horticultural ground equipment, one must be licensed to operate agricultural ground equipment, one must be licensed to operate aerial equipment, and two must be licensed for structural pest control; one entomologist in public service; one toxicologist in public service; one herbicide specialist in public service; two members from the agrichemical industry, one of whom must be a pesticide dealer; two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides; one representative of the South Carolina Department of Natural Resources; one plant pathologist in public service; one representative of the South Carolina State Forestry Commission; one representative of the South Carolina Department of Agriculture; one representative of the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> ; and two citizens from the State at large. The members must be residents of this State and must be appointed by the Governor on the recommendation of the following organizations: (1) The South Carolina Aerial Applicators' Association shall recommend the pesticide applicator licensed to operate aerial equipment. (2) The South Carolina Pest Control Operator's Association shall recommend the pesticide applicator licensed to operate horticultural ground equipment and two pesticide applicators licensed for structural pest control. (3) The Vice President and Vice Provost of Agriculture and Natural Resources of Clemson University shall recommend the herbicide specialist in public service, the entomologist in public service, and the plant pathologist in public service. (4) The members of the South Carolina Fertilizer and Agrichemical Association shall recommend the member from the agrichemical industry and the pesticide dealer.

			<p>(5) The South Carolina Farm Bureau shall recommend the two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides, and the commercial applicator licensed to operate agricultural ground equipment.</p> <p>(6) The Director of the South Carolina Department of Natural Resources shall recommend the member from the South Carolina Department of Natural Resources.</p> <p>(7) The State Forester shall recommend the member from the South Carolina State Forestry Commission.</p> <p>(8) The Commissioner of Agriculture shall recommend the member from the South Carolina Department of Agriculture.</p> <p>(9) The director of the Department of <del>Health and Environmental Control</del><u>Services</u> shall recommend the member from that department.</p> <p>(10) The administrator of the Department of Consumer Affairs shall recommend the two citizens at large.</p> <p>Such members shall be appointed for terms of four years and may be appointed for successive terms; provided, that at the inception of this chapter the pesticide applicator licensed to operate aerial equipment, the entomologist in public service, the herbicide specialist, one of the two producers of agricultural crops, and the representative from the South Carolina Department of Agriculture shall be appointed for two years; the pesticide applicator licensed for structural pest control, one of the two pesticide applicators licensed to operate ground equipment, one of the two producers of agricultural crops, the pesticide dealer representing the South Carolina Pesticide Association, and the plant pathologist in public service shall be appointed for a period of three years; one of the two pesticide applicators licensed to operate ground equipment, the toxicologist in public service, the member of the agrichemical industry representing the South Carolina Pesticide Association, the representative of the South Carolina Department of Natural Resources, the representative from the South Carolina Commission of Forestry and the representative from the Department of <del>Health and Environmental Control</del><u>Services</u> shall be appointed for a period of four years. All subsequent terms for appointment to such committee shall be for a period of four years.</p> <p>The appointing organizations shall have the authority to recommend the removal of the appointees prior to the expiration of their term of appointment for cause. Upon the death, resignation, or removal for cause of any member of the committee, such vacancy shall be filled within thirty days of its creation for the remainder of its term in the manner herein prescribed for appointment to the committee.</p>
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			<p>The committee shall elect one of its members chairman. The members of the committee shall meet at such time and at such place as shall be specified by the call of the Director, Chairman, or a majority of the committee.</p> <p>The committee shall advise the Director on any or all problems relating to the use and application of pesticides. This may include pest control problems, environmental or health problems related to pesticide use, and review of needed legislation, regulations and agency programs.</p>
475.	46-45-10(5)	Nuisance Suits Related to Agricultural Operations	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(5) With the exception of new swine operations and new slaughterhouse operations, in the interest of homeland security and in order to secure the availability, quality, and safety of food produced in South Carolina, it is the intent of the General Assembly that state law and the regulations of the Department of Health and Environmental Control Services pre-empt the entire field of and constitute a complete and integrated regulatory plan for agricultural facilities and agricultural operations as defined in Section 46-45-20, thereby precluding a county from passing an ordinance that is not identical to the state provisions.
476.	46-45-60	Nuisance Suits Related to Agricultural Operations	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) Notwithstanding any local law or ordinance, an agricultural operation or facility is considered to be in compliance with the local law or ordinance if the operation or facility would otherwise comply with state law or regulations governing the facility or operation. With the exception of new swine operations and new slaughterhouse operations, to the extent an ordinance of a unit of local government:</p> <p>(1) attempts to regulate the licensing or operation of an agricultural facility in any manner that is not identical to the laws of this State and regulations of the Department of Health and Environmental Control Services and amendments thereto;</p> <p>(2) makes the operation of an agricultural facility or an agricultural operation at an agricultural facility a nuisance or providing for abatement as a nuisance in derogation of this chapter; or</p> <p>(3) is not identical to state law and regulations governing agricultural operations or agricultural facilities, is null and void. The provisions of this section do not apply whenever a nuisance results from the negligent, illegal, or improper operation of an</p>

			<p>agricultural facility. The provisions of this section do not apply to an agricultural facility or agricultural operation at an agricultural facility located within the corporate limits of a city.</p> <p>(B) The provisions of this section shall not preclude any right a county may have to determine whether an agricultural use is a permitted use under the county's land use and zoning authority; provided, if an agricultural facility or an agricultural operation is a permitted use, or is approved as a use pursuant to any county conditional use, special exception or similar county procedure, county development standards, or other ordinances that are not identical with the laws of this State or the regulations of the Department of <del>Health and Environmental Control</del><u>Services</u> are null and void to the extent they (a) apply to agricultural operations or facilities otherwise permitted by this chapter, the laws of this State, and the regulations of the Department of <del>Health and Environmental Control</del><u>Services</u>, and (b) are not identical to this chapter, the laws of this State, and the regulations of the Department of <del>Health and Environmental Control</del><u>Services</u>.</p>
477.	46-45-80	Nuisance Suits Related to Agricultural Operations	<b>Recommendation + Explanation:</b>
			Amend regulation name for accuracy, and amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Any setback distances given in R. 61-43, Standards for <u>the</u> Permitting of Agricultural Animal Facilities, are minimum siting requirements as established by the Department of <del>Health and Environmental Control</del> <u>Services</u> . As long as the established setbacks are achieved, the department may not require additional setback distances. Such distances from property lines or residences may be waived or reduced by written consent of the adjoining property owners. All animal facilities affected by these setback provisions must have an evergreen buffer between the facility and the affected residence as established by <del>DHEC</del> <u>DES</u> unless otherwise agreed to in writing by the adjoining landowners.
478.	46-49-60	Supervision and Regulation of Milk and Milk Products	<b>Recommendation + Explanation:</b>
			Amend department reference to conform with Act 60.
			<b>Suggested Revision:</b>
			A distributor shall not engage, either directly or indirectly, in doing business in any market until he has applied for and obtained a license from the department. A store is not required to make application for a license but is considered to be a de facto licensee as required in this chapter. The department may classify licensees and may

			<p>issue licenses to distributors to produce, receive, process, manufacture, or sell any of the products covered by this chapter in any particular market.</p> <p>The department may decline to grant a license or may suspend or revoke a license already granted upon due notice and after a hearing before the department whenever the applicant or licensee has violated <del>department</del> regulations <del>issued by the Department of Health and Environmental Control</del>, or any provisions of this chapter.</p> <p>The department may, in lieu of license suspensions, invoke a penalty of not less than fifty dollars nor more than five thousand dollars. All receipts from the penalties must be paid by the department to the State Treasurer.</p>
479.	46-51-20	Aquaculture Permit Assistance Office	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>Within ninety days after the creation of the office the facilitator shall meet with the director of the Department of <del>Health and Environmental Control</del> <del>Services</del>, the director of the South Carolina Department of Natural Resources and the director of the Department of Administration to establish one application form which must be used by all the permitting agencies when a potential aquaculturist is seeking permits, licenses, and certifications to begin an aquaculture operation. The permit facilitator shall recognize the value and integrity of the permitting programs of each of the state's regulatory agencies listed above and seek to maintain the division of authority.</p>
480.	47-1-80	Cruelty to Animals	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>Any agent or officer of the Department of <del>Public Health and Environmental Control</del> or police officer or officer of the South Carolina Society for the Prevention of Cruelty to Animals or of any society duly incorporated for that purpose may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for, appearing to be glandered, injured or diseased past recovery for any useful purpose.</p>
481.	47-3-420 (A)(1)(i)	Animal Euthanasia and Tranquilization	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) Only the following methods of euthanasia may be used to kill animals impounded or quarantined in animal shelters, and the procedure applicable to the method</p>

			<p>selected must be strictly followed:</p> <p>(1) Sodium pentobarbital or a derivative of it by means of:</p> <p>(a) intravenous injection by hypodermic needle of a lethal solution;</p> <p>(b) intraperitoneal injection by hypodermic needle of lethal solution as a last resort only when location of an injection into the vein is difficult or impossible;</p> <p>(c) intracardial injection by hypodermic needle if the dog or cat is unconscious;</p> <p>(d) intravenous injection of these solutions must be specifically injected according to the directions of the manufacturers for intravenous injections;</p> <p>(e) an animal may be sedated with an approved and humane substance before euthanasia is performed;</p> <p>(f) the solutions may not be administered via intrathoracic, intrapulmonary, subcutaneous, intramuscular, intrarenal, intrasplenic, or intrathecal routes or in any other nonvascular injection route except as provided above;</p> <p>(g) administration of injections must be done only by a licensed veterinarian or by a euthanasia technician or Department of Natural Resources employee, trained and certified for this purpose in a euthanasia training class taught by a licensed South Carolina veterinarian or an individual or entity approved by the State Board of Veterinary Examiners, which must include training in tranquilizing animals. A person certified pursuant to this subitem must continue to maintain his proficiency by successfully completing a training course taught by a licensed South Carolina veterinarian or an individual or entity approved by the State Board of Veterinary Examiners every five years;</p> <p>(h) all injections must be administered using an undamaged hypodermic needle of a size suitable for the size and species of animal;</p> <p>(i) an animal shelter or governmental animal control agency may obtain sodium pentobarbital or a derivative or tranquilizing agent by direct licensing. The animal shelter or governmental animal control agency must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement Administration (DEA) and a State Controlled Substances Registration from the Department of <u>Public Health and Environmental Control (DHEC/DPH)</u>. If an animal shelter or governmental animal control agency is issued a certificate by the DEA and a registration by <u>DHEC/DPH</u> pursuant to this subitem, the animal shelter or governmental animal control agency director or his designee are responsible for maintaining their respective records regarding the inventory, storage, and administration of controlled substances. An animal shelter or governmental animal control agency and its certified euthanasia technician are subject to inspection and audit by <u>DHEC/DPH</u> and the DEA regarding the recordkeeping, inventory, storage, and administration of controlled substances used under authority of this article;</p>
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			<p>(j) oral administration of sodium pentobarbital is permitted for the purpose of anesthetizing animals, provided a lethal dose of sodium pentobarbital is administered to euthanize the animal; and</p> <p>(k) carbon monoxide gas, carbon dioxide gas, or other nonanesthetic inhalants may not be used to perform euthanasia.</p>
482.	47-4-150	State Livestock-Poultry Health Commission	<b>Recommendation + Explanation:</b>
			Amend Commissioner name and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The commission by regulation may establish advisory committees which fairly reflect the particular portion of the industry being regulated as well as other concerned groups or agencies. The members of these committees serve at the pleasure of the commission. In nominating the members of the advisory committees the director shall consult with officials of representative trade associations, the Administrator of the South Carolina Department of Consumer Affairs, the Commissioner of Agriculture, and the <del>Commissioner</del> <u>Director</u> of the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> . The committee members serve at no cost to the State.
483.	47-5-20(2)	Rabies Control	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(2) "Department" means the South Carolina Department of <u>Public Health and Environmental Control</u> , including county health departments.
484.	47-9-60	Livestock Generally, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Notwithstanding any other provision of law, only property owners and residents within a two-mile radius of a permitted livestock or poultry facility, with the exception of a swine facility, may appeal a permit issued by the Department of <del>Health and Environmental Control</del> <u>Services</u> pertaining to the facility.
485.	47-17-40(b)	Meat and Meat Food Regulations Inspection Law of 1967	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>



			(b) The Director shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section. The Director shall immediately notify the South Carolina Department of <del>Health and Environmental Control</del> Agriculture of the name and address of any establishment for which the Director shall refuse to render veterinary inspection service.
486.	47-17-120(D)	Meat and Meat Food Regulations Inspection Law of 1967	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			(D) The commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130. Veterinary inspection must not be conducted in an establishment whose permit has been denied, suspended, or revoked. The commission immediately shall notify the South Carolina Department of <del>Health and Environmental Control</del> Agriculture of action upon a permit.
487.	47-17-130	Meat and Meat Food Regulations Inspection Law of 1967	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			The Director shall promulgate such rules and regulations and appoint such veterinarians and other qualified personnel as are necessary to carry out the purposes or provisions of this article. Such rules and regulations shall be in conformity with the rules and regulations under the Federal Meat Inspection Act and the South Carolina Department of <del>Health and Environmental Control</del> Agriculture as now in effect and with subsequent amendments thereof unless they are considered by the Director as not to be in accord with the objectives of this article.
488.	47-17-140 (b) and (c)	Meat and Meat Food Regulations Inspection Law of 1967	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture and amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(a) This article shall not apply to any act or transaction subject to regulations under the Federal Meat Inspection Act.
			(b) The Director shall cooperate with the South Carolina Department of <del>Health and Environmental Control</del> Agriculture and may cooperate with the Federal Government in carrying out the provisions of this article or the Federal Meat Inspection Act.

			<p>(c) The provisions of this article shall be applied in such a manner as to maintain the support and cooperation of all State and local agencies dealing with animals, animal diseases and human diseases, and in no way shall this article restrict the authority given to the Department of <del>Public Health and Environmental Control</del>, the State Department of Agriculture or any other agency under the General Statutes of South Carolina.</p> <p>(d) No person shall be prohibited from the operation of a business regulated by this article because of the inability of the Director to provide adequate personnel for inspection within two years from July 1, 1967.</p>
489.	47-17-320	Importation of Meat	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Health and Environmental Control</del> <u>Agriculture</u> is charged with the enforcement of the provisions of this article. All meat found by the Department of <del>Health and Environmental Control</del> <u>Agriculture</u> which is landed within the boundaries of the State and does not comply with the provisions of this article shall be confiscated and destroyed.
490.	47-19-35(D)	Poultry Products Inspection Law	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			(D) The commission, for cause, may refuse to grant a permit, may suspend, revoke, or modify the permit, or may assess a civil penalty in accordance with Section 47-4-130. Veterinary inspection must not be conducted in an establishment whose permit has been denied, suspended, or revoked. The commission immediately shall notify the South Carolina Department of <del>Health and Environmental Control</del> <u>Agriculture</u> of permit actions.
491.	47-20-165(A)	Confined Swine Feeding Operations	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) In addition to any regulations authorized to be promulgated pursuant to this chapter, the Department of <del>Health and Environmental Control</del> <u>Services</u> shall promulgate regulations regarding confined swine feeding operations which are separate and distinct from the regulations promulgated pursuant to this chapter.
492.	48-1-10(9)	Pollution Control Act	<b>Recommendation + Explanation:</b>

			Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (9) "Department" means the Department of <del>Health and Environmental Control</del> <u>Services</u> .
493.	48-1-20	Pollution Control Act	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this chapter, the Department of <del>Health and Environmental Control</del> <u>Services</u> shall have authority to abate, control and prevent pollution.
494.	48-1-55	Pollution Control Act	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> On any navigable river in this State where an oyster factory is located, the Department of <del>Health and Environmental Control</del> <u>Services</u> may utilize qualified personnel of the county or municipality in whose jurisdiction the factory operates to assist with the monitoring of water quality and other environmental standards the department is required to enforce. The assistance may be provided at the request of the department and upon the consent of the county or municipality concerned.
495.	48-1-85(C)-(D)	Pollution Control Act	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (A) It is unlawful for a person to operate or float a houseboat on the waters of this State unless it has a marine toilet that discharges only into a holding tank. (B) As used in this section: (1) "Holding tank" means a container designed to receive and hold sewage and other wastes discharged from a marine toilet and constructed and installed in a manner so that it may be emptied only by pumping out its contents. (2) "Houseboat" means watercraft primarily used as habitation and not used

			<p>primarily as a means of transportation.</p> <p>(3) "Marine toilet" includes equipment for installation on board a houseboat designed to receive, retain, treat, or discharge sewage. A marine toilet must be equipped with a holding tank.</p> <p>(C) When an owner of a houseboat having a marine toilet applies to the <del>Department of Natural Resources</del> <u>Department of Environmental Services</u> for a certificate of title pursuant to Section 50-23-20, he shall certify in the application that the toilet discharges only into a holding tank.</p> <p>(D) Houseboat holding tanks may be emptied only by a pump-out system permitted by the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u>.</p> <p>(E) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars for each day's violation or imprisoned not more than thirty days, or both.</p>
496.	48-1-95(A)(4)	Pollution Control Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) As used in this section:</p> <p>(1) "Action plan" or "plan" means a schedule for implementing and completing repairs, upgrades, and improvements needed to minimize future repetitive significant spills of untreated or partially treated domestic sewage.</p> <p>(2) "Capacity, Management, Operation, and Maintenance or 'CMOM' plan" means a comprehensive, dynamic framework for wastewater utilities to identify and incorporate widely accepted wastewater industry practices to:</p> <ul style="list-style-type: none"> <li>(a) better manage, operate, and maintain collection systems;</li> <li>(b) investigate capacity constrained areas of the collection system; and</li> <li>(c) respond to sanitary sewer overflow events.</li> </ul> <p>(3) "Comprehensive review" or "review" means a complete technical assessment of the components and operation of a sewage system or its treatment works that are contributing to, or may be contributing to, repetitive significant spills of untreated or partially treated domestic sewage.</p> <p>(4) "Department" means the Department of <del>Health and Environmental Control</del> <u>Services</u>.</p> <p>(5) "Significant spill" means a net discharge from a wastewater utility of at least five thousand gallons of untreated or partially treated domestic sewage that could cause a serious adverse impact on the environment or public health. "Significant spill" does not include spills caused by a natural disaster, direct act of a third party, or other act</p>

			<p>of God.</p> <p>(6) "Wastewater utility" or "utility" means the operator or owner of a sewage collection system or its treatment works providing sewer service to the public. "Wastewater utility" does not include manufacturers, electric utilities, agricultural operations, and wastewater treatment systems located on property owned by the federal government.</p>
497.	48-1-100 (B) and (C)	Pollution Control Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) A person affected by the provisions of this chapter or the rules and regulations adopted by the department desiring to make a new outlet or source, or to increase the quantity of discharge from existing outlets or sources, for the discharge of sewage, industrial waste or other wastes, or the effluent therefrom, or air contaminants, into the waters or ambient air of the State, first shall make an application to the department for a permit to construct and a permit to discharge from the outlet or source. If, after appropriate public comment procedures, as defined by department regulations, the department finds that the discharge from the proposed outlet or source will not be in contravention of provisions of this chapter, a permit to construct and a permit to discharge must be issued to the applicant. The department, if sufficient hydrologic and environmental information is not available for it to make a determination of the effect of the discharge, may require the person proposing to make the discharge to conduct studies that will enable the department to determine that its quality standards will not be violated.</p> <p>(B) The Department of <del>Health and Environmental Control</del> <u>Services</u> is the agency of state government having jurisdiction over the quality of the air and waters of the State of South Carolina. It shall develop and enforce standards as may be necessary governing emissions or discharges into the air, streams, lakes, or coastal waters of the State, including waste water discharges.</p> <p>(C) The Department of <del>Health and Environmental Control</del> <u>Services</u> is the agency of state government having jurisdiction over those matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and refuse; septic tanks; and individual or privately-owned systems for the disposal of offal and human or animal wastes.</p>
498.	48-1-110(b)	Pollution Control Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.

			<p><b>Suggested Revision:</b></p> <p>(b) The director of <del>Health and Environmental Control</del> <u>Services</u> shall classify all public wastewater treatment plants, giving due regard to size, types of work, character, and volume of waste to be treated, and the use and nature of the water resources receiving the plant effluent. Plants may be classified in a group higher than indicated at the discretion of the classifying officer by reason of the incorporation in the plant of complex features which cause the plant to be more difficult to operate than usual or by reason of a waste unusually difficult to treat, or by reason of conditions of flow or use of the receiving waters requiring an unusually high degree of plant operation control or for combinations of such conditions or circumstances. The classification is based on the following groups:</p>
499.	48-1-280	Pollution Control Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>Nothing herein contained shall be construed to postpone, stay or abrogate the enforcement of the provisions of the public health laws of this State and rules and regulations promulgated hereunder in respect to discharges causing actual or potential hazards to public health nor to prevent the Department of <del>Public Health and Environmental Control</del> from exercising its right to prevent or abate nuisances.</p>
500.	48-2-20(2)	Environmental Protection Fund	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(2) "Department" means the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u>.</p>
501.	48-2-60	Environmental Protection Fund	<p><b>Recommendation + Explanation:</b></p> <p>Amend petition process to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>A person required to pay the fees set forth in this article who disagrees with the calculation or applicability of the fee may <del>petition the department for a hearing by submitting a petition setting forth the fee which is challenged, the grounds on which relief is sought, and the total amount of the fee due</del> <u>request a contested case hearing before the Administrative Law Court in accordance with Section 48-6-30 and the Administrative Procedures Act.</u> If it is finally determined that the amount in dispute</p>

			was improperly assessed, the department shall return the amount determined to be improperly assessed with interest not to exceed the statutory rate.
502.	48-2-70	Environmental Protection Fund	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Under each program for which a permit processing fee is established pursuant to this article, the promulgating authority also shall establish by regulation a schedule for timely action by the Department of <del>Health and Environmental Control</del> <u>Services</u> on permit applications under that program. These schedules shall contain criteria for determining in a timely manner when an application is complete and the maximum length of time necessary and appropriate for a thorough and prompt review of each category of permit applications and shall take into account the nature and complexity of permit application review required by the act under which the permit is sought. If the department fails to grant or deny the permit within the time frame established by regulation, the department shall refund the permit processing fee to the permit applicant.
503.	48-2-80	Environmental Protection Fund	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Fees collected pursuant to Section 48-2-50 do not supplant or reduce in any way the general fund appropriation to the department from the state or federal program; and the total amount of fees authorized by this article collected in any fiscal year, may not exceed thirty-three and one-third percent of the "Total Funds" appropriated to the <del>Office of Environmental Quality Control</del> <u>Department of Environmental Services</u> in the annual appropriations act.
504.	48-2-320 (1)-(3)	Emergency Environmental Fund	<b>Recommendation + Explanation:</b>
			Amend Commissioner name and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			As used in this article: (1) " <del>Commissioner</del> <u>Director</u> " means the <del>Commissioner</del> <u>Director</u> of the Department of <del>Health and Environmental Control</del> <u>Services</u> . (2) "Department" means the Department of <del>Health and Environmental Control</del> <u>Services</u> . (3) "Environmental Emergency" means a situation, to be determined by the

			<p><del>commissioner</del>director, that constitutes an immediate threat to the environment or public health, or both, and providing immediate, but temporary relief to the situation may require the expenditure of funds to effect a solution, provide temporary relief, or retain the services of appropriate technical personnel or contractors.</p> <p>(4) "Fund" means the "Environmental Emergency Fund" established pursuant to this article.</p> <p>(5) "Responsible party" means a person determined to be legally responsible for any environmental pollution or threat to public health which requires expenditures from the fund.</p>
505.	48-2-330(A)	Emergency Environmental Fund	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is created within the Department of <del>Health and Environmental Control</del> Services a restricted account to be known as the Environmental Emergency Fund.
506.	48-2-340(A)	Emergency Environmental Fund	<b>Recommendation + Explanation:</b>
			Amend Commissioner name and delete Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The department, through the <del>commissioner</del> director or the <del>commissioner's</del> director's designee, shall certify that funding for a specific emergency was necessary to protect the environment or public health, or both. Annually, the department shall prepare an independent accounting of all revenue in the fund. The report must be submitted to the chairman of the Board of the Department of Health and Environmental Control and must be made available to the public upon request.
507.	48-3-10(6)	Pollution Control Facilities	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(6) "Department" shall mean the Department of <del>Health and Environmental Control</del> Services of South Carolina.
508.	48-3-140(A)(2)	Pollution Control Facilities	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>



			<p>(A) No bonds may be issued pursuant to the provisions of this chapter until the proposal of the governing board to issue the bonds receives the approval of the State Fiscal Accountability Authority. Whenever a governing board proposes to issue bonds pursuant to the provisions of this chapter, it shall file its petition with the State Fiscal Accountability Authority or the Department of Administration, as applicable, setting forth:</p> <ul style="list-style-type: none"> <li>(1) a brief description of the pollution control facilities proposed to be undertaken;</li> <li>(2) a statement setting forth the action taken by the Department of <del>Health and Environmental Control</del><u>Services</u> in connection with the pollution control facilities;</li> <li>(3) a reasonable estimate of the cost of the pollution control facilities;</li> <li>(4) a general summary of the terms and conditions of the loan agreement; and</li> <li>(5) such other information as the State Fiscal Accountability Authority or the Department of Administration, as applicable, requires.</li> </ul>
509.	48-5-20(6)	South Carolina Water Quality Revolving Fund Authority Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (6) "Department" means the South Carolina Department of <del>Health and Environmental Control</del><u>Services</u>.</p>
510.	48-5-60, Title	South Carolina Water Quality Revolving Fund Authority Act	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> SECTION 48-5-60. Authority of Department of <del>Health and Environmental Control</del><u>Services</u>.</p>
511.	48-6-50	Department of Environmental Services	<p><b>Recommendation + Explanation:</b> DHEC has identified this statute to be in conflict with the Administrative Procedures Act. DHEC has recommended that the statute be amended so as to clarify that all rules and regulations must be promulgated in accordance with the APA.</p> <p><b>Suggested Revision:</b> All rules and regulations promulgated by the department <del>shall be null and void unless approved by a concurrent resolution of the General Assembly at the session of the General Assembly following their promulgation</del> shall be promulgated in compliance with the Administrative Procedures Act.</p>
512.	48-6-60(A)		<p><b>Recommendation + Explanation:</b></p>

		<b>Department of Environmental Services</b>	<p>Strike (A)(2), as authority to regulate that item belongs to the Department of Public Health; recodify remaining items. Add new subitems (moved from 44-1-140) to grant the Department of Environmental Services the authority to regulate shellfish and swimming pools. Act 60 preserved these responsibilities under the Department of Public Health; however, these duties have been administered historically by the environmental area of DHEC.</p> <p><b>Suggested Revision:</b></p> <p>(A) The Department of Environmental Services may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:</p> <p>(1) the classification of waters;</p> <p><del>(2) the control of disease-bearing insects, including the impounding of waters;</del></p> <p><del>(3) the control of industrial plants, including the protection of workers from fumes, gases, and dust, whether obnoxious or toxic;</del></p> <p><del>(4) the use of water in air humidifiers;</del></p> <p><del>(5) the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town, or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction, or otherwise; and</del></p> <p><del>(6) the alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes;</del></p> <p><u>(6) the safety and sanitation in the harvesting, storing, processing, handling and transportation of mollusks, fin fish, and crustaceans; and</u></p> <p><u>(7) the safety, safe operation and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs.</u></p>
<b>513.</b>	<b>48-6-XX</b>	<b>Department of Environmental Services</b>	<p><b>Recommendation + Explanation:</b></p> <p>DHEC recommends adding a new section within Title 48 Chapter 6 to clarify responsibilities of the Department of Environmental Services .</p> <p><b>Suggested Revision:</b></p> <p><u>SECTION 48-6-XX. The Department shall investigate and advise as to all matters respecting water supply, sewage, drainage, ventilation, heating, lighting or other measures connected with public sanitation or safety.</u></p>
<b>514.</b>	<b>48-18-20 (8) and (11)</b>	<b>Erosion and Sediment Reduction Act of 1983</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name and delete Board definition to conform with Act 60.</p>

			<p><b>Suggested Revision:</b></p> <p>As used in this chapter:</p> <p>(1) "Erosion" means the wearing away of the ground surface by the action of wind, water, gravity, or any combination thereof.</p> <p>(2) "Sediment" means soil or other earth-like material that has been moved by the forces of water, wind, gravity, or any combination of them.</p> <p>(3) "Sedimentation" means the process or action of depositing sediment.</p> <p>(4) "Land disturbing activity" means any land change which may result in excessive erosion and sedimentation.</p> <p>(5) "Stormwater" means the direct runoff of water and associated material resulting from precipitation in any form.</p> <p>(6) "Local government" means any county or municipality.</p> <p>(7) "Soil and water conservation district" or "conservation district" means a governmental subdivision of the State created pursuant to Chapter 9 of Title 48; and "conservation district board" means the governing body of a soil and water conservation district.</p> <p>(8) "Department" means the South Carolina Department of <del>Health and Environmental Control</del> <del>Services</del>.</p> <p>(9) "Privately owned land" means all land not owned by the State, a state agency, quasi-state agency, subdivision of the State, or a federal governmental agency.</p> <p>(10) "Quasi-state agency" means any entity other than a state agency but having some attributes of a state agency by virtue of the fact that the State has some authority to make rules and regulations by which it is governed. For the purpose of this chapter, the South Carolina Public Service Authority is a quasi-state agency; county and municipal governments and special purpose districts are not quasi-state agencies.</p> <p>(11) "Board" means the board of the department.</p>
515.	48-18-50(1)	Erosion and Sediment Reduction Act of 1983	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(1) A state Advisory Council on Erosion and Sediment Reduction (State Advisory Council), which may include, but not be limited to, a representative of each of the following, must be appointed by the Governor upon the advice of the following agencies and organizations:</p> <p>South Carolina Association of Counties South Carolina Municipal Association</p>

			<p>South Carolina Association of Conservation Districts  South Carolina Home Builders Association  Associated General Contractors, Inc.  South Carolina Association of Realtors  South Carolina Chapter, American Society of Landscape Architects  South Carolina Chapter, American Society of Civil Engineers  Council of Governments Executive Director's Committee  South Carolina Farm Bureau  South Carolina State Grange  Office of the Governor  USDA-Soil Conservation Service  Clemson University  South Carolina Department of Health and Environmental Control Services  South Carolina Forestry Commission  South Carolina Forestry Association  South Carolina Chapter  American Institute of Architects</p>
516.	48-20-30	South Carolina Mining Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>The South Carolina Department of Health and Environmental Control Services is responsible for administering the provisions and requirements of this chapter. This includes the process and issuance of mining permits, review and approval of reclamation plans, collection of reclamation performance bonds, conduct of environmental appraisals, technical assistance to mine operators and the public, implementation of research and demonstration projects, and inspections of all mining operations and reclamation as set forth in this chapter. Proper execution of these responsibilities may necessitate that the department seek comment from other relevant state agencies regarding matters within their respective areas of statutory responsibility or primary interests. The department has ultimate authority, subject to the appeal provisions of this chapter, over all mining, as defined in this chapter, and the provisions of this chapter regulating and controlling such activity.</p>
517.	48-20-40(3)	South Carolina Mining Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			(3) "Department" means the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> . Whenever in this chapter the department is assigned duties, they may be performed by the director or by subordinates as <del>he</del> designates <del>d</del> .
518.	48-20-70(3)	South Carolina Mining Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(3) the operation will violate standards of air quality, surface water quality, or groundwater quality which have been promulgated by the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> ;
519.	48-21-20 (b) and (c)	Interstate Mining Compact	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(a) The "mining council" is established in the office of the Governor. The council is the advisory body referred to in Article V(a) of the Interstate Mining Compact. Members of the council and the Governor's alternate on the Interstate Mining Commission shall receive the per diem, mileage, and subsistence allowed by law for members of state boards, committees, and commissions. (b) The council shall be composed of eleven members. One member shall be the State Geologist and one member shall be the Secretary of Commerce or his designee. Three members, appointed by the Governor, shall be representatives of mining industries; three members, appointed by the Governor, shall be representatives of nongovernmental conservation interests; two members, appointed by the Governor, shall be representatives of the Department of <del>Health and Environmental Control</del> <u>Services</u> who shall be knowledgeable in the principles of water and air resources management; and one member, appointed by the Governor, shall be his official representative to the Interstate Mining Compact Commission. Any public official appointed to the council shall serve ex officio. The term of office for the Secretary of Commerce or his designee and the Governor's official representative to the Interstate Mining Compact Commission shall be coterminous with that of the Governor. Of the remaining eight members appointed by the Governor, six shall be appointed for terms of six years, two shall be appointed for terms of two years and beginning July 1, 1976, the term of office for all new appointments and reappointments to these eight positions shall be for four years. The term of each member of the council shall expire on June thirtieth of the year in which his term expires. Any vacancy occurring on the council by death, resignation, or otherwise

			<p>shall be filled for the unexpired term of the person creating the vacancy by the Governor.</p> <p>(c) In accordance with Article V (i) of the compact, the commission shall file copies of its bylaws and any amendments thereto with the Director <u>of the</u> Department of <del>Health and Environmental Control</del><u>Services</u>.</p>
520.	48-34-40(B)(3)	South Carolina Prescribed Fire Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(B) Prescribed fires conducted pursuant to this chapter:</p> <p>(1) must have a written prescribed fire plan that:</p> <ul style="list-style-type: none"> <li>(a) complies with the South Carolina Smoke Management Guidelines;</li> <li>(b) is prepared before authorization to burn is issued by the State Commission of Forestry; and</li> <li>(c) is on site and followed during the burn;</li> </ul> <p>(2) must have present at least one certified prescribed fire manager who must:</p> <ul style="list-style-type: none"> <li>(a) be certified by the commission;</li> <li>(b) personally supervise the burn from ignition until the certified prescribed fire manager determines the burn to be safe;</li> <li>(c) fully consider both fire behavior and related smoke management issues during and after the burn;</li> </ul> <p>(3) are considered in the public interest and do not constitute a public or private nuisance when conducted pursuant to the South Carolina Smoke Management Guidelines, Chapters 1 and 35, Title 48, and Chapter 2, Title 50; prescribed fires that are purposefully set in accordance with these chapters and the South Carolina Smoke Management Guidelines are exempt from the open fire prohibition pursuant to R. 61-62.2 and are acceptable to the Department of <del>Health and Environmental Control</del><u>Services</u> if the fire is for:</p> <ul style="list-style-type: none"> <li>(a) burning forest lands for specific management practices;</li> <li>(b) agricultural control of diseases, weeds, and pests and for other specific agricultural purposes;</li> <li>(c) open burning of trees, brush, grass, and other vegetable matter for game management purposes;</li> <li>(4) are considered a property right of the property owner.</li> </ul>
521.	48-39-10(C), (D), (V) and (W)	Coastal Tidelands and Wetlands	<b>Recommendation + Explanation:</b>
			Amend Department name, Division name, and Board name to conform with Act 60.

			<p><b>Suggested Revision:</b></p> <p>As used in this chapter:</p> <p>(A) "Applicant" means any person who files an application for a permit under the provisions of this chapter.</p> <p>(B) "Coastal zone" means all coastal waters and submerged lands seaward to the state's jurisdictional limits and all lands and waters in the counties of the State which contain any one or more of the critical areas. These counties are Beaufort, Berkeley, Charleston, Colleton, Dorchester, Horry, Jasper, and Georgetown.</p> <p>(C) "Division" means the <u>Coastal Division of Coastal Management</u> of the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u>.</p> <p>(D) "<del>CDPSDCMPS</del>" means <u>Coastal Division of Coastal Management</u> Permitting Staff.</p> <p>(E) "Saline waters" means those waters which contain a measurable quantity of sea water, at least one part chloride ion per thousand.</p> <p>(F) "Coastal waters" means the navigable waters of the United States subject to the ebb and flood of the tide and which are saline waters, shoreward to their mean high-water mark. Provided, however, that the department may designate boundaries which approximate the mean extent of saline waters until such time as the mean extent of saline waters can be determined scientifically.</p> <p>(G) "Tidelands" means all areas which are at or below mean high tide and coastal wetlands, mudflats, and similar areas that are contiguous or adjacent to coastal waters and are an integral part of the estuarine systems involved. Coastal wetlands include marshes, mudflats, and shallows and means those areas periodically inundated by saline waters whether or not the saline waters reach the area naturally or through artificial water courses and those areas that are normally characterized by the prevalence of saline water vegetation capable of growth and reproduction. Provided, however, nothing in this definition shall apply to wetland areas that are not an integral part of an estuarine system. Further, until such time as the exact geographic extent of this definition can be scientifically determined, the department shall have the authority to designate its approximate geographic extent.</p> <p>(H) "Beaches" means those lands subject to periodic inundation by tidal and wave action so that no nonlittoral vegetation is established.</p> <p>(I) "Primary oceanfront sand dune" means the dune or dunes that constitute the front row of dunes adjacent to the Atlantic Ocean.</p> <p>(J) "Critical area" means any of the following:</p> <ol style="list-style-type: none"> <li>(1) coastal waters;</li> <li>(2) tidelands;</li> <li>(3) beaches;</li> </ol>
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			<p>(4) beach/dune system which is the area from the mean high-water mark to the setback line as determined in Section 48-39-280.</p> <p>(K) "Person" means any individual, organization, association, partnership, business trust, estate trust, corporation, public or municipal corporation, county, local government unit, public or private authority and shall include the State of South Carolina, its political subdivisions and all its departments, boards, bureaus or other agencies, unless specifically exempted by this chapter.</p> <p>(L) "Estuarine sanctuary" means a research area designated as an estuarine sanctuary by the Secretary of Commerce.</p> <p>(M) "Marine sanctuary" means any water and wetland areas designated as a marine sanctuary by the Secretary of Commerce.</p> <p>(N) "Minor development activities" means the construction, maintenance, repair, or alteration of any private piers or erosion control structure, the construction of which does not involve dredge activities.</p> <p>(O) "Dredging" means the removal or displacement by any means of soil, sand, gravel, shells, or other material, whether of intrinsic value or not, from any critical area.</p> <p>(P) "Filling" means either the displacement of saline waters by the depositing into critical areas of soil, sand, gravel, shells, or other material or the artificial alteration of water levels or water currents by physical structure, drainage ditches, or otherwise.</p> <p>(Q) "Submerged lands" means those river, creek, and ocean bottoms lying below mean low-water mark.</p> <p>(R) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of specific gravity, that are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.</p> <p>(S) "Gas" means all natural gas and all other fluid hydrocarbons not hereinabove defined as oil, including condensate because it originally was in the gaseous phase in the reservoir.</p> <p>(T) "Fuel" means gas and oil.</p> <p>(U) "Emergency" means any unusual incident resulting from natural or unnatural causes which endanger the health, safety, or resources of the residents of the State, including damages or erosion to any beach or shore resulting from a hurricane, storm, or other such violent disturbance.</p> <p>(V) "Department" means the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u>.</p> <p>(W) "<del>Board</del>Director" means the <del>board</del>Director of the department.</p> <p>(X) "Maintenance dredging" means excavation to restore the depth of underwater</p>
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			lands or restore channels, basins, canals, or similar waterway accesses to depths and dimensions that support and maintain prior or existing levels of use that previously have been dredged pursuant to a license issued by the department or an exemption as provided in Section 48-39-130(D)(10) as added by Act 41 of 2011. (Y) "Storm surge" means an abnormal rise of water generated by a storm over and above the predicted astronomical tide.
522.	48-39-35	Coastal Tidelands and Wetlands	<b>Recommendation + Explanation:</b>
			Add language to clarify creation of new Department of Environmental Services to conform with Act 60.
			<b>Suggested Revision:</b>
			The Coastal Division of the Department of Health and Environmental Control <del>is</del> <u>was</u> created July 1, 1994. <u>The Division of Coastal Management is transferred to the Department of Environmental Services effective July 1, 2024.</u>
523.	48-39-45 (A)(1) and (D)(1)	Coastal Tidelands and Wetlands	<b>Recommendation + Explanation:</b>
			Amend Division name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A)(1) On July 1, 2010, there is created the Coastal Zone Management Advisory Council that consists of fifteen members, which shall act as an advisory council to the department's <del>Office of Ocean and Coastal Resources Management</del> <u>Division of Coastal Management</u> . (2) The members of the council must be constituted as follows: (a) eight members, one from each coastal zone county, to be elected by a majority vote of the members of the House of Representatives and a majority vote of the Senate members representing the county from three nominees submitted by the governing body of each coastal zone county, each House or Senate member to have one vote; and (b) seven members, one from each of the congressional districts of the State, to be elected by a majority vote of the members of the House of Representatives and the Senate representing the counties in that district, each House or Senate member to have one vote. (3) The council shall elect a chairman, vice chairman, and other officers it considers necessary. (B) Terms of all members are for four years and until successors are appointed and qualified. A vacancy must be filled in the original manner of selection for the remainder of the unexpired term.

			<p>(C) Members of the council may not be compensated for their services and are not entitled to mileage, subsistence, or per diem as provided by law for members of state boards, committees, and commissions and are not entitled to reimbursement for actual and necessary expenses incurred in connection with and as a result of their service on the council.</p> <p>(D)(1) The council shall provide advice and counsel to the staff of the <del>Office of Ocean and Coastal Resources Management</del> <u>Division of Coastal Management</u> in implementing the provisions of the South Carolina Coastal Zone Management Act. The department and the public may bring a matter concerning implementation of the provisions of this act by operation of its permitting and certification process, including the promulgation of regulations, to the council's attention.</p> <p>(2) The council shall meet at the call of the chairman.</p> <p>(3) Advice and counsel of the council is not binding on the department.</p>
524.	48-39-50 Introductory sentence, (A), (S) and (V)	Coastal Tidelands and Wetlands	<b>Recommendation + Explanation:</b>
			Amend Department and Division name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>The South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> shall have the following powers and duties:</p> <p>(A) To employ the <del>CDPSDCMPS</del> consisting of, but not limited to, the following professional members: An administrator and other staff members to include those having expertise in biology, civil and hydrological engineering, planning, environmental engineering and environmental law.</p> <p>(B) To apply for, accept and expend financial assistance from public and private sources in support of activities undertaken pursuant to this chapter and the Federal Coastal zone Management Act of 1972.</p> <p>(C) To undertake the related programs necessary to develop and recommend to the Governor and the General Assembly a comprehensive program designed to promote the policies set forth in this chapter.</p> <p>(D) To hold public hearings and related community forums and afford participation in the development of management programs to all interested citizens, local governments and relevant state and federal agencies, port authorities and other interested parties.</p> <p>(E) To promulgate necessary rules and regulations to carry out the provisions of this chapter.</p> <p>(F) To administer the provisions of this chapter and all rules, regulations and orders promulgated under it.</p>

			<p>(G) To examine, modify, approve or deny applications for permits for activities covered by the provisions of this chapter.</p> <p>(H) To revoke and suspend permits of persons who fail or refuse to carry out or comply with the terms and conditions of the permit.</p> <p>(I) To enforce the provisions of this chapter and all rules and regulations promulgated by the department and institute or cause to be instituted in courts of competent jurisdiction of legal proceedings to compel compliance with the provisions of this chapter.</p> <p>(J) To manage estuarine and marine sanctuaries and regulate all activities therein, including the regulation of the use of the coastal waters located within the boundary of such sanctuary.</p> <p>(K) To establish, control and administer pipeline corridors and locations of pipelines used for the transportation of any fuel on or in the critical areas.</p> <p>(L) To direct and coordinate the beach and coastal shore erosion control activities among the various state and local governments.</p> <p>(M) To implement the state policies declared by this chapter.</p> <p>(N) To encourage and promote the cooperation and assistance of state agencies, coastal regional councils of government, local governments, federal agencies and other interested parties.</p> <p>(O) To exercise all incidental powers necessary to carry out the provisions of this chapter.</p> <p>(P) To coordinate the efforts of all public and private agencies and organizations engaged in the making of tidal surveys of the coastal zone of this State with the object of avoiding unnecessary duplication and overlapping.</p> <p>(Q) To serve as a coordinating state agency for any program of tidal surveying conducted by the federal government.</p> <p>(R) To develop and enforce uniform specifications and regulations for tidal surveying.</p> <p>(S) To monitor, in coordination with the South Carolina Department of Natural Resources, the waters of the State for oil spills. If such Department observes an oil spill in such waters it shall immediately report such spill to the South Carolina Department of Health and Environmental Control Services, the United States Coast Guard and Environmental Protection Agency. This in no way negates the responsibility of the spiller to report a spill.</p> <p>(T) To direct, as the designated state agency to provide liaison to the regional response team, pursuant to Section 1510.23 of the National Contingency Plan, state supervised removal operations of oil discharged into the waters within the territorial jurisdiction of this State and entering such waters after being discharged elsewhere within the State, and to seek reimbursement from the National Contingency Fund for</p>
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			<p>removal operations cost expended by it and all other agencies and political subdivisions including county, municipal and regional governmental entities in removing such oil as provided for in Section 311(C)(2) of the Federal Water Pollution Control Act.</p> <p>(U) To act as advocate, where the department deems such action appropriate, on behalf of any person who is granted a permit for a specific development by the department but is denied a permit by a federal agency for the same specific development.</p> <p>(V) To delegate any of its powers and duties to the <del>CDPS</del><u>DCMPS</u>.</p>
525.	48-39-250(4)	Coastal Tidelands and Wetlands	<b>Recommendation + Explanation:</b>
			Change Division name to conform with Act 60.
			<b>Suggested Revision:</b>
			(4) Chapter 39 of Title 48, Coastal Tidelands and Wetlands, prior to 1988, did not provide adequate jurisdiction to the South Carolina <del>Coastal Council</del> <u>Division of Coastal Management</u> to enable it to effectively protect the integrity of the beach/dune system. Consequently, without adequate controls, development unwisely has been sited too close to the system. This type of development has jeopardized the stability of the beach/dune system, accelerated erosion, and endangered adjacent property. It is in both the public and private interests to protect the system from this unwise development.
526.	48-39-270(3)	Coastal Tidelands and Wetlands	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(3) Department means the Department of <del>Health and Environmental Control</del> <u>Services</u> or planned unit development.
527.	48-39-280(F)	Coastal Tidelands and Wetlands	<b>Recommendation + Explanation:</b>
			DHEC has recommended specific statutory changes to 48-39-280(F) to delete DHEC board review conference reference, amend Coastal Division name, delete board reference, and amend review procedures to conform with Act 60.
			<b>Suggested Revision:</b>
			(F)(1) A landowner claiming ownership of property adversely affected by the establishment of a baseline or setback line, upon submittal of substantiating evidence, must be granted a review of the baseline or setback line. Alternatively, the

			<p>municipality or county in which the property is situated, acting on behalf of the landowner with his written authorization, or an organization acting on behalf of the landowner with his written authorization, upon submittal of substantiating evidence, must be granted a review of the baseline and setback line. A review is initiated by filing a request for a review conference with the department board <u>Division of Coastal Management</u> via certified mail within one year of the establishment of the baseline or setback line and must include a one hundred-dollar-review fee per property.</p> <p><del>(2) The initial decision to establish a baseline or setback line must be a department staff decision.</del></p> <p><del>(3) No later than sixty calendar days after the receipt of a request for review, the board must:</del></p> <ul style="list-style-type: none"> <li><del>–(a) decline to schedule a review conference in writing; or</del></li> <li><del>–(b) conduct a review conference in accordance with the provisions of item (4)</del></li> </ul> <p><del>(4) A review conference may be conducted by the board, its designee, or a committee of three members of the board appointed by the chair. The board shall set the place, date, and time for the conference; give twenty calendar days' written notice of the conference; and advise the landowner or the county, municipality, or organization acting on behalf of the landowner that evidence may be presented at the conference. The review conference must be held as follows:</del></p> <ul style="list-style-type: none"> <li><del>–(a) Review conferences are open to the public; however, the officers conducting the conference may meet in closed session to deliberate on the evidence presented at the conference. The burden of proof in a conference is upon the landowner or the county, municipality, or organization acting on behalf of the landowner. During the course of the review conference, the staff must explain the staff decision and the materials relied upon to support its decision. The landowner or the county, municipality, or organization acting on behalf of the landowner shall state the reasons for contesting the staff decision and may provide evidence to support amending the staff decision. The staff may rebut information and arguments presented by the landowner or the county, municipality, or organization acting on behalf of the landowner, and the landowner or the county, municipality, or organization acting on behalf of the landowner may rebut information and arguments presented by the staff. Any review conference officer may request additional information and may question the landowner or the county, municipality, or organization acting on behalf of the landowner and the staff.</del></li> <li><del>–(b) After the review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue, based upon the evidence presented, a written decision to the landowner or the county, municipality, or</del></li> </ul>
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			<p>organization acting on behalf of the landowner via certified mail no later than thirty calendar days after the date of the review conference. The written decision must explain the basis for the decision and inform the landowner or the county, municipality, or organization acting on behalf of the landowner of the right to request a contested case hearing before the Administrative Law Court.</p> <p>(52) The landowner or the county, municipality, or organization acting on behalf of the landowner may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1, for a contested case hearing within thirty calendar days after: <u>the Division of Coastal Management issues the final agency decision resulting from the review.</u></p> <p><del>–(a) written notice is received by the landowner or the county, municipality, or organization acting on behalf of the landowner that the board declines to hold a review conference;</del></p> <p><del>–(b) the sixty-calendar-day deadline to hold the review conference has lapsed and no conference has been held; or</del></p> <p><del>(c) the final agency decision resulting from the review conference is received by the landowner or the county, municipality, or organization acting on behalf of the landowner."</del></p>
528.	48-39-290 (D)(2) and (3)	Coastal Tidelands and Wetlands	<b>Recommendation + Explanation:</b>
			Amend Division name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(D) Special permits:</p> <p>(1) If an applicant requests a permit to build or rebuild a structure other than an erosion control structure or device seaward of the baseline that is not allowed otherwise pursuant to Sections 48-39-250 through 48-39-360, the department may issue a special permit to the applicant authorizing the construction or reconstruction if the structure is not constructed or reconstructed on a primary oceanfront sand dune or on the active beach and, if the beach erodes to the extent the permitted structure becomes situated on the active beach, the permittee agrees to remove the structure from the active beach if the department orders the removal. However, the use of the property authorized under this provision, in the determination of the department, must not be detrimental to the public health, safety, or welfare.</p> <p>(2) The department's <del>Permitting Committee</del> Coastal-Division of <u>Coastal Management</u> shall consider applications for special permits.</p> <p>(3) In granting a special permit, the <del>committee</del><u>Division</u> may impose reasonable</p>

			additional conditions and safeguards as, in its judgment, will fulfill the purposes of Sections 48-39-250 through 48-39-360.
529.	48-39-320(C)	Coastal Tidelands and Wetlands	<b>Recommendation + Explanation:</b>
			Amend Division name to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) Notwithstanding any other provision of law contained in this chapter, the board, or the <del>Office of Ocean and Coastal Resource Management</del> <u>Division of Coastal Resource Management</u> , may allow the use in a pilot project of any technology, methodology, or structure, whether or not referenced in this chapter, if it is reasonably anticipated that the use will be successful in addressing an erosional issue in a beach or dune area. If success is demonstrated, the board, or the <del>Office of Ocean and Coastal Resource Management</del> <u>Division of Coastal Resource Management</u> , may allow the continued use of the technology, methodology, or structure used in the pilot project location and additional locations.
530.	48-39-345	Coastal Tidelands and Wetlands	<b>Recommendation + Explanation:</b>
			Amend Division name and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			SECTION 48-39-345. <del>Coastal Division of Coastal Management</del> <u>Division of Coastal Management</u> to administer funds reimbursed to nonfederal project sponsors under local cooperative agreement with army corps of engineers for cost-shared beach renourishment project. Any funds reimbursed to nonfederal project sponsors under the terms of a Local Cooperative Agreement (LCA) with the Army Corps of Engineers for a federally cost-shared beach renourishment project, where the reimbursement is for credit to the nonfederal sponsor for federally approved effort and expenditures toward the nonfederal project sponsor obligations detailed in the LCA and where the State has provided funding to the nonfederal sponsor to meet the financial cost-sharing responsibilities under the LCA, must be refunded by the nonfederal sponsor to the State with the State and the nonfederal sponsor sharing in this reimbursement in the same ratio as each contributed to the total nonfederal match specified in the LCA. The <del>Coastal Division of Coastal Management</del> <u>Division of Coastal Management</u> of the South Carolina Department of Health and Environmental Control <del>Services</del> shall administer these funds and make these funds available to other beach renourishment projects.
531.	48-40-20(2)	Beach Restoration and Improvement Trust Act	<b>Recommendation + Explanation:</b>
			Amend Division and Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			(2) " <del>Office</del> " " <del>Division</del> " means the <del>Office of Ocean and Coastal Resource Management</del> of the Department of <del>Health and Environmental Control</del> <u>Services</u> .
532.	48-40-40(B)	Beach Restoration and Improvement Trust Act	<b>Recommendation + Explanation:</b>
			Amend Division and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) The trust fund must be administered by the <del>Office</del> <u>Division</u> of <del>Ocean and Coastal Resource Management</del> of the Department of <del>Health and Environmental Control</del> <u>Services</u> pursuant to this chapter and its regulations governing application, review, ranking, and approval procedures for grants.
533.	48-40-50 (E), (F), and (G)	Beach Restoration and Improvement Trust Act	<b>Recommendation + Explanation:</b>
			Amend office reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Beginning in fiscal year 1999-2000 and each fiscal year after that, the General Assembly must appropriate from general tax revenues an amount it considers appropriate for credit to the trust fund. The monies must be designated for funding: <ul style="list-style-type: none"> <li>(1) public beach restoration and maintenance projects; or</li> <li>(2) improvement and enhancement of public beach access.</li> </ul> (B) Allocations of trust fund monies for public beach restoration and maintenance or improvement and enhancement of public beach access must be matched equally by municipal and county jurisdictions which are the sites of the projects. <ul style="list-style-type: none"> <li>(1) The local cost must be financed by all municipal and county jurisdictions in which the trust fund monies are applied, in proportion to the area of beach located within the respective jurisdictions.</li> <li>(2) The matching requirement of this subsection does not apply to beach renourishment projects within state parks or other state-owned beachfront property.</li> </ul> (C) Trust fund allocations for a public beach restoration or maintenance project or project to improve and enhance public beach access may be made only to a project approved by the office pursuant to the application, review, ranking, and approval regulations promulgated, and procedures adopted, by the office.
			(D) Municipal and county jurisdictions which apply for matching funds for proposed projects must be: <ul style="list-style-type: none"> <li>(1) ranked in relation to all other qualifying local government project applications; and</li> </ul>



			<p>(2) approved according to the minimum regulatory criteria for construction within the beach and dune critical area.</p> <p>(E) An application for trust fund monies for a public beach restoration or maintenance project or project to improve and enhance public beach access may be accepted by the <u>office division</u> only from a municipal or county government with a Local Beach Management Plan approved by the <u>office division</u>.</p> <p>(F) An application pursuant to this section for matching funds for a public beach renourishment project may be accepted and ranked by the <u>office division</u> only if the project first has been fully permitted and approved as otherwise provided by law.</p> <p>(G) Allocations of trust fund monies may be made to approved public beach restoration or maintenance projects or projects for improvement and enhancement of public beach access only through properly executed written agreements between the <u>office division</u> and all the municipal and county project sponsors. All the trust fund monies and the nonstate matching funds required for financing the projects must be deposited in an escrow account within five business days of the execution of the agreement and receipt of the monies from the trust fund. The <u>office division</u> must be given quarterly financial status reports of this account and annual and final audit reports throughout the project's duration and at completion.</p> <p>(H) State funds appropriated and designated for funding local efforts pursuant to this section may be used only for the purposes of public beach access improvement and enhancement and public beach restoration and maintenance projects.</p>
534.	48-40-60(B)	Beach Restoration and Improvement Trust Act	<p><b>Recommendation + Explanation:</b> Amend office reference to conform with Act 60.</p> <p><b>Suggested Revision:</b> (B) This emergency reserve fund must be administered by the <u>office division</u> in consultation with the State Emergency Management Division and impacted municipal, county, and federal officials.</p>
535.	48-40-70 (A) and (E)	Beach Restoration and Improvement Trust Act	<p><b>Recommendation + Explanation:</b> Amend office reference to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) The accumulated data from annual monitoring and evaluation of erosion rates and hazard areas for all beach areas as required of the <u>office division</u> in Sections 48-39-280, 48-39-320, and 48-39-330 must be analyzed and used in the determination of priorities of need for storm damage reduction, property protection, recreational beach restoration, and public notification of erosion and hazardous conditions.</p>

			<p>(B) The annual analysis must be funded by the trust fund, in an annual amount not to exceed two hundred fifty thousand dollars to provide for comprehensive beach profile monitoring of all beach areas to establish annual erosion rates and to identify sand loss or accretion.</p> <p>(C) In seriously eroding areas or after storms, surveys must be conducted twice annually, or more frequently as needed.</p> <p>(D) The monitoring data produced pursuant to this section must be made available to the public.</p> <p>(E) The <del>office</del><u>division</u> and local governments must use the annual analysis to document beach restoration needs and for restoration project design.</p>
536.	48-43-10 (B), (W), and (X)	Oil and Gas Exploration, Drilling, Transportation, and Production, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name and delete Board definition to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>Unless the context otherwise requires, the terms defined in this section shall have the following meaning when used in this chapter:</p> <p>(A) "Waste" means and includes:</p> <p>(1) physical waste, as that term is generally understood in the oil and gas industry;</p> <p>(2) the inefficient, excessive, or improper use, or the unnecessary dissipation of, reservoir energy;</p> <p>(3) the inefficient storing of oil and gas;</p> <p>(4) the locating, drilling, equipping, operating, or producing of any oil or gas well in a manner that causes, or tends to cause, reduction in the quantity of oil or gas ultimately recoverable from a pool under prudent and proper operations, or that causes or tends to cause unnecessary or excessive surface loss or destruction or oil or gas;</p> <p>(5) the production of oil or gas in excess of</p> <p>(a) transportation or marketing facilities;</p> <p>(b) the amount reasonably required to be produced in the proper drilling, completing or testing of the well from which it is produced; or</p> <p>(c) oil or gas otherwise usefully utilized but gas produced from an oil well or condensate well pending the time when, with reasonable diligence, the gas can be sold or otherwise usefully utilized on terms and conditions that are just and reasonable shall not be considered waste if the production of such gas has been approved by order of the department;</p> <p>(6) underground or above ground waste in the production or storage of oil, gas, or condensate, however caused, and whether or not defined in other subdivisions</p>

			<p>hereof.</p> <p>(B) "Department" means the South Carolina Department of Health and Environmental Control Services.</p> <p>(C) "Person" means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representatives of any kind, and includes any government or any political subdivision or any agency thereof.</p> <p>(D) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include liquid hydrocarbons that were originally in a gaseous phase in the reservoir.</p> <p>(E) "Gas" means all natural gas and all other fluid hydrocarbons not hereinabove defined as oil, including condensate because it originally was in the gaseous phase in the reservoir.</p> <p>(F) "Condensate" means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.</p> <p>(G) "Pool" means an underground reservoir containing a common accumulation of oil and gas or both; each zone of a structure that is completely separated from any other zone in the same structure is a pool.</p> <p>(H) "Field" means the general area underlain by one or more pools.</p> <p>(I) "Owner" means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom, either for himself or for himself and others.</p> <p>(J) "Producer" means the owner of a well or wells capable of producing oil or gas or both.</p> <p>(K) "Just and Equitable Share of the Production" means, as to each person, that part of the authorized production from the pool that is substantially in the proportion that the amount of recoverable oil or gas or both in the developed areas of his tract or tracts in the pool bears to the recoverable oil or gas or both in the total of the developed areas in the pool.</p> <p>(L) "Developed Area" means a spacing unit on which a well has been completed that is capable of producing oil or gas, or the acreage that is otherwise attributed to a well by the department for allowable purposes.</p> <p>(M) "Protect Correlative Rights" means that the action or regulation by the department should afford a reasonable opportunity to each person entitled thereto to recover or receive the oil or gas in his tract or tracts or the equivalent thereto, without being required to drill unnecessary wells or to incur other unnecessary expense to recover or receive such oil or gas or its equivalent.</p>
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			<p>(N) "Product" means any commodity made from oil or gas, and includes refined crude oil, crude tops, topped crude, processed crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, kerosene, benzine, wash oil, waste oil, blended gasoline, lubrication oil, blends or mixtures of oil with one or more liquid products or by-products derived from oil or gas, and blends or mixtures of two or more liquid products or by-products derived from oil or gas, whether herein enumerated or not.</p> <p>(O) "Illegal Oil" means oil that has been produced from any well within the State in excess of the quantity permitted by any rule, regulation, or order of the department.</p> <p>(P) "Illegal Gas" means gas that has been produced from any well within the State in excess of the quantity permitted by any rule, regulation, or order of the department.</p> <p>(Q) "Illegal Product" means any product derived in whole or in part from illegal oil or illegal gas.</p> <p>(R) "Certificate of Clearance" means a permit prescribed by the department for the transportation or the delivery of oil or gas or product.</p> <p>(S) "Pollutant" means any emission that significantly derogates the quality of the air, water or land.</p> <p>(T) "Pollution" means the act of emitting pollutants into the air or water or onto the land.</p> <p>(U) "Royalty owner" means the person who pursuant to a lease arrangement with another has the right to receive, free of costs, an allocation of production or payments based upon the value of production.</p> <p>(V) "Geothermal resources" mean the resources defined in Section 10-9-310 of the 1976 Code.</p> <p>(W) "Sanitary landfill" means a solid waste disposal facility regulated by the Department of Health and Environmental Control <u>Services</u>.</p> <p><del>(X) "Board" means board of the department.</del></p>
537.	48-43-30 (B)(5) and (6)(ii)	Oil and Gas Exploration, Drilling, Transportation, and Production, General Provisions	<p><b>Recommendation + Explanation:</b> Amend Department name and board reference to conform with Act 60.</p> <p><b>Suggested Revision:</b> (B) Without limiting its general authority, the department shall have specific authority: (1) To require: (a) identification of ownership of oil or gas wells, producing leases, tanks, plants, structures, and facilities for the transportation or refining of oil and gas;</p>

			<p>(b) the preparing and filing of well logs and samples, directional surveys and reports on well location, drilling and production, provided, however, that the log and samples of an exploratory or wildcat well need not be filed before one year after the completion of the well and upon the filing of the log and samples of such well the department shall keep the log and samples and information contained therein confidential for one year from the date of filing if requested by the operator in writing to do so and the department may keep the log and samples and information contained therein confidential for an additional year at its discretion if the operator requests in writing that the department keep such log and samples and information confidential for an additional year.</p> <p>(c) the drilling, casing, operation, and plugging of wells in such manner as to prevent (a) the escape of oil or gas out of one pool into another, (b) the detrimental intrusion of water into an oil or gas pool that is avoidable by efficient operations, (c) the pollution of fresh water supplies by oil, gas, or salt water, and (d) blowouts, cavings, seepages, and fire;</p> <p>(d) the taking of tests of oil or gas wells;</p> <p>(e) the furnishing by all persons who apply for a drilling permit a reasonable performance bond with good and sufficient surety with the State of South Carolina as beneficiary to indemnify the State from loss or expense resulting from such person's failure to comply with the provisions of this chapter or the rules, regulations or orders of the department including the duty to plug each dry or abandoned well and to repair each well causing waste or pollution if repair will prevent waste or pollution; a performance bond may cover more than one drilling operation of the same person provided that the amount of such performance bond is increased to cover the additional well each time an application for a drilling permit is submitted to the department by that person.</p> <p>(f) that the production from wells be separated into gaseous and liquid hydrocarbons, and that each be measured by means and upon standards that may be prescribed by the department;</p> <p>(g) that wells not be operated with inefficient gas-oil or water-oil ratios, to fix these ratios, and to limit production from wells with inefficient gas-oil or water-oil ratios;</p> <p>(h) certificates of clearance in connection with the transportation or delivery of oil, gas, or product;</p> <p>(i) the metering or other measuring of oil, gas, or product;</p> <p>(j) that every person who produces, sells, purchases, acquires, stores, transports, refines, or processes oil or gas in this State keep and maintain complete and accurate records of the quantities thereof, which records shall be available for examination by the department or its agents at all reasonable times;</p>
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			<p>(k) the filing of reports or plats with the department that it may prescribe;</p> <p>(l) permits for the onshore and offshore exploration of oil and gas both on public and private lands whether highlands, wetlands or submerged land;</p> <p>(m) the placing of meters approved by the department which shall at all times be under the supervision and control of the department wherever the department may designate on all pipelines, gathering systems, barge terminals, loading racks, refineries, or other places deemed necessary to prevent the transportation of illegally produced oil and gas;</p> <p>(n) payment of reasonable fees for all publications, materials, charts, services and similar items furnished to persons at their request;</p> <p>(o) that all persons who desire to drill wells for oil or gas obtain a permit from the department prior to the commencement of any drilling operations;</p> <p>(p) that all pipelines placed in the Atlantic Ocean, its harbors, bays and other bodies of water which are a part of the Atlantic Ocean to transport oil, gas, condensate or product that cross the lands and under waters that are within the territorial jurisdiction of the State of South Carolina be located under the bottom of the Atlantic Ocean, its harbors, bays and other bodies of water which are a part of the Atlantic Ocean so that the pipelines will not interfere with navigation, fishing, shrimping, and other lawful recreational and commercial activities.</p> <p>(2) To regulate:</p> <p>(a) the drilling, testing, completing, stimulating, producing, reworking and plugging of wells, and all other operations associated with the production of oil and gas;</p> <p>(b) the spacing or locating of wells;</p> <p>(c) operations to increase ultimate recovery, such as cycling of gas, the maintenance of pressure, and the introduction of gas, water or other substances into a producing formation;</p> <p>(d) the disposal of salt water and oil-field wastes;</p> <p>(e) the exploration for oil or gas in the waters and on the lands that are within the jurisdictional limits of the State regardless of ownership;</p> <p>(f) the transportation of oil and gas, as defined by this chapter and as distinguished by the definitions from product, from whatever source to gathering systems, refineries, and other storage and processing facilities which handle oil and gas;</p> <p>(g) the commingling of oil and gas produced from wells having different owners or producers and to adopt such rules and regulations applicable to such commingling as may be necessary to protect the rights of the owners, producers and royalty owners of the wells from which the commingling oil or gas is produced.</p> <p>(3) To limit the production of oil, gas, or condensate from any field, pool, area, lease, or well, and to allocate production.</p>
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538.	48-43-40(D)	<p><b>Oil and Gas Exploration, Drilling, Transportation, and Production, General Provisions</b></p>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(D) All rules, regulations and orders made by the Department of <del>Health and Environmental Control</del> <u>Services</u> shall be in writing, shall be entered in full and indexed in books to be kept by the department for that purpose, and shall be public records open for inspection at all times during office hours. In addition, all rules and regulations shall be filed with the Secretary of State. A copy of any rule, regulation or order, certified by any member of the department or the department, under its seal,</p>

			shall be received in evidence in all courts of this State with the same effect as the original.
539.	48-43-50	Oil and Gas Exploration, Drilling, Transportation, and Production, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Board reference to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The <del>board</del> Department or an Administrative Law Judge shall have the power to conduct hearings, to summon witnesses, to administer oaths and to require the production of records, books and documents for examination at any hearing or investigation.
			(B) Upon failure or refusal on the part of any person to comply with a subpoena issued by the <del>board</del> Department pursuant to this section, or upon the refusal of any witness to testify as to any matter regarding which he may be interrogated and which is pertinent to the hearing or investigation, any circuit court in the State, upon the application of the <del>board</del> Department, may issue an order to compel such person to comply with such subpoena, and to attend before the <del>board</del> Department and produce such records, books and documents for examination, and to give his testimony. Such court shall have the power to punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein.
540.	48-43-60	Oil and Gas Exploration, Drilling, Transportation, and Production, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Board reference and amend appeal process to conform with Act 60.
			<b>Suggested Revision:</b>
			Any person, who is aggrieved and has a direct interest in the subject matter of any final order issued by the <del>board</del> department, may appeal such order to the circuit court in accordance with Section 48-6-30 and applicable law.
541.	48-43-100	Oil and Gas Exploration, Drilling, Transportation, and Production, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			All rules and regulations adopted by the Department of <del>Health and Environmental Control</del> Services, as provided for in this chapter, must be approved by the General Assembly before they shall be effective; provided, however, no regulation approved by the General Assembly shall conflict, at the time of approval, with any requirement or be in excess of any statute, rule or regulation of the Federal Government or any department or agency thereof.
542.	48-43-390(A)		<b>Recommendation + Explanation:</b>



		<b>Oil and Gas Exploration, Drilling, Transportation, and Production, Exploration and Production</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (A) The South Carolina State Fiscal Accountability Authority, upon review by the Joint Bond Review Committee as necessary, hereinafter referred to as the authority, is hereby designated as the State Agency with the authority, responsibility and power to lease all State lands to persons for the purpose of drilling for and producing oil and gas. The Department of <del>Health and Environmental Control</del> <u>Services</u> is hereby designated as the exclusive agent for the authority in selecting lands to be leased, administering the competitive bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to oil and gas leases as may be included herein as responsibilities of the authority.
543.	48-43-510 (1) and (13)	<b>Oil and Gas Exploration, Drilling, Transportation, and Production, Pollution Control</b>	<b>Recommendation + Explanation:</b> Amend Department name and delete Board definition to conform with Act 60; recodify remaining items. <b>Suggested Revision:</b> When used in this article unless the context clearly requires otherwise: (1) "Department" means the Department of <del>Health and Environmental Control</del> <u>Services</u> . (2) "Director" means the director of the department. (3) "Barrel" means 42 U. S. gallons at 60° Fahrenheit. (4) "Other measurements" means measurements set by the department for products transferred at terminals which are other than fluid or which are not commonly measured by the barrel. (5) "Discharge" shall include, but not be limited to, any spilling, leaking, seeping, pouring, emitting, emptying, or dumping which occurs within the territorial limits of the State or outside of the territorial limits of the State and affects lands and waters within the territorial limits of the State. (6) "Pollutants" shall include oil of any kind and in any form, gasoline, pesticides, ammonia, chlorine, and derivatives thereof. (7) "Pollution" means the presence in the outdoor atmosphere or waters of the States of any one or more substances or pollutants, in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation. (8) "Terminal facility" means any waterfront or offshore facility of any kind, other

			<p>than vessels not owned or operated by such facility, and directly associated waterfront or offshore appurtenances including pipelines located on land, including submerged lands, or on or under the surface of any kind of water, which facility and related appurtenances are used or capable of being used for the purpose of drilling for, pumping, storing, handling, transferring, processing, or refining pollutants, including, but not limited to, any such facility and related appurtenances owned or operated by a public utility or a governmental or quasi-governmental body. A vessel shall be considered a terminal facility only in the event of a ship-to-ship transfer of pollutants, and only that vessel going to or coming from the place of transfer and the terminal facility. For the purposes of this article "terminal facility" shall not be construed to include waterfront facilities owned and operated by governmental entities acting as agents of public convenience for operators engaged in the drilling for or pumping, storing, handling, transferring, processing, or refining of, pollutants; however, each operator engaged in the drilling for or pumping, storing, handling, transferring, processing, or refining of pollutants through a waterfront facility owned and operated by such governmental entity shall be construed as a terminal facility.</p> <p>(9) "Owner" means any person owning a terminal facility; "operator" means any person operating a terminal facility, whether by lease, contract, or other form of agreement.</p> <p>(10) "Transfer" or "transferred" includes unloading or offloading between terminal facility and vessel, vessel and vessel, or terminal facility and terminal facility.</p> <p>(11) "Vessel" includes every description of watercraft or other contrivance used, or capable of being used, as a means of transportation on water, whether self-propelled or otherwise, and includes barges and tugs.</p> <p>(12) "Discharge cleanup organization" means any group, incorporated or unincorporated, of owners or operators of waterfront terminal facilities in any port or harbor of the State, and any other person who may elect to join, organized for the purpose of containing and cleaning up discharges of pollutants through cooperative efforts and shared equipment and facilities.</p> <p><del>(13) "Board" means the Department of Health and Environmental Control.</del></p> <p>(14) "Person" means any individual, partnership, joint venture, corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.</p> <p>(15) "Registrant" is a terminal facility required to possess a valid registration certificate to operate as a terminal facility.</p>
544.	48-43-520(4)		<b>Recommendation + Explanation:</b>

		<b>Oil and Gas Exploration, Drilling, Transportation, and Production, Pollution Control</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (4) The General Assembly intends by the enactment of this article to exercise the police power of the State by conferring upon the Department of <del>Health and Environmental Control</del> <u>Services</u> power to: (a) Deal with the hazards and threats of danger and damage posed by such transfers and related activities; (b) Require the prompt containment and removal of pollution occasioned thereby; and
545.	48-43-570(a)	<b>Oil and Gas Exploration, Drilling, Transportation, and Production, Pollution Control</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (a) The Department of Transportation, the Department of Natural Resources, and any other agency of this State, shall cooperate with and lend assistance to the Department of <del>Health and Environmental Control</del> <u>Services</u> by assigning, upon request, personnel, equipment and material to be utilized in any project or activity related to the containment, collection, dispersal or removal of oil discharged upon the land or into the waters of this State.
546.	48-46-30(7), (10), (19), and (22)	<b>Atlantic Interstate Low-Level Radioactive Waste Compact Implementation Act</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. Reference to DHEC in item (19) will not be amended for historical purposes. <b>Suggested Revision:</b> As used in this chapter, unless the context clearly requires a different construction: (1) "Allowable costs" means costs to a disposal site operator of operating a regional disposal facility. These costs are limited to costs determined by standard accounting practices and regulatory findings to be associated with facility operations. (2) "Atlantic Compact" means the Northeast Interstate Low-Level Radioactive Waste Management Compact as defined in the "Omnibus Low-Level Radioactive Waste Compact Consent Act of 1985", Public Law 99-240, Title II. Use of the term "Atlantic Compact" does not change in any way the substance of and is to be considered identical to the Northeast Interstate Low-Level Radioactive Waste Management Compact. (3) "Atlantic Compact Commission" or "compact commission" means the governing body of the Atlantic Compact, consisting of voting members appointed by the

		<p>governors of Connecticut, New Jersey, and South Carolina.</p> <p>(4) "Decommissioning trust fund" means the trust fund established pursuant to a Trust Agreement dated March 4, 1981, among Chem-Nuclear Systems, Inc. (grantor), the State Fiscal Accountability Authority (beneficiary as the successor in interest to the South Carolina Budget and Control Board), and the South Carolina State Treasurer (trustee), whose purpose is to assure adequate funding for decommissioning of the disposal site, or any successor fund with a similar purpose.</p> <p>(5) "Office" means the Office of Regulatory Staff.</p> <p>(6) "Disposal rates" means the price paid by customers of a regional disposal facility for disposal of waste, including any price schedule or breakdown of the price into discrete elements or cost components.</p> <p>(7) "Extended care maintenance fund" means the "escrow fund for perpetual care" that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post-closure observation period specified by the Department of Health and Environmental Control Services and for activities associated with closure of the site as provided for in Section 13-7-30(4).</p> <p>(8) "Facility operator" means a public or private organization, corporation, or agency that operates a regional disposal facility in South Carolina.</p> <p>(9) "Generator" means a person, organization, institution, private corporation, and government agency that produces Class A, B, or C radioactive waste.</p> <p>(10) "Maintenance" means active maintenance activities as specified by the Department of Health and Environmental Control Services, including pumping and treatment of groundwater and the repair and replacement of disposal unit covers.</p> <p>(11) "Nonregional generator" means a waste generator who produces waste within a state that is not a member of the Atlantic Compact, whether or not this waste is sent to facilities located within the Atlantic Compact region for purposes of consolidation, treatment, or processing for disposal.</p> <p>(12) "Nonregional waste" means waste produced by a nonregional generator.</p> <p>(13) "Person" means an individual, corporation, business enterprise, or other legal entity, either public or private, and expressly includes states.</p> <p>(14) "Price schedule" means disposal rates.</p> <p>(15) "PSC" means the South Carolina Public Service Commission.</p> <p>(16) "Receipts" means the total amount of money collected by the site operator for waste disposal over a given period of time.</p> <p>(17) "Regional disposal facility" means a disposal facility that has been designated or accepted by the Atlantic Compact Commission as a regional disposal facility.</p> <p>(18) "Regional generator" means a waste generator who produces waste within the Atlantic Compact, whether or not this waste is sent to facilities outside the Atlantic</p>
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			<p>Compact region for purposes of consolidation, treatment, or processing for disposal.</p> <p>(19) "Regional waste" means waste generated within a member state of the Atlantic Compact. Consistent with the regulatory position of the Department of Health and Environmental Control, Bureau of Radiological Health, dated May 1, 1986, some waste byproducts shipped for disposal that are derived from wastes generated within the Atlantic Compact region, such as residues from recycling, processing, compacting, incineration, collection, and brokering facilities located outside the Atlantic Compact region may also be considered regional waste.</p> <p>(20) "Site operator" means a facility operator.</p> <p>(21) "South Carolina generator" means a waste generator that produces waste within the boundaries of the State of South Carolina, whether or not this waste is sent to facilities outside South Carolina for purposes of consolidation, treatment, or processing for disposal.</p> <p>(22) "Waste" means Class A, B, or C low-level radioactive waste, as defined in Title I of Public Law 99-240 and Department of Health and Environmental Control Services Regulation 61-63, 7.2.22, that is eligible for acceptance for disposal at a regional disposal facility.</p>
547.	48-46-40(B)(7)(a) and (B)(9)	Atlantic Interstate Low-Level Radioactive Waste Compact Implementation Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(B)(1) Effective upon the implementation of initial disposal rates by the office under Section 48-46-40(A), the PSC is authorized and directed to identify allowable costs for operating a regional low-level radioactive waste disposal facility in South Carolina.</p> <p>(2) In identifying the allowable costs for operating a regional disposal facility, the PSC shall:</p> <ul style="list-style-type: none"> <li>(a) prescribe a system of accounts, using generally accepted accounting principles, for disposal site operators, using as a starting point the existing system used by site operators;</li> <li>(b) assess penalties against disposal site operators if the PSC determines that they have failed to comply with regulations pursuant to this section; and</li> <li>(c) require periodic reports from site operators that provide information and data to the PSC and parties to these proceedings. The Office of Regulatory Staff shall obtain and audit the books and records of the site operators associated with disposal operations as determined applicable by the PSC.</li> </ul> <p>(3) Allowable costs include the costs of those activities necessary for:</p> <ul style="list-style-type: none"> <li>(a) the receipt of waste;</li> </ul>

			<p>(b) the construction of disposal trenches, vaults, and overpacks;</p> <p>(c) construction and maintenance of necessary physical facilities;</p> <p>(d) the purchase or amortization of necessary equipment;</p> <p>(e) purchase of supplies that are consumed in support of waste disposal activities;</p> <p>(f) accounting and billing for waste disposal;</p> <p>(g) creating and maintaining records related to disposed waste;</p> <p>(h) the administrative costs directly associated with disposal operations including, but not limited to, salaries, wages, and employee benefits;</p> <p>(i) site surveillance and maintenance required by the State of South Carolina, other than site surveillance and maintenance costs covered by the balance of funds in the decommissioning trust fund or the extended care maintenance fund;</p> <p>(j) compliance with the license, lease, and regulatory requirements of all jurisdictional agencies;</p> <p>(k) administrative costs associated with collecting the surcharges provided for in subsections (B) and (C) of Section 48-46-60;</p> <p>(l) taxes other than income taxes;</p> <p>(m) licensing and permitting fees; and</p> <p>(n) any other costs directly associated with disposal operations determined by the PSC to be allowable.</p> <p>Allowable costs do not include the costs of activities associated with lobbying and public relations, clean-up and remediation activities caused by errors or accidents in violation of laws, regulations, or violations of the facility operating license or permits, activities of the site operator not directly in support of waste disposal, and other costs determined by the PSC to be unallowable.</p> <p>(4) Within ninety days following the end of a fiscal year, a site operator may file an application with the PSC to adjust the level of an allowable cost under subsection (3), or to allow a cost not previously designated an allowable cost. A copy of the application must be provided to the Office of Regulatory Staff. The PSC shall process such application in accordance with its procedures. If such application is approved by the PSC, the PSC shall authorize the site operator to adjust allowable costs for the current fiscal year so as to compensate the site operator for revenues lost during the previous fiscal year.</p> <p>(5) A private operator of a regional disposal facility in South Carolina is authorized to charge an operating margin of twenty-nine percent. The operating margin for a given period must be determined by multiplying twenty-nine percent by the total amount of allowable costs as determined in this subsection, excluding allowable costs for taxes and licensing and permitting fees paid to governmental entities.</p> <p>(6) The site operator shall prepare and file with the PSC a Least Cost Operating Plan.</p>
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			<p>The plan must be filed within forty-five days of enactment of this chapter and must be revised annually. The plan shall include information concerning anticipated operations over the next ten years and shall evaluate all options for future staffing and operation of the site to ensure least cost operation, including information related to the possible interim suspension of operations in accordance with subsection (B)(7). A copy of the plan must be provided to the Office of Regulatory Staff.</p> <p>(7)(a) If the office, upon the advice of the compact commission or the site operator, concludes based on information provided to the office, that the volume of waste to be disposed during a forthcoming period of time does not appear sufficient to generate receipts that will be adequate to reimburse the site operator for its costs of operating the facility and its operating margin, then the office shall direct the site operator to propose to the compact commission plans including, but not necessarily limited to, a proposal for discontinuing acceptance of waste until such time as there is sufficient waste to cover the site operator's operating costs and operating margin. Any proposal to suspend operations must detail plans of the site operator to minimize its costs during the suspension of operations. Any such proposal to suspend operations must be approved by the Department of Health and Environmental Control Services with respect to safety and environmental protection.</p> <p>(b) Allowable costs applicable to any period of suspended operations must be approved by the PSC according to procedures similar to those provided herein for allowable operating costs. During any such suspension of operations, the site operator must be reimbursed by the office from the extended care maintenance fund for its allowable costs and its operating margin. During the suspension funding to reimburse the office, the PSC, and the State Treasurer under Section 48-46-60(B) and funding of the compact commission under Section 48-46-60(C) must also be allocated from the extended care maintenance fund as approved by the office based on revised budgets submitted by the PSC, State Treasurer, and the compact commission.</p> <p>(c) Notwithstanding any disbursements from the extended care maintenance fund in accordance with any provision of this act, the office shall continue to ensure, in accordance with Section 13-7-30, that the fund remains adequate to defray the costs for future maintenance costs or custodial and maintenance obligations of the site and other obligations imposed on the fund by this chapter.</p> <p>(d) The PSC may promulgate regulations and policies necessary to execute the provisions of this section.</p> <p>(8) The PSC may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at the objective of identifying allowable costs</p>
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			<p>associated with waste disposal. The PSC may consider standards, precedents, findings, and decisions in other jurisdictions that regulate allowable costs for radioactive waste disposal.</p> <p>(9) In all proceedings held pursuant to this section, the office shall participate as a party representing the interests of the State of South Carolina, and the compact commission may participate as a party representing the interests of the compact states. The Executive Director of the Office of Regulatory Staff and the Attorney General of the State of South Carolina shall be parties to any such proceeding. Representatives from the Department of Health and Environmental Control Services shall participate in proceedings where necessary to determine or define the activities that a site operator must conduct in order to comply with the regulations and license conditions imposed by the department. Other parties may participate in the PSC's proceedings upon satisfaction of standing requirements and compliance with the PSC's procedures. Any site operator submitting records and information to the PSC may request that the PSC treat such records and information as confidential and not subject to disclosure in accordance with the PSC's procedures.</p> <p>(10) In all respects in which the PSC has power and authority under this chapter, it shall conduct its proceedings under the South Carolina Administrative Procedures Act and the PSC's rules and regulations. The PSC is authorized to compel attendance and testimony of a site operator's directors, officers, agents, or employees.</p> <p>(11) At any time the compact commission, the office, or any generator subject to payment of rates set pursuant to this chapter may file a petition against a site operator alleging that allowable costs identified pursuant to this chapter are not in conformity with the directives of this chapter or the directives of the PSC or that the site operator is otherwise not acting in conformity with the requirements of this chapter or directives of the PSC. Upon filing of the petition, the PSC shall cause a copy of the petition to be served upon the site operator. The petitioning party has the burden of proving that allowable costs or the actions of the site operator do not conform. The hearing shall conform to the rules of practice and procedure of the PSC for other cases.</p> <p>(12) The PSC shall encourage alternate forms of dispute resolution including, but not limited to, mediation or arbitration to resolve disputes between a site operator and any other person regarding matters covered by this chapter.</p>
548.	48-46-50(A)	Atlantic Interstate Low-Level Radioactive	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p>



		<b>Waste Compact Implementation Act</b>	(A) The Governor shall appoint two commissioners to the Atlantic Compact Commission and may appoint up to two alternate commissioners. These alternate commissioners may participate in meetings of the compact commission in lieu of and upon the request of a South Carolina commissioner. Technical representatives from the Department of <del>Health and Environmental Control</del> <u>Services</u> , the office, the PSC, and other state agencies may participate in relevant portions of meetings of the compact commission upon the request of a commissioner, alternate commissioner, or staff of the compact commission, or as called for in the compact commission bylaws.
549.	48-46-80	<b>Atlantic Interstate Low-Level Radioactive Waste Compact Implementation Act</b>	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			Pursuant to Section 48-2-10 et seq., the Department of <del>Health and Environmental Control</del> <u>Services</u> may adjust the radioactive materials license fee for Low-Level Radioactive Waste Shallow Land Disposal in Regulation 61-30 in an amount that will offset changes to its annual operating budget caused by projected increases or decreases in the number of permittees expected to pay fees for Radioactive Waste Transport Permits under the same regulation for shipment of low-level radioactive waste for disposal within the State.
550.	48-46-90	<b>Atlantic Interstate Low-Level Radioactive Waste Compact Implementation Act</b>	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) In accordance with Section 13-7-30, the office, or its designee, is responsible for extended custody and maintenance of the Barnwell site following closure and license transfer from the facility operator. The Department of <del>Health and Environmental Control</del> <u>Services</u> is responsible for continued site monitoring. (B) Nothing in this chapter may be construed to alter or diminish the existing statutory authority of the Department of <del>Health and Environmental Control</del> <u>Services</u> to regulate activities involving radioactive materials and radioactive wastes.
551.	48-52-810 (10)(b)(v)	<b>Energy Independence and Sustainable Construction Act of 2007</b>	<b>Recommendation + Explanation:</b>
			Amend Department names to conform with Act 60.
			<b>Suggested Revision:</b>
			(10)(a) "Major facility project" means: (i) a state-funded new construction building project in which the building to be

			<p>constructed is larger than ten thousand gross square feet;</p> <p>(ii) a state-funded renovation project in which the project involves more than fifty percent of the replacement value of the facility or a change in occupancy; or</p> <p>(iii) a state-funded commercial interior tenant fit-out project that is larger than seven thousand five hundred square feet of leasable area.</p> <p>(b) "Major facility project" does not mean:</p> <p>(i) a building, regardless of size, that does not have conditioned space as defined by Standard 90.1 of the American Society of Heating, Refrigerating and Air-Conditioning Engineers;</p> <p>(ii) a public kindergarten, elementary school, middle school, secondary school, junior high school, or high school, all as defined in Section 59-1-150;</p> <p>(iii) a correctional facility constructed for the Department of Corrections, Department of Mental Health, or Department of Juvenile Justice;</p> <p>(iv) a building project funded by the State Ports Authority, the Coordinating Council for Economic Development, or the State Infrastructure Bank; or</p> <p>(v) a building project funded by the Department of <u>Public Health and the Department of Environmental Control Services</u> in which the primary purpose of the building project is for the storage of archived documents.</p>
552.	48-52-865 (A)(1)(c)	Energy Independence and Sustainable Construction Act of 2007	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A)(1) There is established the Energy Independence and Sustainable Construction Advisory Committee. The committee shall consist of thirteen members, ten of which shall be appointed by the Governor for terms of four years until their successors are appointed and qualified. The committee shall be composed of the following:</p> <p>(a) the State Engineer, or his designee, who shall serve as chairman;</p> <p>(b) the Director of the State Energy Office, or his designee;</p> <p>(c) the Director of the Department of <del>Health and Environmental Control</del><u>Services</u>, or his designee;</p> <p>(d) one member recommended by the Association of General Contractors;</p> <p>(e) two members recommended by the Commission on Higher Education, one of which shall be appointed from either a research university or a comprehensive teaching institution and one of which shall be appointed from either a regional two-year campus of the University of South Carolina or a technical college;</p> <p>(f) one member recommended by the South Carolina Manufacturer's Alliance;</p> <p>(g) one member recommended by the American Chemistry Council;</p>

			<p>(h) one member recommended by the South Carolina Chapter of the American Institute of Architects;</p> <p>(i) one member recommended by the South Carolina Forestry Association;</p> <p>(j) one member recommended by the South Carolina Council of Engineering and Surveying Societies;</p> <p>(k) one member recommended by the South Carolina Chapter of the American Society of Heating, Refrigerating and Air Conditioning Engineers; and</p> <p>(l) one member recommended by the conservation community.</p>
553.	48-55-10 (A)(1), (4), and (7)	South Carolina Environmental Awareness Award	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name, commissioner reference, and Coastal Division name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p>
			<p>(A) The South Carolina Environmental Awareness Award must be presented annually by a committee of two members appointed from each of the following:</p> <p>(1) South Carolina Department of <del>Health and Environmental Control</del><u>Services</u> by its <del>commissioner</del><u>director</u>;</p> <p>(2) State Commission of Forestry by its chairman;</p> <p>(3) South Carolina Sea Grant Consortium by its executive director;</p> <p>(4) Water Resources Division of the Department of <del>Natural Resources</del><u>Environmental Services</u> by the department's director;</p> <p>(5) Wildlife and Freshwater Fish Division of the Department of Natural Resources by the department's director;</p> <p>(6) Land Resources and Conservation Districts Division of the Department of Natural Resources by the department's director; and</p> <p>(7) <del>Coastal Division of Coastal Management</del> of the Department of <del>Health and Environmental Control</del><u>Services</u> by the department's director;</p> <p>(8) Marine Resources Division of the Department of Natural Resources by the department's director.</p>
554.	48-56-20(3)	Innovation in Environmental Approaches	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p>
			<p><b>Suggested Revision:</b></p>
			<p>(3) "Department" means the South Carolina Department of <del>Health and Environmental Control</del><u>Services</u>.</p>

555.	48-57-20(1)	Environmental Audit Privilege and Voluntary Disclosure	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(1) "Department" means the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> .
556.	48-60-20(11)	South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(11) "Department" means the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> .
557.	48-62-30(1)(a)	South Carolina Office of Resilience	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			To coordinate and strengthen efforts to reduce losses from future disasters across the State, the office shall develop, implement, and maintain a strategic Statewide Resilience Plan, which must include, but is not limited to: (1) development and implementation of a Strategic Statewide Resilience and Risk Reduction Plan, which shall be developed in accordance with the principles recommended in the South Carolina Floodwater Commission Report and shall serve as framework to guide state investment in flood mitigation projects and the adoption of programs and policies to protect the people and property of South Carolina from the damage and destruction of extreme weather events. This plan shall be reviewed and revised at appropriate intervals determined by the Chief Resilience Officer and advisory agencies to assure that it continues to serve the health, safety, and welfare of the citizens of South Carolina over time. An initial version of this plan shall be completed by July 1, 2022, and shall, at minimum, include provisions that: (a) describe known flood risks for each of the eight major watersheds of the State, as delineated in the Department of <del>Health and Environmental Control</del> <u>Services</u> South Carolina Watershed Atlas; (b) for each major watershed, examine present and potential losses associated with the occurrence of extreme weather events and other natural catastrophes in this State, and land management practices that potentiate extreme weather events,

			<p>resulting in increased flooding, wildfires, and drought conditions;</p> <p>(c) for each major watershed, identify data and information gaps that affect the capacity of state agencies or local governments to adequately evaluate and address the factors that increase flood risk, and recommend strategies to overcome such gaps;</p> <p>(d) develop recommendations, at appropriate scale, including subwatershed or local governmental levels, to decrease vulnerabilities and adverse impacts associated with flooding. In developing these recommendations, the office shall, at a minimum, consider the following:</p> <p>(i) the economic impact of best available projections related to the current and future risk of extreme weather events in this State including, but not limited to, the impact on forestry, agriculture, water, and other natural resources, food systems, zoning, wildlife, hunting, infrastructure, economic productivity and security, education, and public health;</p> <p>(ii) the long-term costs, including ongoing operation and maintenance costs of specific projects or suites of flood mitigation projects and approaches;</p> <p>(iii) opportunities to prioritize the role of nature-based solutions and other methods to restore the natural function of the floodplain;</p> <p>(iv) possible cobenefits that may be achieved beyond flood reduction including, but not limited to, enhanced water supply, improvements in water quality, tourism and recreational opportunities, or protection of wildlife and aquatic resources;</p> <p>(v) statutory or regulatory remedies for consideration by the General Assembly;</p> <p>(vi) necessary state policies or responses, including alterations to state building codes and land use management, creation of additional programs or offices and directions for the provision of clear and coordinated services and support to reduce the impact of natural catastrophes and extreme weather events and increase resiliency in this State; and</p> <p>(vii) potential financial resources available for increasing resiliency throughout the State;</p> <p>(e) estimates of the number and cost of residential properties within the State for which a floodplain buyout may be appropriate;</p> <p>(f) a strategy for providing resources, technical assistance, and other support to local governments for flood risk reduction action;</p> <p>(g) plans for integrating recommended approaches to risk reduction into existing state strategies for hazard mitigation, environmental protection, and economic opportunity and development;</p> <p>(h) opportunities for stakeholder input from citizens around the State;</p>
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558.	49-1-15 (A) and (B)	Waters, Water Resources and Drainage, General Provisions	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) Except as otherwise provided herein, no person may erect, construct, or build any structure or works in order to dam or impound the waters of a navigable stream or any waters which are tributary to a navigable stream for the purpose of generating hydroelectricity without securing a permit from the Department of <del>Health and Environmental Control</del> <u>Services</u>. Any projects that are subject to Chapter 33 of Title 58 of the Utility Facility Siting and Environmental Protection Act are exempted from this section. Further exempted are projects where the project developer without exercising condemnation authority is the existing owner of the property upon which the project is to be constructed and projects which do not exceed sixty acres including in both cases inundated land.</p> <p>(B) The Department of <del>Health and Environmental Control</del> <u>Services</u> may issue a permit for the projects in this subsection after a thorough review of the proposed project and a finding that it meets any regulations of the board and the following standards:</p> <ol style="list-style-type: none"> <li>(1) The proposed project does not halt or prevent navigation by watercraft of the type ordinarily frequenting the reach of the watercourse in question.</li> <li>(2) The projects proposed for shoaled areas of the watercourse provide a means of portage or bypass of the project structure.</li> <li>(3) The need for the proposed project far outweighs the historical and current uses of the stream in question.</li> <li>(4) The impact of the proposed project will not threaten or endanger plant or animal life.</li> <li>(5) The recreational and aesthetic benefits or detriments caused by the proposed project do not alter the watercourse or damage riparian lands.</li> </ol>
559.	49-1-16	Waters, Water Resources and Drainage, General Provisions	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> The Department of <del>Health and Environmental Control</del> <u>Services</u> may charge a fee to an applicant for a permit for any construction, alteration, dredging, filling, or other activity in navigable waters of the State. If the project is commercial or industrial and is in support of operations that charge for the production, distribution, or sale of goods or services, a fee of five hundred dollars must be charged, except if the aerial crossing of navigable waters by conductors or other wires supported solely by structures outside the navigable waters the fee shall be one hundred dollars. If the</p>

			work is noncommercial in nature and provides personal benefits that have no connection with a commercial enterprise the fee must be fifty dollars. The department shall remit the fees to the State Treasurer and shall be issued a credit for any portion of the fees necessary to offset its costs in processing, investigating and taking final action on each permit application. Any remaining portion shall be credited to the general fund of the State.
560.	49-1-18	Waters, Water Resources and Drainage, General Provisions	<b>Recommendation + Explanation:</b>
			Add successor agency language for clarity and amend Department name to conform with Act 60.
			The first reference to the Department will not be amended for historical purposes.
			<b>Suggested Revision:</b>
			The General Assembly, pursuant to Section 7, Article I of the South Carolina Constitution, suspends the authority of the South Carolina Department of Health and Environmental Control, hereinafter the department ( <u>including its successor agency, the Department of Environmental Services</u> ), for all decisions subsequent to 2007 related to all matters pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels, in particular the approval by the department of the application of the United States Army Corps of Engineers for a Construction in Navigable Waters Permit for the dredging of the South Carolina portion of the Savannah River, because the authority of the Savannah River Maritime Commission, hereinafter the Maritime Commission, superseded the responsibilities of the department for such approval, as established by Act 56 of 2007, and the approval by the department could present imminent and irreversible public health and environmental concerns for the South Carolina portion of the Savannah River. The Department of <del>Health and Environmental Control</del> <u>Services</u> retains authority for all matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels.
561.	49-4-20(5)	South Carolina Surface Water Withdrawal,	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

		<b>Permitting Use, and Reporting Act</b>	(5) "Department" means the Department of Health and Environmental Control <u>Services</u> .
<b>562.</b>	<b>49-4-80 (C), (E), and (F)</b>	<b>South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act</b>	<b>Recommendation + Explanation:</b>
			Delete Department of Natural Resources (DNR) consultation references to conform with Act 60.  The program area from DNR with which DHEC currently consults is transferred by Act 60 to the Department of Environmental Services; therefore, inter-agency consultations will no longer be applicable.
			<b>Suggested Revision:</b>
			(A) An application for a surface water withdrawal permit must contain the following information: (1) the name and address of the applicant; (2) the location of the applicant's intake facilities; (3) the place and nature of the proposed use of the surface water withdrawn; (4) the quantity of surface water requested and for the applicant's proposed use; and (5) the estimated ratio between water withdrawn and consumptive use of water withdrawn. (B) To determine whether an applicant's proposed use is reasonable, the department must consider the following criteria: (1) the minimum instream flow or minimum water level and the safe yield for the surface water source at the location of the proposed surface water withdrawal; (2) the anticipated effect of the applicant's proposed use on existing users of the same surface water source including, but not limited to, present agricultural, municipal, industrial, electrical generation, and instream users; (3) the reasonably foreseeable future need for the surface water including, but not limited to, reasonably foreseeable agricultural, municipal, industrial, electrical generation, and instream uses; (4) whether it is reasonably foreseeable that the applicant's proposed withdrawals would result in a significant, detrimental impact on navigation, fish and wildlife habitat, or recreation; (5) the applicant's reasonably foreseeable future water needs from that surface water; (6) the beneficial impact on the State and its political subdivisions from a proposed withdrawal;



			<p>(7) the impact of applicable industry standards on the efficient use of water, if followed by the applicant;</p> <p>(8) the anticipated effect of the applicant's proposed use on the following if the permit is granted:</p> <ul style="list-style-type: none"> <li>(a) interstate and intrastate water use;</li> <li>(b) public health and welfare;</li> <li>(c) economic development and the economy of the State; and</li> <li>(d) applicable federal laws and interstate agreements and compacts; and</li> </ul> <p>(9) any other reasonable criteria that the department promulgates by regulation that it considers necessary to make a final determination.</p> <p>(C) The department shall determine the safe yield of the surface water source and the volume of supplemental water supply, if needed, necessary to sustain the applicant's proposed water use. In making the safe yield determination, the department, <del>in consultation with the Department of Natural Resources,</del> may perform stream flow modeling.</p> <p>(D) The department must determine the minimum instream flow requirement for the surface water body at the point of the proposed withdrawal.</p> <p>(E) The department must <del>consult with the Department of Natural Resources to</del> determine which, if any, existing stream flow measuring devices should be utilized to quantify the stream flow at the point of the proposed withdrawal. If no existing measuring device is suitable, the <del>Department of Natural Resources</del> <u>department will recommend</u> determine the <u>appropriate</u> location of a new measuring device.</p> <p>(F) The department must <del>consult with the Department of Natural Resources to</del> quantify the stream flow measured at the specified measuring device that will require a reduction in the applicant's water withdrawal because of inadequate stream flow at the point of withdrawal.</p> <p>(G) The department shall develop a mechanism for notifying the applicant that its withdrawal must be reduced because of inadequate stream flow at the point of the proposed withdrawal.</p> <p>(H) The department must share all findings of subsections (C) through (G) with the applicant.</p> <p>(I) If the department determines that a supplemental water supply is required, the applicant must demonstrate that the supplemental water supply will be comprised of sources other than the surface water source from which the surface water withdrawals are made during nonlow flow conditions. This section does not prevent a licensee from replenishing his supplemental water supply from the source of the surface water withdrawal during appropriate flows.</p> <p>(J) Upon a determination by the department that, based upon its examination of the</p>
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			<p>criteria in subsection (B), the applicant's use is reasonable, the department shall issue a permit to the applicant.</p> <p>(K)(1) Except as provided in Section 49-4-90, upon receipt of a new surface water withdrawal permit application or an application to significantly increase the amount of water that may be withdrawn under an existing permit and the appropriate filing fee, the department must, within thirty days, provide the public with notice of the application. In addition to the department's usual public notice procedures, the department must publish notice of the application in a newspaper of statewide circulation and in the local newspaper with the greatest general circulation in the affected area and on the department's website. The public notice must contain the location and amount of the proposed withdrawal, the use for which the water will be withdrawn, and the process for requesting a public hearing concerning the application. If within thirty days of the publication of the public notice the department receives a request to hold a public hearing from at least twenty citizens or residents of the affected area, the department must conduct a hearing. The hearing must be held within ninety days at an appropriate time and in an appropriate location near the specific site from which surface water withdrawals are proposed to be made.</p> <p>(2) The department shall by regulation delineate and designate river basins to be used when determining the affected area for a particular surface water withdrawal application. In undertaking this task, the department shall initially establish fifteen river basins, including the watershed of each of the following fifteen rivers or river systems:</p> <ul style="list-style-type: none"> <li>(a) Upper Savannah;</li> <li>(b) Lower Savannah;</li> <li>(c) Saluda;</li> <li>(d) Broad;</li> <li>(e) Congaree;</li> <li>(f) Catawba-Wateree;</li> <li>(g) Lynches;</li> <li>(h) Pee Dee;</li> <li>(i) Little Pee Dee;</li> <li>(j) Black;</li> <li>(k) Waccamaw;</li> <li>(l) Lower Santee;</li> <li>(m) Edisto;</li> <li>(n) Ashley-Cooper; and</li> <li>(o) Combahee-Coosawhatchie.</li> </ul>
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			(L) If the department determines that a new surface water withdrawal permit application or an application to significantly increase the amount of water that may be withdrawn under an existing permit must be denied because there is not enough water in the safe yield, the department may meet with the other permitted withdrawers in the affected stream segment or basin, as appropriate, to determine whether the other permitted withdrawers can reach mutually agreed upon permit reductions to accommodate the applicant.
563.	49-4-170(B)(1)	South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act	<b>Recommendation + Explanation:</b>
			Delete Department of Natural Resources consultation reference and amend board reference to conform with Act 60.  The program area from DNR with which DHEC currently consults is transferred by Act 60 to the Department of Environmental Services; therefore, inter-agency consultations will no longer be applicable.
			<b>Suggested Revision:</b>
			(B)(1) The department may, <del>in consultation with the Department of Natural Resources,</del> negotiate agreements, accords, or compacts on behalf of and in the name of the State with other states or the United States, or both, with any agency, department, or commission of either, or both, relating to transfers of water that impact waters of this State, or are connected to or flowing into waters of this State. Any agreements, accords, or compacts made by the <del>board</del> department pursuant to this section must be approved by concurrent resolution of the General Assembly prior to being implemented. The department also may represent the State in connection with water withdrawals, diversions, or transfers occurring in other states which may affect this State. The provisions in this section do not apply to the Office of Attorney General or any pending or future criminal or civil actions, lawsuits, or causes in which the State is a party or interested.
564.	49-5-30 (3) and (5)	Groundwater Use and Reporting Act	<b>Recommendation + Explanation:</b>
			Delete Board definition and amend Department name to conform with Act 60; recodify remaining items.
			<b>Suggested Revision:</b>
			Unless the context otherwise requires, as used in this chapter: (1) "Aquifer" means a geologic formation, group of these formations, or part of a formation that is water bearing. (2) "Aquifer storage and recovery" or "ASR" means a process by which water is

			<p>injected into an aquifer for storage and then subsequently withdrawn from the same aquifer from the same well or other nearby wells.</p> <p><del>(3)</del> "Board" means the Board of the Department of Health and Environmental Control.</p> <p><del>(4)</del> "Coastal Plain" means:</p> <p>(a) all of Aiken, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Lee, Marion, Marlboro, Orangeburg, Sumter, and Williamsburg counties; and</p> <p>(b) those portions of Chesterfield, Edgefield, Kershaw, Lexington, Richland, and Saluda counties east or southeast of the fall line as identified on the best available geologic map.</p> <p><del>(5)</del> "Department" means the Department of Health and Environmental Control <del>Services</del>.</p> <p><del>(6)</del> "Dewatering operation" means an operation that is withdrawing groundwater from an aquifer for the purpose of draining an excavation or preventing or retarding groundwater flow into an excavation. This operation includes, but is not limited to, mining, water and sewer line construction, and excavating for a building foundation.</p> <p><del>(7)</del> "Emergency withdrawal" means the withdrawal of groundwater, for a period not exceeding thirty calendar days, for the purpose of fire fighting, hazardous substance or waste spill response, or both, or other emergency withdrawal of groundwater as determined by the department.</p> <p><del>(8)</del> "Existing groundwater withdrawer" means a groundwater withdrawer withdrawing groundwater or a proposed groundwater user with its wells under construction before January 1, 2000.</p> <p><del>(9)</del> "Flowing well" means a well releasing groundwater under such pressure that pumping is not necessary to bring it above the ground surface.</p> <p><del>(10)</del> "Groundwater" means water in the void spaces of geologic materials within the zone of saturation.</p> <p><del>(11)</del> "Groundwater withdrawal permit" means a permit issued by the department to groundwater withdrawers in a designated capacity use area for the withdrawal of groundwater.</p> <p><del>(12)</del> "Groundwater withdrawer" means a person withdrawing groundwater in excess of three million gallons during any one month from a single well or from multiple wells under common ownership within a one-mile radius from any one existing or proposed well.</p> <p><del>(13)</del> "New groundwater withdrawer" means a person who becomes a groundwater withdrawer after December 31, 1999, except for a proposed groundwater</p>
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			<p>withdrawer with its wells under construction before January 1, 2000.</p> <p>(143) "Nonconsumptive use" means the use of water from an aquifer that is returned to the aquifer from which it was withdrawn, at or near the point from which it was withdrawn, without diminishing the quantity any more than three million gallons in any one month or without substantial impairment in quality.</p> <p>(154) "Permit to construct" means a permit issued by the department after consideration of proposed well location, depth, rated capacity, and withdrawal rate.</p> <p>(165) "Permittee" means a person having obtained a permit to construct or a groundwater withdrawal permit issued in accordance with Sections 49-5-60 and 49-5-110.</p> <p>(176) "Person" means an individual, firm, partnership, association, public or private institution, municipality or political subdivision, governmental agency, public water system, or a private or public corporation organized under the laws of this State or any other state or county.</p> <p>(187) "Public water system" means a water system as defined in Section 44-55-20 of the State Safe Drinking Water Act.</p> <p>(198) "Rated capacity" means the amount, in gallons per minute (gpm), of groundwater that is capable of being withdrawn from the completed well with the pump installed.</p> <p>(2019) "Surface water" means all water which is open to the atmosphere and subject to surface runoff which includes lakes, streams, ponds, and reservoirs.</p> <p>(240) "Type I well" means a well constructed with an open hole in a bedrock aquifer.</p> <p>(221) "Well" means an excavation that is cored, bored, drilled, jetted, dug, or otherwise constructed for the purpose of locating, testing, or withdrawing groundwater or for evaluating, testing, developing, draining, or recharging a groundwater reservoir or aquifer or that may control, divert, or otherwise cause the movement of groundwater from or into an aquifer.</p>
565.	49-5-60	Groundwater Use and Reporting Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Board reference to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) In the State where excessive groundwater withdrawal presents potential adverse effects to the natural resources or poses a threat to public health, safety, or economic welfare or where conditions pose a significant threat to the long-term integrity of a groundwater source, including salt water intrusion, the <del>board</del> department, after notice and public hearing, in accordance with the Administrative Procedures Act, shall designate a capacity use area. The department,</p>

			<p>local government authorities, other government agencies, or groundwater withdrawers may initiate the capacity use area designation process. The notice and public hearing must be conducted such that local government authorities, groundwater withdrawers, or the general public may provide comments concerning the capacity use area designation process. A capacity use area must be designated by the <del>board</del>department based on scientific studies and evaluation of groundwater resources and may or may not conform to political boundaries.</p> <p>(B) After notice and public hearing, the department shall coordinate the affected governing bodies and groundwater withdrawers to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20. In those areas where the affected governing bodies and withdrawers are unable to develop a plan, the department shall take action to develop the plan. The plan must be approved by the <del>board</del>department before the department may issue groundwater withdrawal permits for the area.</p> <p>(C) Once the <del>board</del>department approves the groundwater management plan for a designated capacity use area, each groundwater withdrawer shall make application for a groundwater withdrawal permit. The department shall issue groundwater withdrawal permits in accordance with the approved plan.</p> <p>(D) A person or entity affected may appeal a decision of the <del>board</del>department on a capacity use area designation within thirty days after the filing of the decision to the court of common pleas of any county which is included in whole or in part within the disputed capacity use area. The department shall certify to the court the record in the hearing. The court shall review the record and the regularity and the justification for the decision. The court may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:</p> <ol style="list-style-type: none"> <li>(1) in violation of constitutional or statutory provisions;</li> <li>(2) in excess of the statutory authority of the agency;</li> <li>(3) made upon unlawful procedure;</li> <li>(4) affected by other error of law;</li> <li>(5) clearly erroneous in view of the reliable, probative, and substantial evidence on the record; or</li> <li>(6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.</li> </ol>
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566.	49-6-10	Aquatic Plant Management	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> There is hereby created the South Carolina Aquatic Plant Management Program for the purpose of preventing, identifying, investigating, managing, and monitoring aquatic plant problems in public waters of South Carolina. The program will coordinate the receipt and distribution of available federal, state, and local funds for aquatic plant management activities and research in public waters. The Department of <del>Natural Resources</del><u>Environmental Services</u> (department) is designated as the state agency to administer the Aquatic Plant Management Program and to apply for and receive grants and loans from the federal government or such other public and private sources as may be available for the Aquatic Plant Management Program and to coordinate the expenditure of such funds.</p>
567.	49-6-30 1(a), 1(b), 1(e), and 3	Aquatic Plant Management	<p><b>Recommendation + Explanation:</b> Amend Department of Natural Resources name, amend Department name, and amend Coastal Office name to conform with Act 60. Amend Chairman appointment to conform with Act 60.</p> <p>With the proposed changes, the council will now have an additional representative from the Department of Environmental Services.</p> <p><b>Suggested Revision:</b> There is hereby established the South Carolina Aquatic Plant Management Council, hereinafter referred to as the council, which shall be composed of ten members as follows: 1. The council shall include one representative from each of the following agencies, to be appointed by the chief executive officer of each agency: (a) Water Resources Division of the Department of <del>Natural Resources</del><u>Environmental Services</u>; (b) South Carolina Department of <del>Health and Environmental Control</del><u>Services</u>; (c) Wildlife and Freshwater Fish Division of the Department of Natural Resources; (d) South Carolina Department of Agriculture; (e) <del>Coastal</del> <u>Division of Coastal Management</u> of the Department of <del>Health and Environmental Control</del><u>Services</u>; (f) South Carolina Public Service Authority; (g) Land Resources and Conservation Districts Division of the Department of Natural Resources;</p>

			<p>(h) South Carolina Department of Parks, Recreation and Tourism;  (i) Clemson University, Department of Fertilizer and Pesticide Control.</p> <p>2. The council shall include one representative from the Governor's Office, to be appointed by the Governor.</p> <p>3. The representative of the Water Resources Division of the Department of <del>Natural Resources</del> <u>Environmental Services</u> shall serve as chairman of the council and shall be a voting member of the council.</p> <p>The council shall provide interagency coordination and serve as the principal advisory body to the department on all aspects of aquatic plant management and research. The council shall establish management policies, approve all management plans, and advise the department on research priorities.</p>
568.	49-11-120(3)	Dams and Reservoirs Safety Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(3) "Department" means the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> or its staff or agents.
569.	49-11-170(E)	Dams and Reservoirs Safety Act	<b>Recommendation + Explanation:</b>
			Amend hearing procedures to conform with Act 60.
			<b>Suggested Revision:</b>
			(E) The owner of a dam or reservoir determined through a preliminary inspection not to be maintained in good repair or operating condition or to be unsafe and a danger to life or property may request a hearing before the <del>board of the department</del> <u>Administrative Law Court in accordance with Section 48-6-30 and the Administrative Procedures Act</u> within thirty days after notice of the findings are <del>delivered</del> <u>mailed</u> . The owner may submit written or present oral evidence which must be considered by the board of the department in the issuance of the order.
570.	49-11-260 (B) and (D)	Dams and Reservoirs Safety Act	<b>Recommendation + Explanation:</b>
			Amend appeals and board procedures to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) A person violating this article is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred nor more than five hundred dollars. Each day the violation continues after notice to take corrective action is a separate offense. (B) The department may assess an administrative fine of not less than one hundred



			<p>nor more than one thousand dollars against a person who violates this article or an order issued or regulation promulgated pursuant to it. In determining the amount of the fine the department shall consider the degree and extent of harm caused by the violation and the cost of rectifying the damage. Fines assessed under this subsection may be appealed to the <del>department</del> <u>Administrative Law Court pursuant to Section 48-6-30 and the Administrative Procedures Act, and the Administrative Law Court</u> may reduce them based on information presented at the appeal hearing.</p> <p>(C) Upon a violation of this article or related regulations the department may institute legal action to obtain injunctive relief in the name of the department.</p> <p>(D) A person against whom a final order or decision has been made, except for emergencies specified in Section 49-11-190, may appeal to the <del>board</del> <u>Administrative Law Court underpursuant to Section 48-6-30 and the Administrative Procedures Act</u>. The burden of proof is on the party attacking an order or a decision of the department to show that the order is unlawful or unreasonable.</p> <p>(E) Civil fines collected under this article must be deposited in a special account of the department to fund educational activities relating to dams and reservoirs safety, including, but not limited to, workshops, seminars, manuals, and brochures.</p>
571.	49-23-60(A)(1)	South Carolina Drought Response Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(A) The department shall coordinate appropriate drought response upon consultation with the Drought Response Committee composed of two parts:</p> <p>(1) a statewide committee composed of the following state agencies: South Carolina Emergency Management Division of the Office of the Adjutant General, South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u>, Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources;</p> <p>(2) a local committee within each drought management area. The local committees shall consist of the following members to be appointed by the Governor to represent the following interests: counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts and Soil and Water Conservation Districts; however, there may not be more than two members on a local committee from each county within the drought management area. The Governor may appoint additional members as necessary to ensure broadbased input on the committee and may make interim appointments when the</p>

			General Assembly is not in session. The statewide committee shall coordinate planning and response only upon consultation with the appropriate local committee in the impacted drought management area during moderate, severe, and extreme drought declarations. The Governor shall appoint the chair of the Drought Response Committee. The department shall provide administrative support.
572.	50-5-35(B)	Marine Resources Act, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) Except as provided in Section 50-5-955(B), nothing in this chapter alters, reduces, or amends the authority of the Department of Health and Environmental Control Services to regulate for public health and environmental protection.
573.	50-5-360 (A) and (C)	Marine Resources Act, Licenses and Permits	<b>Recommendation + Explanation:</b>
			Amend Department name and section reference to conform with recommended changes regarding 48-6-60 in Act 60.
			<b>Suggested Revision:</b>
			(A) Except as provided in subsection (G), a person or entity who buys, receives, or handles any live or fresh saltwater fish or any saltwater fishery products landed in this State regardless of where taken and packs, processes, ships, consigns, or sells such items at other than retail, and not solely as bait, must first obtain a wholesale seafood dealer license. A person who buys or receives such product solely from licensed wholesale seafood dealers is not required to obtain a wholesale seafood dealer license. The fee for a resident wholesale seafood dealer license is one hundred dollars, and the fee for a nonresident license is five hundred dollars. Each location at which products are to be packed, processed, shipped, consigned, or bought, or to be sold at wholesale must be a permanent, nonmobile establishment, and must be separately licensed. The department may require applicants to specify the activities in which the applicant intends to engage. The department may provide information provided in the application to the South Carolina Department of Agriculture and the South Carolina Department of Health and Environmental Control Services.
			(B) In order to engage in shedding peeler crabs, a person or entity must first be a licensed wholesale seafood dealer and be licensed for peeler crabs. The fee for a resident peeler crab license is an additional seventy-five dollars, and the fee for a nonresident license is an additional three hundred seventy-five dollars. Persons holding this license and engaged in shedding peeler crabs are authorized to receive,

			<p>possess, and sell peeler crabs regardless of size.</p> <p>(C) A person or entity required to obtain a wholesale seafood dealer license who receives molluscan shellfish must first be licensed for molluscan shellfish. The fee for a resident to acquire a molluscan shellfish license is an additional ten dollars, and the fee for a nonresident is an additional fifty dollars. Prior to obtaining a molluscan shellfish license, a person or entity must complete any shellfish training required by regulations promulgated by the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> pursuant to Section <del>44-1-14048-6-60</del>.</p> <p>(D) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars nor more than one thousand dollars or imprisoned for not more than thirty days.</p> <p>(E) The original or a legible copy of the wholesale seafood dealer license must be displayed where a wholesale seafood dealer or his agent is selling or offering for sale saltwater fisheries products. Any wholesale seafood dealer who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars nor more than five hundred dollars or imprisoned for not more than thirty days.</p> <p>(F) Roadside vendors, transient dealers, or peddlers operating from vehicles, roadside stands, or other temporary locations who sell or offer for sale saltwater fishery products are retail dealers who must comply with the retail license and tax requirements of state and local law. The person or entity must be a licensed wholesale seafood dealer or must have received or purchased the products from licensed wholesale seafood dealers or other licensed retailers and must comply with the requirements of Section 50-5-365 (A).</p> <p>(G) A person or entity that solely produces fish or fishery products reared as offspring from brood stock in captivity, or purchases such fish or fishery products solely is not required to have a wholesale seafood dealer license.</p> <p>(H)(1) Persons licensed under this section upon a fourth conviction within a period of three years of provisions related to:</p> <ul style="list-style-type: none"> <li>(a) possession of undersized fishery products;</li> <li>(b) improper marking or tagging of fishery products;</li> <li>(c) failure to report or maintain records; or</li> <li>(d) unlawful purchase of fishery products shall have his privilege to hold a wholesale seafood dealer license suspended for a period of twelve months.</li> </ul> <p>(2) Any person convicted of selling or offering for sale fish or fishery products while under suspension is guilty of a misdemeanor and, upon conviction, must be fined no less than one thousand dollars but not more than two thousand dollars or imprisoned for not more than thirty days and must have all his saltwater privileges</p>
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			<p>suspended for three years.</p> <p>(3) For the purposes of this section, a conviction must occur on a separate date from other unlawful acts named in this section to be considered a prior offense.</p>
574.	50-5-910(C)	Marine Resources Act, Shellfish	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with recommended changes in 48-6-60 in Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(C) Persons and entities granted Shellfish Culture Permits and Shellfish Mariculture Permits must submit a sworn statement stating the permittee has a wholesale seafood dealer's license, a molluscan shellfish license, and a shellfish facility certified by the South Carolina Department of <del>Health and Environmental Control</del><u>Services</u> or that all shellfish harvested for sale shall be handled through a licensed wholesale seafood dealer having a molluscan shellfish license and a Department of <del>Health and Environmental Control</del><u>Services</u> approved facility.</p>
575.	50-5-955, Title and (B)	Marine Resources Act, Shellfish	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with recommended changes in 48-6-60 in Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>SECTION 50-5-955. Designation and maintenance of Public Shellfish Grounds; areas containing <del>DHEC</del><u>DES</u> permitted structure; taking for commercial purpose prohibited.</p> <p>(B) No area currently containing a structure permitted by the Department of <del>Health and Environmental Control</del><u>Services</u> or its successor agency may be designated pursuant to this section. The Department of <del>Health and Environmental Control</del><u>Services</u> or its successor agency may not issue a permit for utilization of a critical area designated as a Public Shellfish Ground.</p>
576.	50-5-965(B)	Marine Resources Act, Shellfish	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name and section reference to conform with recommended changes in 48-6-60 in Act 60.</p>
			<p><b>Suggested Revision:</b></p> <p>(B) In order to obtain an individual harvesting permit, a person must be a licensed commercial saltwater fisherman, hold all other appropriate valid commercial licenses, and complete any shellfish training required by regulations promulgated by</p>

			the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> pursuant to Section <del>44-1-14048-6-60</del> .
577.	50-5-997 (B)(1) and (D)	Marine Resources Act, Shellfish	<b>Recommendation + Explanation:</b>
			Amend Department name and section reference to conform with recommended changes in 48-6-60 in Act 60.
			<b>Suggested Revision:</b>
			<p>(A) The department may issue an out-of-season harvest permit to a Shellfish Mariculture permittee for the privilege of harvesting or selling maricultured shellfish out of season. The department may consider a permittee's past compliance with the provisions of this chapter in making its determination to issue an out-of-season harvest permit.</p> <p>(B) In order to obtain an out-of-season harvest permit, a mariculture permittee must provide the following to the department:</p> <ul style="list-style-type: none"> <li>(1) a shellfish operations plan that meets requirements established by regulations promulgated by the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> pursuant to Section <del>44-1-14048-6-60</del>; and</li> <li>(2) a list of authorized harvesters and wholesale dealers that will possess the permittee's out-of-season shellfish.</li> </ul> <p>(C) Out-of-season harvest permits issued pursuant to this section may include conditions related to:</p> <ul style="list-style-type: none"> <li>(1) harvest times and harvest areas;</li> <li>(2) species;</li> <li>(3) testing;</li> <li>(4) reporting, record keeping, and inspection requirements;</li> <li>(5) genetic strains including ploidy;</li> <li>(6) tagging;</li> <li>(7) authorized harvesters; and</li> <li>(8) protection of the natural resources of this State.</li> </ul> <p>(D) An authorized harvester acting under the provisions of a permittee's out-of-season harvest permit must first complete any shellfish training required by regulations promulgated by the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> pursuant to Section <del>44-1-14048-6-60</del>. A Mariculture permittee must ensure that an authorized harvester acting under the permittee's out-of-season harvest permit abides by the conditions of the permit, receives proper training, and holds all required permits and licenses.</p> <p>(E) The department may suspend or revoke a mariculture permittee's out-of-season</p>

			harvest permit for a violation of a permit condition by the permittee or by an authorized harvester of the permittee. The filing of a judicial appeal does not act as an automatic stay of enforcement of the out-of-season permit suspension or revocation.
578.	50-11-90	Protection of Game	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The department may obtain and utilize Schedule III nonnarcotics and Schedule IV controlled substances for the capture and immobilization of wildlife. The department must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement and Administration (DEA) and a State Controlled Substances Registration from the Department of <u>Public Health and Environmental Control</u> ( <del>DHECDPH</del> ). The administration of tranquilizing agents must be done only by department employees trained and certified for this purpose. Department applicants issued a certificate by the DEA and a registration by <del>DHECDPH</del> are responsible for maintaining their respective records regarding the inventory, storage, and administration of controlled substances and are subject to inspection and audit by <del>DHECDPH</del> and the DEA.
579.	50-15-430(B)	South Carolina Captive Alligator Propagation Act	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) Water quality and waste impacts caused by alligator farms shall be subject to regulations issued by the Department of <del>Health and Environmental Control</del> <u>Services</u> .
580.	50-16-30	Importation of Wildlife	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			It is unlawful for a person to possess, transport, or otherwise bring into the State or release or introduce into the State any diseased wildlife or other animal that reasonably might be expected to pose a public health or safety hazard as determined by the South Carolina Department of <u>Public Health and Environmental Control</u> after consultation with the department.
581.	50-19-1935	Fishing in Lake Marion, Lake Moultrie,	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.

		<b>the Diversion Canal, the Tail Canal, and Certain Portions of Congaree and Wateree Rivers</b>	<p><b>Suggested Revision:</b></p> <p>SECTION 50-19-1935. Department of <del>Health and Environmental Control</del> <u>Services</u> and Department of Natural Resources to monitor bass fishery in Wateree-Santee riverine system.</p> <p>The Department of <del>Health and Environmental Control</del> <u>Services</u>, in conjunction with the Department of Natural Resources shall, from the funds appropriated in the General Appropriations Act, monitor the striped bass fishery in the Wateree-Santee riverine system.</p> <p>Both departments shall have oversight responsibility for any studies which may be required as a condition of a <del>DHEC</del> <u>DES</u> permit.</p>
582.	50-21-30 (C)(1)(b)	<b>Equipment and Operation of Watercraft, General Provisions</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(C)(1) A local government may adopt an ordinance requiring a permit for a watercraft or floating structure to remain moored, anchored, or otherwise located in any one five-mile radius on public waters within its local jurisdiction for more than fourteen consecutive days. The cost of a permit required by a local government may not exceed fifteen dollars. An ordinance adopted pursuant to this subsection must not apply to watercraft:</p> <p>(a) moored to a dock or marina berth with permission from the dock or berth owner;</p> <p>(b) moored to a mooring buoy that is permitted by the Department of <del>Health and Environmental Control</del> <u>Services</u> with permission from the buoy owner; or</p> <p>(c) moored to a mooring buoy with permission from the buoy owner, provided that the buoy is in the location as it existed on public waters on June 30, 2021.</p>
583.	54-6-10 (B)(5) and (F)	<b>Savannah River Maritime Commission</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Chairman of the Board to Director of the Department of Environmental Services. Also, amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) In addition to the above provisions of this joint resolution, a commission to be known as the Savannah River Maritime Commission is hereby established to represent this State in all matters pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels. The commission as an instrumentality of this State is empowered to negotiate on</p>

			<p>behalf of the State of South Carolina and enter into agreements with the State of Georgia, the United States Army Corps of Engineers, and other involved parties in regard to the above which bind the State of South Carolina; provided, however, that any such agreements which require state funding are subject to the funding being provided by the General Assembly in a general or supplemental appropriations act or in a bond bill.</p> <p>(B) The commission shall be composed of twelve members as follows</p> <ol style="list-style-type: none"> <li>(1) the Governor or his designee;</li> <li>(2) the Speaker of the House of Representatives or his designee;</li> <li>(3) the President of the Senate or his designee;</li> <li>(4) the Attorney General of South Carolina or his designee;</li> <li>(5) the <del>Chairman of the Board</del><u>Director of Health and the Department of Environmental Control Services</u> to serve ex officio or his designee</li> <li>(6) the Chairman of the Board of Natural Resources to serve ex officio or his designee;</li> <li>(7) the Chairman of the State Ports Authority to serve ex officio or his designee;</li> <li>(8) the Chairman of the Senate Finance Committee or his designee;</li> <li>(9) the Chairman of the Senate Transportation Committee or his designee;</li> <li>(10) the Chairman of the House Ways and Means Committee or his designee</li> <li>(11) the Chairman of the House Education and Public Works Committee or his designee; an</li> <li>(12) one resident of Jasper County appointed by the Jasper County Council to serve at the pleasure of the council.</li> </ol> <p>The Governor or his designee shall serve as chairman of the commission</p> <p>(C) Any state, county, or municipal officeholder named or designated to serve on the commission shall serve ex officio. Notwithstanding Section 8-13-770 of the 1976 Code, members of the General Assembly may be appointed to serve on this commission as the designee of an appointing official</p> <p>(D) Professional and clerical services for the commission must be provided by the staff of the Attorney General's office and supplemented by the staffs of other public officials serving on the commission as required by the commission</p> <p>(E) Members serving on the commission shall receive such mileage, subsistence, and per diem as is provided by law for members of state boards, commissions, and committees when engaged in the exercise of their duties as members of the commission to be paid from their approved accounts or the approved accounts of their appointing authority.</p> <p>(F) Except as provided below, nothing in this section shall supersede the authority of other state agencies, departments, or instrumentalities including the Department of</p>
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			<p>Natural Resources, the Department of Health and Environmental Control Services, or the State Ports Authority to exercise all powers, duties, and functions within their responsibilities as provided by law. However, on an interstate basis and specifically in regard to the State of Georgia, the responsibilities granted to the Savannah River Maritime Commission in this joint resolution supersede any other concurrent responsibilities of a particular state agency or department. Any requirements for permitting and constructing new terminal facilities on the Savannah River in Jasper County are declared not to be the responsibility of this commission, except as they may relate to this state's responsibility for the navigability or depth of the South Carolina portion of the Savannah River.</p> <p>(G) The Savannah River Maritime Commission established herein shall exist for a period of twenty-five years after the effective date of this joint resolution and may be continued for additional periods as provided by the General Assembly by law.</p>
584.	55-1-100(B)	Aeronautics	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (B) A person who operates or acts as a flight crew member of an aircraft in this State may consent to a chemical test of his breath for the purpose of determining the alcoholic content of his blood if arrested for violating the provisions of subsection (A). The test must be administered at the direction of a law enforcement officer who has apprehended a person while or after operating or acting as a flight crew member of any aircraft in this State while under the influence of alcohol. The test must be administered by a person trained and certified by and using methods approved by the South Carolina Law Enforcement Division, using methods approved by the division. The arresting officer may not administer the test, and no test may be administered unless the defendant has been informed that he does not have to take the test. A person who refuses to submit to the test violates the provisions of this subsection and is subject to a civil fine of two thousand dollars. The penalties provided for in this subsection are in addition to those provided for in subsection (E). No person is required to submit to more than one test for any one offense for which he has been charged, and the test must be administered as soon as practicable without undue delay. The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his own choosing conduct a test or tests in addition to the test administered by the law enforcement officer. The failure or</p>

			<p>inability of the person tested to obtain an additional test does not preclude the admission of evidence relating to the test taken at the direction of the law enforcement agency or officer.</p> <p>The arresting officer and the person conducting the test shall inform the person tested of his right to obtain an additional test, and the arresting officer or the person conducting the chemical test of the person apprehended promptly shall assist that person to contact a qualified person to conduct additional tests.</p> <p>The division shall administer the provisions of this subsection and may make regulations as may be necessary to carry out its provisions. The Department of <del>Public Health and Environmental Control</del> and SLED shall cooperate with the division in carrying out its duties.</p>
585.	56-1-221(A)	Driver's License, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Commissioner and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is created an advisory board composed of thirteen members. One member must be selected by the <del>Commissioner</del> Director of the Department of <del>Public Health and Environmental Control</del> from hisdepartment staff, ten members must be appointed by the South Carolina Medical Association, and two members must be appointed by the South Carolina Optometric Association. The member selected by the <del>Commissioner</del> Director of the Department of <del>Public Health and Environmental Control</del> must be the administrative officer of the advisory board. To the maximum extent possible, the members of the board appointed by the South Carolina Medical Association and the South Carolina Optometric Association must be representative of the disciplines of the medical and optometric community treating the mental or physical disabilities that may affect the safe operation of motor vehicles. The identity of physicians and optometrists serving on the board, other than the administrative officer, may not be disclosed except as necessary in proceedings under Sections 56-1-370 or 56-1-410. The members of the board may receive no compensation.
586.	56-3-9800 (A) and (B)	Breast Cancer Awareness Special License Plates	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The Department of Motor Vehicles may issue a special commemorative Breast Cancer Awareness motor vehicle license plate to establish a special fund to be used by the Department of <del>Public Health and Environmental Control</del> for the purpose of expanding the services provided by the Best Chance Network. The special license

			<p>plates, which must be of the same size and general design of regular motor vehicle license plates, must be imprinted with the nationally recognized breast cancer symbol with numbers as the department may determine. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee as set forth in Article 5, Chapter 3 of this title.</p> <p>(B) One-half of the seventy dollar biennial fee collected over that required by Article 5, Chapter 3 of this title must be deposited in a separate fund for the Department of <del>Public Health and Environmental Control</del> and be used solely to expand the services of the Best Chance Network. The remaining one-half of the fee must be distributed to the South Carolina chapter of the American Cancer Society.</p> <p>(C) Before the department produces and distributes a plate authorized under this section, it must receive:</p> <p>(1) four hundred or more prepaid applications for the special license plate or four thousand dollars from the individual or organization seeking issuance of the license plate; and</p> <p>(2) a plan to market the sale of the special license plate that must be approved by the department.</p> <p>(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.</p>
587.	56-5-170(A)(10)	Vehicles and Equipment	<p><b>Recommendation + Explanation:</b> Amend Commissioner name and Department names to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) Authorized emergency vehicles for purposes of this section include the following: (1) fire department vehicles; (2) police vehicles; (3) ambulances and rescue squad vehicles which are publicly owned; (4) vehicles of coroners and deputy coroners of the forty-six counties as designated by the coroners; (5) emergency vehicles designated by the fire department or the chief of police of a municipality; (6) county government litter enforcement vehicles used by certified law</p>

			<p>enforcement Class 3 litter control officers;</p> <p>(7) Department of Natural Resources vehicles, federal natural resources vehicles, and forestry commission vehicles when being used in the performance of law enforcement duties;</p> <p>(8) public and private vehicles while transporting individuals actually engaged in emergency activities because one or more occupants belong to a fire department, volunteer fire department, police department, sheriff's office, authorized county government litter enforcement office, rescue squad, or volunteer rescue squad;</p> <p>(9) county or municipal government jail or corrections vehicles used by certified jail or corrections officers, and emergency vehicles designated by the Director of the South Carolina Department of Corrections;</p> <p>(10) vehicles designated by the <del>Commissioner</del> <u>Director</u> of the Department of <u>Public Health and Environmental Control Services</u> when being used in the performance of law enforcement or emergency response duties.</p> <p>(11) federal law enforcement, military, and emergency vehicles; and</p> <p>(12) organ procurement organization vehicles, which means vehicles operated by organizations that perform or coordinate the procurement, preservation, and transport of organs and maintain systems for locating prospective recipients for available organs.</p>
588.	56-5-2720(A)	Required Stops	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Except as provided in subsection (B), the driver or operator of every bus transporting passengers, or a vehicle permitted by the Department of <del>Health and Environmental Control Services</del> to carry hazardous waste, or any vehicle required by 49 C.F.R. Section 392.10 to stop at a railroad grade crossing, before crossing at grade any tracks of a railroad, shall stop the vehicle within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in the gear of the vehicle that there is no necessity for manually changing gears while traversing the crossing and the driver shall not manually shift gears while crossing the tracks.
589.	56-35-50(B)		<b>Recommendation + Explanation:</b>

		<b>Idling Restrictions for Commercial Diesel Vehicles</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (B) The officer must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the Department of Public Safety or to receive a hearing in magistrates court. If the individual at the time the citation is issued elects to pay his fine directly to the Department of Public Safety within twenty-eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the Department of Public Safety may designate. Within forty-five days of collection, fifty dollars of the monies collected by the Department of Public Safety must be forwarded to the Department of <del>Health and Environmental Control</del> <u>Services</u> for deposit in the Diesel Idling Reduction Fund, twenty-five dollars of the monies collected must be deposited into an account to be used by the Department of Public Safety's State Transport Police Division in support of the Idling Restrictions for Commercial Diesel Vehicles program which at the end of a fiscal year does not lapse to the general fund, but is instead carried forward to the succeeding fiscal year.
<b>590.</b>	<b>56-35-60</b>	<b>Idling Restrictions for Commercial Diesel Vehicles</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (A) There is established by the State Treasurer a fund separate and distinct from the general fund and all other funds entitled the Diesel Idling Reduction Fund. Fifty dollars of the fines pursuant to this section must be credited to it and a balance in the fund at the end of a fiscal year does not lapse to the general fund but is instead carried forward to the succeeding fiscal year. The monies in the fund must be used only to cover costs associated with the idling awareness program operated by the Department of <del>Health and Environmental Control</del> <u>Services</u> . (B) The Department of <del>Health and Environmental Control</del> <u>Services</u> , as funds become available, may develop and operate an idling awareness program that promotes the benefits of idling reductions. The program must encourage businesses and vehicle operators to develop practices to reduce idling.
<b>591.</b>	<b>56-35-80</b>	<b>Idling Restrictions for Commercial Diesel Vehicles</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b>

			The Department of <del>Health and Environmental Control</del> <u>Services</u> may promulgate regulations to administer and enforce the provisions of this chapter.
592.	58-27-255 (A)(4) and (B)	Electric Utilities and Electric Cooperatives	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Coal combustion residuals that result from an electrical utility, an electric cooperative, a governmental entity, a corporation, or an individual producing electricity for sale or distribution by burning coal must be placed in a commercial Class 3 solid waste management landfill, unless the coal combustion residuals are: (1) located contiguous with the electric generating unit; (2) intended to be beneficially reused; (3) placed into beneficial reuse; or (4) placed in an appropriate landfill which meets the standards of the Department of <del>Health and Environmental Control</del> <u>Services</u> Regulation 61-107, and that is owned or operated by the entity that produced the electricity which resulted in the coal combustion residuals. (B) The "beneficial reuse" of coal combustion residuals, as used in this section, is subject to the applicable regulations as promulgated by the Department of <del>Health and Environmental Control</del> <u>Services</u> .
593.	58-33-140(1)(b)	Certification of Major Utility Facilities	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(1) The parties to a certification proceeding shall include: (a) the applicant; (b) the Office of Regulatory Staff, the Department of <del>Health and Environmental Control</del> <u>Services</u> , the Department of Natural Resources, and the Department of Parks, Recreation and Tourism; (c) each municipality and government agency entitled to receive service of a copy of the application under subsection (2) of Section 58-33-120 if it has filed with the commission a notice of intervention as a party within thirty days after the date it was served with a copy of the application; and (d) any person residing in a municipality entitled to receive service of a copy of the application under subsection (2) of Section 58-33-120, any domestic nonprofit organization, formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health, or other biological values, to preserve

			historical sites, to promote consumer interest, to represent commercial and industrial groups, or to promote the orderly development of the area in which the facility is to be located; or any other person, if such a person or organization has petitioned the commission for leave to intervene as a party, within thirty days after the date given in the published notice as the date for filing the application, and if the petition has been granted by the commission for good cause shown.
594.	59-1-380(D)	Education, Miscellaneous Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(D) The local school district shall collaborate with the Department of <u>Public Health and Environmental Control</u> , the Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education, as appropriate, to implement the policy, including as part of tobacco education and cessation programs and substance use prevention efforts.
595.	59-1-450	Education, Miscellaneous Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The State Board of Education, through the Department of Education and in consultation with the Education Oversight Committee, shall promulgate regulations for establishing parenting/family literacy programs to support parents in their role as the principal teachers of their preschool children. The programs must provide parent education to parents and guardians who have children ages birth through five years and who choose to participate in the programs and must include intensive and special efforts to recruit parents or guardians whose children are at risk for school failure. The program or programs also should include developmental screening for children and offer parents of children from birth through five years opportunities to improve their education if the parents do not possess a high school diploma or equivalent certificate.  The State Board of Education, through the Department of Education and after consultation with the Education Oversight Committee, shall promulgate regulations to implement parenting/family literacy programs in all school districts or consortia of school districts. Priority must be given to serving those parents whose children are considered at risk for school failure according to criteria established by the State Board of Education. From funds appropriated for the programs, an adequate

			<p>number of those parenting programs funded under the Target 2000 Act shall receive priority in funding for fiscal years 1993-94 and 1994-95 and must be funded at no less than the level received in fiscal year 1992-93 contingent upon their agreeing to provide technical assistance to other districts and schools planning and implementing parenting/family literacy programs in concert with the Department of Education's technical assistance process required in this chapter. Only those projects whose evaluations show them to be most effective may be selected based on criteria developed by the State Department of Education in consultation with the Education Oversight Committee.</p> <p>Beginning in fiscal year 1995-96 for districts with Target 2000 Act parenting programs and in fiscal year 1993-94 for all other school districts and district consortia, funding must be allocated to districts and consortia serving more than two thousand pupils on a base amount of not less than forty thousand dollars with any additional appropriation to be distributed based on the number of free and reduced-price lunch-eligible students in grades one through three in a district or consortium relative to the total free and reduced-price lunch-eligible students in grades one through three in the State. The programs developed in each district and consortium may draw upon lessons learned from parenting programs funded under this section. The State Board of Education, through the Department of Education, in developing the regulations for this program shall consult with representatives of the Department of <del>Public Health and Environmental Control</del>, Department of Social Services, the South Carolina State Library, and Health and Human Services Finance Commission, and with adult education and early childhood specialists. In developing the regulations, the State Board and State Department of Education shall consider the guidelines developed for the Target 2000 Act parenting programs and any available evaluation data.</p> <p>By December, 1993, the chairman of the Human Services Coordinating Council shall convene a committee consisting of supervisors of programs dealing with early childhood and parenting from the Department of Education, Department of <del>Public Health and Environmental Control</del>, the Department of Social Services, the South Carolina State Library, and the Health and Human Services Finance Commission; at least one representative from each of these agencies who administer these programs at the county and district level; and adult education and early childhood specialists. The Executive Director of the Finance Commission shall chair this committee. By July 1, 1994, this committee shall report to the Education Oversight Committee and the Joint Committee on Children ways to better coordinate programs for parenting and literacy and recommend changes to each agency's state regulations or provisions of law which would better promote coordination of</p>
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			programs. The Department of <del>Public Health and Environmental Control</del> , the Department of Social Services, and the Health and Human Services Finance Commission shall direct their employees at the county and district levels to cooperate with school district officials in establishing parenting/family literacy programs.
596.	59-31-330	State Rental System	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The State Board of Education, in conjunction with the Department of <del>Public Health and Environmental Control</del> , shall adopt rules and regulations governing the fumigation or disposal of textbooks from quarantined homes and for the regular disinfection of all textbooks used in the public schools of the State.
597.	59-32-10(5)	Comprehensive Health Education Program	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(5) "Local school board" means the governing board of public school districts as well as those of other state-supported institutions which provide educational services to students at the elementary and secondary school level. For purposes of this chapter, programs or services provided by the Department of <del>Public Health and Environmental Control</del> in educational settings must be approved by the local school board.
598.	59-32-30(A)(1)	Comprehensive Health Education Program	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) Pursuant to guidelines developed by the board, each local school board shall implement the following program of instruction: (1) Beginning with the 1988-89 school year, for grades kindergarten through five, instruction in comprehensive health education must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, and mental and emotional health. Sexually transmitted diseases as defined in the annual Department of <del>Public Health and Environmental Control</del> List of Reportable Diseases are to be excluded from instruction on the prevention and

			<p>control of diseases and disorders. At the discretion of the local board, age-appropriate instruction in reproductive health may be included.</p> <p>(2) Beginning with the 1988-1989 school year, for grades six through eight, instruction in comprehensive health must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, mental and emotional health, and reproductive health education. Sexually transmitted diseases are to be included as a part of instruction. At the discretion of the local board, instruction in family life education or pregnancy prevention education or both may be included, but instruction in these subjects may not include an explanation of the methods of contraception before the sixth grade. Beginning with the 2016-2017 school year, for grades six through eight, instruction in comprehensive health education also must include the subject of domestic violence.</p> <p>(3) Beginning with the 1989-90 school year, at least one time during the four years of grades nine through twelve, each student shall receive instruction in comprehensive health education, including at least seven hundred fifty minutes of reproductive health education and pregnancy prevention education.</p> <p>(4) The South Carolina Educational Television Commission shall work with the department in developing instructional programs and materials that may be available to the school districts. Films and other materials may be designed for the purpose of explaining bodily functions or the human reproductive process. These materials may not contain actual or simulated portrayals of sexual activities or sexual intercourse.</p> <p>(5) The program of instruction provided for in this section may not include a discussion of alternate sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning sexually transmitted diseases.</p> <p>(6) In grades nine through twelve, students must also be given appropriate instruction that adoption is a positive alternative.</p> <p>(7) At least one time during the entire four years of grades nine through twelve, each student shall receive instruction in cardiopulmonary resuscitation (CPR), which must include, but not be limited to, hands-only CPR and must include awareness in the use of an automated external defibrillator (AED). Each school district shall use a program that incorporates the instruction of the psychomotor skills necessary to perform CPR developed by the American Heart Association, the American Red Cross, or an instructional program that is nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for CPR</p>
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			and awareness in the use of an AED. Local and statewide school districts shall coordinate with entities that have the experience and necessary equipment for the instruction of CPR and awareness in the use of AEDs; provided, however, that virtual schools may administer the instruction virtually and are exempt from any in-person instructional requirements. A school district must adopt a policy providing a waiver for this requirement for a student absent on the day the instruction occurred, a student with a disability whose individualized education program indicates such student is unable to complete all or a portion of the hands-only CPR requirement, or a student whose parent or guardian completes, in writing, a form approved by the school district opting out of hands-only CPR instruction and AED awareness. The State Board of Education shall incorporate CPR training and AED awareness into the South Carolina Health and Safety Education Curriculum Standards and promulgate regulations to implement this section.
599.	59-36-20(A)	Preschool Programs for Children with Disabilities	<p><b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> (A) The State Board of Education and the State Department of Education are responsible for establishing a comprehensive system of special education and related services and for ensuring that the requirements of the Federal Individuals with Disabilities Education Act are carried out. Other state agencies which provide services for children with disabilities are directed to cooperate in the establishment and support of the system. Agencies with responsibilities under this chapter include: the Department of Mental Retardation, the School for the Deaf and the Blind, the Commission for the Blind, the Department of <u>Public Health and Environmental Control</u>, the Department of Mental Health, the State Department of Social Services, Continuum of Care, and the State Department of Education.</p>
600.	59-47-10	School for the Deaf and the Blind	<p><b>Recommendation + Explanation:</b> Amend Executive Officer name and Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b> The Board of Commissioners of the South Carolina School for the Deaf and the Blind shall consist of eleven members appointed by the Governor for terms of six years and until their successors are appointed and qualify. Each congressional district must be represented by one board member, who must be a resident of that district, and four members must be appointed at large from the State. Of the members appointed at large, one must be deaf, one must be blind, one must represent the</p>

			interests of persons with multiple handicaps, and one shall represent the general public. Vacancies must be filled in the manner of the original appointment for the remainder of the unexpired term. The State Superintendent of Education and the <del>Executive Officer</del> <b>Director</b> of the Department of <u>Public Health and Environmental Control</u> are ex officio members of the board.
<b>601.</b>	<b>59-63-75 (A) and (D)(4)</b>	<b>Pupils Generally, General Provisions</b>	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The South Carolina Department of <u>Public Health and Environmental Control</u> , in consultation with the State Department of Education, shall post on its website nationally recognized guidelines and procedures regarding the identification and management of suspected concussions in student athletes. The Department of <u>Public Health and Environmental Control</u> also shall post on its website model policies that incorporate best practices guidelines for the identification, management, and return to play decisions for concussions reflective of current scientific and medical literature developed by resources from or members of sports medicine community organizations including, but not limited to, the Brain Injury Association of South Carolina, the South Carolina Medical Association, the South Carolina Athletic Trainer's Association, the National Federation of High Schools, the Centers for Disease Control and Prevention, and the American Academy of Pediatrics. Guidelines developed pursuant to this section apply to South Carolina High School League-sanctioned events. (B) A local school district shall develop guidelines and procedures based on the model guidelines and procedures referenced in subsection (A). (C) Each year prior to participation in athletics, each school district shall provide to all coaches, volunteers, student athletes, and their parents or legal guardian, an information sheet on concussions which informs of the nature and risk of concussion and brain injury, including the risks associated with continuing to play after a concussion or brain injury. The parent or legal guardian's receipt of the information sheet must be documented in writing or by electronic means before the student athlete is permitted to participate in an athletic competition or practice. (D)(1) If a coach, athletic trainer, official, or physician suspects that a student athlete, under the control of the coach, athletic trainer, official, or physician, has sustained a concussion or brain injury in a practice or in an athletic competition, the student athlete shall be removed from practice or competition at that time. (2) A student athlete who has been removed from play may return to play if, as a

			<p>result of evaluating the student athlete on site, the athletic trainer, physician, physician assistant pursuant to scope of practice guidelines, or nurse practitioner pursuant to a written protocol determines in his best professional judgment that the student athlete does not have any signs or symptoms of a concussion or brain injury.</p> <p>(3) A student athlete who has been removed from play and evaluated and who is suspected of having a concussion or brain injury may not return to play until the student athlete has received written medical clearance by a physician.</p> <p>(4) In addition to posting information regarding the recognition and management of concussions in student athletes, the Department of <del>Public Health and Environmental Control</del>, in consultation with health care provider organizations, shall post on its website continuing education opportunities in concussion evaluation and management available to providers making such medical determinations. Such information must be posted by the department upon receipt from a participating health care organization.</p> <p>(5) The athletic trainer, physician, physician assistant, or nurse practitioner who evaluates the student athlete during practice or an athletic competition and authorizes the student athlete to return to play is not liable for civil damages resulting from an act or omission in rendering this decision, other than acts or omissions constituting gross negligence or wilful, wanton misconduct. This immunity applies to an athletic trainer, physician, physician assistant, or nurse practitioner serving as a volunteer.</p> <p>(E) For purposes of this section:</p> <p>(1) "Physician" is defined in the same manner as provided in Section 40-47-20(35).</p> <p>(2) "Student athlete" includes cheerleaders.</p>
602.	59-63-95 (A)(3), (A)(5), (B), (C)(3), (E), (H)(1), and (I)	Pupils Generally, General Provisions	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>(A) As used in this section, and unless the specific context indicates otherwise:</p> <p>(1) "Administer" means the direct application of a lifesaving medication into the body of a person.</p> <p>(2) "Advanced practice registered nurse" means a registered nurse prepared for an advanced practice registered nursing role by virtue of the additional knowledge gained through an advanced formal education program in a specialty area pursuant to Chapter 33, Title 40.</p> <p>(3) "Designated school personnel" means an employee, agent, or volunteer of a school designated by the governing authority of the school district or the governing</p>

			<p>authority of the private school who has completed the training required in accordance with the guidelines of the Department of <del>Public Health and Environmental Control</del> to provide for or administer a lifesaving medication to a student or other individual on a school premises or attending a school function.</p> <p>(4) "Governing authority of a school" means the board of trustees of a school district or the board of trustees of a private school.</p> <p>(5) "Lifesaving medication" means any prescription medication that can be administered to a person experiencing a medical emergency. The Department of <del>Public Health and Environmental Control</del>, in consultation with the Department of Education, will publish a list of lifesaving medications that can be administered by designated school personnel in response to a medical emergency pursuant to this section and shall publish training guidelines for the administration of such lifesaving medications.</p> <p>(6) "Participating governing authorities" means governing authorities of school districts and governing authorities of private schools that authorize schools to maintain a supply of lifesaving medications and to provide and administer lifesaving medications to students and other people on a school premises or attending a school function pursuant to subsections (B) and (C).</p> <p>(7) "Physician" means a doctor of medicine licensed by the South Carolina Board of Medical Examiners pursuant to Article 1, Chapter 47, Title 40.</p> <p>(8) "Physician assistant" means a health care professional licensed to assist with the practice of medicine with a physician supervisor pursuant to Article 7, Chapter 47, Title 40.</p> <p>(9) "Provide" means to supply one or more lifesaving medications to a student or other person on a school premises or attending a school function.</p> <p>(10) "School" means a public or private school.</p> <p>(11) "Self-administration" means a student or other person's discretionary use of lifesaving medication, whether provided by the student or the other person or by a school nurse or other designated school personnel pursuant to this section.</p> <p>(B) Notwithstanding another provision of law, a physician, including the Director of <del>Public Health</del> for the Department of <del>Public Health and Environmental Control</del> pursuant to subsection (I); an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40-33-34; and a physician assistant licensed to prescribe medication pursuant to Sections 40-47-955 through 40-47-965 may prescribe lifesaving medications maintained in the name of a school for use in accordance with subsection (D). Notwithstanding another provision of law, licensed pharmacists and physicians may dispense lifesaving medications in accordance with a prescription issued pursuant to this subsection. Notwithstanding another provision</p>
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			<p>of law, a school may maintain a stock supply of lifesaving medications in accordance with a prescription issued pursuant to this subsection. For the purposes of administering and storing lifesaving medications, schools are not subject to Chapter 43, Title 40 or Chapter 99 of the South Carolina Code of State Regulations.</p> <p>(C) The governing authority of a school district or private school may authorize school nurses and other designated school personnel to:</p> <ul style="list-style-type: none"> <li>(1) provide a lifesaving medication to a student in accordance with a prescription specific to the student that is on file with the school;</li> <li>(2) administer a lifesaving medication to a student in accordance with a prescription specific to the student on file with the school;</li> <li>(3) administer a lifesaving medication to a student or other person on a school premises whom the school nurse or other designated school personnel believes in good faith is experiencing a medical emergency, in accordance with a standing protocol of a physician, including the Director of <del>Public Health</del> for the Department of <del>Public Health and Environmental Control</del> pursuant to subsection (I); an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40-33-34; or a physician assistant licensed to prescribe medication pursuant to Sections 40-47-955 through 40-47-965, regardless of whether the student or other person has a prescription for a lifesaving medication.</li> </ul> <p>(D) The governing authority of a school district or the governing authority of a private school may enter into arrangements with manufacturers of lifesaving medications or third-party suppliers of lifesaving medications to obtain lifesaving medications at fair-market, free, or reduced prices.</p> <p>(E) Participating governing authorities, in consultation with the State Department of Education and the Department of <del>Public Health and Environmental Control</del>, shall implement a plan for the management of students with life-threatening allergies or medical emergencies enrolled in the schools under their jurisdiction. The plan must include, but need not be limited to:</p> <ul style="list-style-type: none"> <li>(1) education and training for school personnel on the management of students with life-threatening allergies or medical emergencies, including training related to the administration of lifesaving medications, techniques on how to recognize symptoms of severe allergic reactions or medical emergencies, including anaphylaxis, and the standards and procedures for the storage and administration of lifesaving medications;</li> <li>(2) procedures for responding to life-threatening allergic reactions and medical emergencies, including emergency follow-up procedures; and</li> <li>(3) a process for the development of individualized health care and allergy action plans for every student with a known life-threatening allergy.</li> </ul>
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			<p>(F) Participating governing authorities shall make the plan developed pursuant to subsection (E) available on the websites of the school district and private school governing authorities and on the websites of schools; however, if a school does not have a website, make the plan publicly available through other practicable means as determined by participating governing authorities.</p> <p>(G) This section applies only to participating governing authorities.</p> <p>(H)(1) A school, school district, school district governing authority, private school governing authority, the Department of <del>Public Health and Environmental Control</del>, the State Department of Education, and employees, volunteers, and other agents of all of those entities including, but not limited to, a physician, advanced practice registered nurse, physician assistant, pharmacist, school nurse, and other designated school personnel, who undertake an act under this section, are not subject to civil or criminal liability for damages caused by injuries to a student or another person resulting from the administration or self-administration of a lifesaving medication, regardless of whether:</p> <ul style="list-style-type: none"> <li>(a) the student's parent or guardian, or a physician, advanced practice registered nurse, or physician assistant, authorized the administration or self-administration; or</li> <li>(b) the other person to whom a school nurse or other designated school personnel provides or administers a lifesaving medication gave authorization for the administration.</li> </ul> <p>(2) The immunity granted pursuant to item (1) applies to individuals and entities who:</p> <ul style="list-style-type: none"> <li>(a) develop or implement, or participate in the development or implementation of, a plan, pursuant to subsection (E), including, but not limited to, providing training to school nurses and other designated school personnel;</li> <li>(b) make publicly available a plan, pursuant to subsection (F);</li> <li>(c) prescribe lifesaving medications, pursuant to subsection (B);</li> <li>(d) dispense lifesaving medications, pursuant to subsection (B);</li> <li>(e) provide lifesaving medications to students or other people for self-administration, pursuant to subsection (C); or</li> <li>(f) administer lifesaving medications to students or other people, pursuant to subsection (C).</li> </ul> <p>(3) The immunity granted pursuant to this subsection:</p> <ul style="list-style-type: none"> <li>(a) does not apply to acts or omissions constituting gross negligence or wilful, wanton, or reckless conduct; and</li> <li>(b) is in addition to, and not in lieu of, immunity provided pursuant to Sections 15-1-310, 15-78-10, and any other provisions of law.</li> </ul>
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			<p>(4) The administration of lifesaving medications pursuant to this section is not the practice of medicine or nursing.</p> <p>(I) Notwithstanding another provision of law, the Director of <del>Public Health</del> for the Department of <del>Public Health and Environmental Control</del> is authorized to issue a standing order for the prescription of lifesaving medication on a schoolwide basis under conditions that he determines are in the best interests of this State and in furtherance of this section. In the event the current director of <u>the department of public health</u> is not a physician, the department may appoint a designee if he is a physician as defined in subsection (A)(7).</p>
603.	59-111-510	Medical and Dental Loans	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The Department of <del>Public Health and Environmental Control</del> , hereinafter referred to as "the Department", shall aid, assist, promote, and administer a fund to be known as "The South Carolina Medical and Dental Loan Fund" with sums as may be appropriated by the General Assembly.
604.	59-111-540	Medical and Dental Loans	<b>Recommendation + Explanation:</b>
			Amend chairman name and delete executive secretary reference to conform with Act 60.
			<b>Suggested Revision:</b>
			Before being granted a loan each applicant shall enter into a contract with the Department, which is considered a contract with the State of South Carolina agreeing to the terms and conditions upon which the loan is granted to him. The contract shall include such terms and provisions as shall carry out the purpose and intent of Section 59-111-530. The contract must be signed by the <del>chairman</del> <u>Director</u> of the Department, <del>countersigned by the executive secretary of the Department</del> , and signed by the applicant.
605.	59-111-570	Medical and Dental Loans	<b>Recommendation + Explanation:</b>
			Amend chairman name and delete executive secretary reference to conform with Act 60.
			<b>Suggested Revision:</b>

			The funds appropriated for the purposes of this article and all sums received in repayment of loans must be placed in the State Treasury to the credit of The South Carolina Medical and Dental Loan Fund. Loan payments must be paid out of this fund upon a voucher to the State Comptroller General signed by the <del>chairman and the executive secretary</del> <u>Director</u> of the Department.
606.	59-111-720(A)	Environmental Scholars Endowment Fund	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is created the Environmental Scholars Endowment Fund, known as "the fund", which must be separate and distinct from the general fund of the State. The fund must be financed through the collection and deposit of fines and penalty assessments levied by the South Carolina Department of <del>Health and Environmental Control Services</del> pursuant to the State Safe Drinking Water Act, Sections 44-55-10, et seq., the South Carolina Hazardous Waste Management Act, Sections 44-56-10, et seq., low-level radioactive waste fines pursuant to Sections 48-48-10, et seq., and the South Carolina Pollution Control Act, Sections 48-1-10, et seq. However, the portion of the Pollution Control Act fines distributed to the counties pursuant to Section 48-1-350 must not be placed into the fund.
607.	59-123-125	The Medical University of South Carolina	<b>Recommendation + Explanation:</b>
			Amend Commissioner name and Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			The funds appropriated to the Medical University of South Carolina for the "Rural Physician Program" shall be administered by the South Carolina Area Health Education Consortium physician recruitment office. The Medical University of South Carolina shall be responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered to. A board is hereby created to manage and allocate these funds in the best interests of the citizens of South Carolina. The board shall be composed of the following: the Executive Director, or his designee, of the South Carolina Primary Care Association; the Dean, or his designee, of the University of South Carolina School of Medicine; the Executive Director, or his designee, of the South Carolina Medical Association; two representatives from rural health care settings, one to be appointed by the Chairman of the Senate Medical Affairs Committee and one to be appointed by the Chairman of the House Medical, Military, Public and Municipal Affairs Committee; the <del>Commissioner</del> <u>Director</u> , or his designee,

			of the Department of <del>Public Health and Environmental Control</del> ; the Commissioner, or his designee, of the South Carolina Hospital Association; the Commissioner, or his designee, of the Commission on Higher Education; and the Director, or his designee, of the Department of Health and Human Services. The Chairman, with the concurrence of the board, shall appoint three at-large members with two representing nursing and one representing allied health services in South Carolina.
608.	59-152-60 (C)(3)(b)	South Carolina First Steps to School Readiness	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(C) In accordance with the bylaws established by the board of trustees, each local partnership board shall maintain a total minimum membership of twelve and a maximum membership of thirty elected, appointed, and designated individuals. Elected and appointed members shall comprise a voting majority of the board.</p> <p>(1) No more than four from any of the following categories may be elected to sit on a First Steps Partnership Board:</p> <ul style="list-style-type: none"> <li>(a) prekindergarten through primary educator;</li> <li>(b) family education, training, and support provider;</li> <li>(c) childcare or early childhood development/education provider;</li> <li>(d) healthcare provider;</li> <li>(e) local government;</li> <li>(f) nonprofit organization that provides services to families and children;</li> <li>(g) faith community;</li> <li>(h) business community;</li> <li>(i) philanthropic community; and</li> <li>(j) parents of preschool children.</li> </ul> <p>(2) To assure that all areas of the county or multicounty region are adequately represented and reflect the diversity of the coverage area, each county legislative delegation may appoint up to four members to a local partnership board. Of these members, two are appointed by the Senate members and two by the House of Representative members of the delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school.</p> <p>(3) Each of the following entities located within a particular First Steps Partnership coverage area shall designate one member to serve as a member of the local First Steps Partnership Board:</p> <ul style="list-style-type: none"> <li>(a) county department of social services;</li> </ul>

			<p>(b) county department of <del>public health and environmental control</del>;</p> <p>(c) Head Start or early Head Start;</p> <p>(d) county library; and</p> <p>(e) each of the school districts in the county.</p>
609.	61-4-220	Beer, Ale, Porter, and Wine, General Provisions	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>A restaurant with a Class A or B license issued by the Department of <del>Health and Environmental Control (DHEC)</del><u>Agriculture</u> may serve food or beverages at its adjoining facilities located outside the restaurant if the food is prepared in a kitchen of the restaurant which is subject to inspection by <del>DHEC</del><u>the Department of Agriculture</u> and is placed on individual plates or in individual serving dishes inside the restaurant, and if uncovered containers in which the beverages are served are filled only to satisfy the order of a customer.</p>
610.	61-4-1515 (B)(1) and (2)	Construction and Operation of Breweries and Wineries	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(B)(1) In addition to the sales provisions set forth in subsection (A), a brewery permitted in this State is authorized to sell beer produced on its permitted premises to consumers on site for on-premises consumption within an area of its permitted and licensed premises approved by the rules and regulations of the Department of <del>Health and Environmental Control</del><u>Agriculture</u> governing eating and drinking establishments and other food service establishments. These establishments also may apply for a retail on-premises consumption permit for the sale of beer and wine not produced on the licensed premises that has been purchased from a wholesaler through the three-tier distribution chain set forth in Section 61-4-735 and Section 61-4-940.</p> <p>(2) In addition to a retail on-premises consumption permit for the sale of beer and wine as authorized in this subsection, a brewery that has a Department of <del>Health and Environmental Control</del><u>Agriculture</u> approved and licensed food establishment on its premises as provided in subsection (B)(1) may apply for a license to sell alcoholic liquor by the drink for on-premises consumption within a specified area of its licensed or permitted premises physically partitioned from the brewing operation and designated for the purpose of engaging substantially and primarily in the preparation and serving of meals. The brewery must:</p> <p>(a) maintain compliance with all provisions of Section 61-6-1610 and all other</p>

			<p>provisions of Chapter 6 regulating the purchase and sale by food establishments of alcoholic liquor by the drink for on-premises consumption not inconsistent with other provisions of this section;</p> <p>(b) not sell or allow the consumption of alcoholic liquor by the drink on that part of the brewery's premises designated and permitted for the brewing operation;</p> <p>(c) maintain the books, records, and bank accounts of the restaurant operation separately from the books, records, and bank accounts of the brewing operation, and allocate expenses common to both operations in a manner the brewery considers reasonable, when applicable; and</p> <p>(d) maintain a physical partition between the brewing and food establishment operations. The physical partition may be a permanent wall or a divider permanently affixed to the premises in a manner that the general public may not freely enter the brewing operation, and may contain a door or doors which remain locked during hours when the brewery is not in operation.</p>
611.	61-4-1750	Brewpubs	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>SECTION 61-4-1750. Compliance with <del>DHEC</del>Department of Agriculture rules and regulations.</p> <p>No person holding a brewpub permit may sell beer, ale, porter, or other similar malt or fermented beverages on draft, on tap, from kegs, or from other containers unless approved by the rules and regulations of the Department of <del>Health and Environmental Control</del>Agriculture governing eating and drinking establishments and other retail food establishments.</p>
612.	61-6-1610(H)	Regulation of Alcoholic Liquors, Biennial Licenses and Licensees	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>(H) An establishment licensed pursuant to the provisions of Section 61-6-20(2) as a business that is bona fide engaged primarily and substantially in the preparation and serving of meals is authorized to continue to operate as the licensed establishment so long as the licensed establishment maintains a Grade A retail food establishment permit from the Department of <del>Health and Environmental Control</del>Agriculture. Upon notice by the Department of <del>Health and Environmental Control</del>Agriculture to the licensed establishment and to the Department of Revenue that the retail food establishment permit has been reduced to a grade below Grade A, the licensed</p>

			establishment has thirty days within which to request a subsequent inspection by the Department of <del>Health and Environmental Control</del> <u>Agriculture</u> . If a subsequent inspection is not requested within thirty days after the reduction in a grade below Grade A, or the subsequent inspection results in a grade below Grade A, then the Department of Revenue shall suspend the license of the licensed establishment until the Department of <del>Health and Environmental Control</del> <u>Agriculture</u> issues a Grade A retail food establishment permit.
613.	61-6-2410	Regulation of Alcoholic Liquors, Miscellaneous Provisions	<b>Recommendation + Explanation:</b>
			Amend to the Department of Agriculture to conform with Act 60.
			<b>Suggested Revision:</b>
			A restaurant with a Class A license issued by the Department of <del>Health and Environmental Control (DHEC)</del> <u>Agriculture</u> may serve food or beverages at its adjoining facilities located outside the restaurant if the food is prepared in a kitchen of the restaurant which is subject to inspection by <del>DHEC</del> <u>the Department of Agriculture</u> and is placed on individual plates or in individual serving dishes inside the restaurant, and if uncovered containers in which the beverages are served are filled only to satisfy the order of a customer.
614.	62-1-302 (a)(4)	South Carolina Probate Code	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(a) To the full extent permitted by the Constitution, and except as otherwise specifically provided, the probate court has exclusive original jurisdiction over all subject matter related to: <ul style="list-style-type: none"> <li>(1) estates of decedents, including the contest of wills, construction of wills, determination of property in which the estate of a decedent or a protected person has an interest, and determination of heirs and successors of decedents and estates of protected persons, except that the circuit court also has jurisdiction to determine heirs and successors as necessary to resolve real estate matters, including partition, quiet title, and other actions pending in the circuit court;</li> <li>(2) subject to Part 7, Article 5: <ul style="list-style-type: none"> <li>(i) protective proceedings and guardianship proceedings under Article 5;</li> <li>(ii) gifts made pursuant to the South Carolina Uniform Transfers to Minors Act under Article 6, Chapter 5, Title 63;</li> <li>(iii) matters involving the establishment, administration, or termination of a special needs trust for disabled individuals;</li> </ul> </li> </ul>

			<p>(3) trusts, inter vivos or testamentary, including the appointment of successor trustees;</p> <p>(4) the issuance of marriage licenses, in form as provided by the Bureau of Vital Statistics of the Department of <del>Public Health and Environmental Control</del>; record, index, and dispose of copies of marriage certificates; and issue certified copies of the licenses and certificates;</p> <p>(5) the performance of the duties of the clerk of the circuit and family courts of the county in which the probate court is held when there is a vacancy in the office of clerk of court and in proceedings in eminent domain for the acquisition of rights of way by railway companies, canal companies, governmental entities, or public utilities when the clerk is disqualified by reason of ownership of or interest in lands over which it is sought to obtain the rights of way; and</p> <p>(6) the involuntary commitment of persons suffering from mental illness, intellectual disability, alcoholism, drug addiction, and active pulmonary tuberculosis.</p>
615.	63-1-50(A)	South Carolina Children's Code, State Policy and General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is established the Joint Citizens and Legislative Committee on Children to be composed of three members of the House of Representatives appointed by the Speaker of the House, three members of the Senate to be appointed by the President of the Senate, and three members to be appointed by the Governor. The Director of the Department of Juvenile Justice, the Director of the Department of Social Services, the Director of the Department of Disabilities and Special Needs, the Superintendent of the Department of Education, the Director of the Department of Mental Health, the Director of the Department of Alcohol and Other Drug Abuse Services, the Director of the Department of <del>Public Health and Environmental Control</del> , the Director of the Department of Health and Human Services, and the Director of the Office of South Carolina First Steps to School Readiness serve as ex officio, nonvoting members of the committee. Members appointed by the Governor must not be employees of the State. Members serve at the pleasure of the appointing authority. The committee shall study issues relating to children as the committee may undertake or as may be requested or directed by the General Assembly. The committee may contract for all necessary legal research and support services, subject to funding as provided in subsection (E).
616.	63-7-1210(D)		<b>Recommendation + Explanation:</b>

		<b>Institutional Abuse and Neglect</b>	Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (D) The Department of Social Services must investigate an allegation of abuse or neglect of a child where the child is in the custody of or a resident of a residential treatment facility or intermediate care facility for persons with intellectual disability licensed by the Department of <del>Public Health and Environmental Control</del> or operated by the Department of Mental Health.
617.	63-9-730(B)(4)	<b>South Carolina Adoption Act, Judicial Procedures</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (B) The following persons or agencies are entitled to notice as provided in subsection (A): (1) a person adjudicated by a court in this State to be the father of the child; (2) a person or agency required to give consent or relinquishment pursuant to Section 63-9-310(A) or (B) from whom consent or relinquishment cannot be obtained; (3) a person who has properly registered with the Responsible Father Registry at the time of the filing of the petition for termination of parental rights or adoption; (4) a person who is recorded on the child's birth certificate as the child's father. The Department of <del>Public Health and Environmental Control</del> shall release this information to any attorney representing a party in an adoption or termination of parental rights action pursuant to a subpoena; (5) a person who is openly living with the child or the child's mother, or both, at the time the proceeding is initiated and who is holding himself out to be the child's father; (6) a person who has been identified as the child's father by the mother in a sworn, written statement; and (7) a person from whom consent or relinquishment is not required pursuant to Section 63-9-320(A)(2).
618.	63-9-910(C)	<b>South Carolina Adoption Act, Foreign Adoptions</b>	<b>Recommendation + Explanation:</b> Amend Department name to conform with Act 60. <b>Suggested Revision:</b> (C) Court administration in consultation with the Department of <del>Public Health and Environmental Control</del> shall develop petition forms, including documentation required to be filed with the petition, and guidelines for obtaining the domestication



			of a foreign adoption. These forms and guidelines must be available to the public upon request at all county clerks of court offices and at Department of <u>Public Health and Environmental Control</u> offices.
<b>619.</b>	<b>63-11-1720 (C)(6)(b)</b>	<b>First Steps to School Readiness Board of Trustees</b>	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(C) The board shall include members appointed in the following manner: (1) the Governor shall appoint one member from each of the following sectors: (a) parents of young children; (b) business community; (c) early childhood educators; (d) medical providers; (e) child care and development providers; and (f) the General Assembly, one member from the Senate and one member from the House of Representatives; (2) the President of the Senate shall appoint one member from each of the following sectors: (a) parents of young children; (b) business community; (c) early childhood educators; and (d) medical or child care and development providers; (3) the Speaker of the House of Representatives shall appoint one member from each of the following sectors: (a) parents of young children; (b) business community; (c) early childhood educators; and (d) medical or child care and development; (4) the Chairman of the Senate Education Committee or his designee; (5) the Chairman of the House Education and Public Works Committee or his designee; and (6) the chief executive officer of each of the following shall serve as an ex officio voting member: (a) Department of Social Services; (b) Department of <u>Public Health and Environmental Control</u> ; (c) Department of Health and Human Services; (d) Department of Disabilities and Special Needs;

			(e) State Head Start Collaboration Officer; and (f) Children's Trust of South Carolina.
620.	63-11-1930(A)(2)	Department of Child Fatalities and The State Child Fatality Advisory Committee	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) There is created a State Child Fatality Advisory Committee composed of: (1) the Director of the South Carolina Department of Social Services; (2) the Director of the South Carolina Department of <u>Public Health and Environmental Control</u> ; <del>and Environmental Control</del> ; (3) the State Superintendent of Education; (4) the Executive Director of the South Carolina Criminal Justice Academy; (5) the Chief of the State Law Enforcement Division; (6) the Director of the Department of Alcohol and Other Drug Abuse Services; (7) the Director of the State Department of Mental Health; (8) the Director of the Department of Disabilities and Special Needs; (9) the Director of the Department of Juvenile Justice; (10) the Chief Executive Officer of the Children's Trust of South Carolina; (11) one senator to be appointed by the President of the Senate; (12) one representative to be appointed by the Speaker of the House of Representatives; (13) an attorney with experience in prosecuting crimes against children; (14) a county coroner or medical examiner; (15) a board certified or eligible for board certification child abuse pediatrician, appointed from recommendations submitted by the State Chapter of the American Academy of Pediatrics; (16) a solicitor; (17) a forensic pathologist; (18) two members of the public at large, one of whom shall represent a private nonprofit organization that advocates children services; and (19) the State Child Advocate.
621.	63-11-2240(A)	Department of Children's Advocacy	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The State Child Advocate is responsible for ensuring that children receive adequate protection and care from services or programs offered by the Department

			of Social Services, the Department of Mental Health, the Department of Health and Human Services, the Department of Juvenile Justice, the Department of <del>Public Health and Environmental Control</del> , the Department of Disabilities and Special Needs, the John de la Howe School, the Wil Lou Gray Opportunity School, and the School for the Deaf and the Blind.
622.	63-11-2290(B)(4)	Department of Children's Advocacy	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(B) The following agencies must post the toll-free public telephone number and the web address of the department's electronic complaint submission form prominently in clear view of all employees and the public and in a conspicuous location on the agency's website: (1) Department of Social Services; (2) Department of Mental Health; (3) Department of Juvenile Justice; (4) Department of <del>Public Health and Environmental Control</del> ; (5) Department of Health and Human Services; (6) Department of Disabilities and Special Needs; (7) John de la Howe School; (8) School for the Deaf and the Blind; and (9) Wil Lou Gray Opportunity School.
623.	63-13-80(A)	Childcare Facilities, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) In exercising the powers of licensing, approving, renewing, revoking, or making provisional licenses and approvals, the department shall investigate and inspect licensees and approved operators and applicants for a license or an approval. The authorized representative of the department may visit a childcare center, group childcare home, or family childcare home anytime during the hours of operation without prior notice once a year for purposes of investigations and inspections. In conducting investigations and inspections, the department may call on political subdivisions and governmental agencies for appropriate assistance within their authorized fields. The inspection of the health and fire safety of childcare centers and group childcare homes must be completed upon the request of the department by the appropriate agencies (i.e., Department of <del>Public Health and Environmental</del>

			Control, the Office of the State Fire Marshal, or local authorities). Inspection reports completed by state agencies and local authorities must be furnished to the department and become a part of its determination of conformity for licensing and approval. After careful consideration of the reports and consultation where necessary, the department shall assume responsibility for the final determination of licensing, approving, renewing, revoking, or making provisional licenses and approvals. However, upon receipt of a regulatory complaint, the department shall conduct an unannounced inspection of the facility to investigate the complaint. If the complaint is written, the department shall provide a copy to the director upon request.
624.	63-13-180(A)(1)	Childcare Facilities, General Provisions	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The department shall with the advice and consent of the Advisory Committee develop and promulgate regulations depending upon the nature of services to be provided for the operation and maintenance of childcare centers and group childcare homes. The department with the advice of the Advisory Committee shall develop suggested standards which shall serve as guidelines for the operators of family childcare homes and the parents of children who use the service. In developing these regulations and suggested standards, the department shall consult with: <ul style="list-style-type: none"> <li>(1) Other state agencies, including the <del>State</del> Department of <u>Public Health and Environmental Control</u>, the Office of the State Fire Marshal, and the Office of the Attorney General.</li> <li>(2) Parents, guardians, or custodians of children using the service.</li> <li>(3) Child advocacy groups.</li> <li>(4) The State Advisory Committee on the Regulation of Childcare Facilities established by this chapter.</li> <li>(5) Operators of childcare facilities from all sectors.</li> <li>(6) Professionals in fields relevant to childcare and development.</li> <li>(7) Employers of parents, guardians, or custodians of children using the service.</li> </ul> Draft formulations must be widely circulated for criticism and comment.
625.	63-17-70(C)	Paternity and Child Support, Paternity	<b>Recommendation + Explanation:</b>
			Amend Department name to conform with Act 60.
			<b>Suggested Revision:</b>

			(C) Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to subsection (A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of <u>Public Health and Environmental Control</u> showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of <u>Public Health and Environmental Control</u> .
626.	(New Provision)	(Pending Decisions Before the DHEC Board)	<b>Recommendation + Explanation:</b>
			DHEC has recommended adding a provision in a new bill to specify what happens to pending decisions before the Board on the date the Board dissolves.
			<b>Suggested Provision:</b>
			<u>Any staff decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions for which a review is pending before the DHEC Board on June 30, 2024, notwithstanding any other provision of law, automatically becomes a final agency decision on July 1, 2024, and an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the department decision may request a contested case hearing before the Administrative Law Court until July 31, 2024.</u>

## Section 2

### Other Recommended Changes to Public Health and Environmental Related Statutes

Item No.	Code Section	Act or Article Name	Recommendation
1.	3-5-140	Grants of Perpetual Rights and Easements to United States for Development of Waterways,	<b>Recommendation + Explanation:</b> DHEC has recommended deleting the reference to the Coastal Zone Management Appellate Panel. The statute that created the Coastal Zone Management Appellate Panel, S.C. Code § 48-39-40, was repealed by 2018 Act No. 167, § 1, eff May 3, 2018.

		<p><b>Winyah Bay to South, Ashley and Shipyard Rivers</b></p>	<p><b>Suggested Revision:</b></p> <p>If the person in whose favor or the person against whom such determination is made shall be dissatisfied therewith, such person may apply to an Administrative Law Judge to review the determination. An appeal from the decision of the Administrative Law Judge may be taken to the <del>Coastal Zone Management Appellate Panel</del>. <del>An appeal from the decision of the Panel may be taken to the</del> court of common pleas for the county in which the oyster beds lie. The Court shall review the award in the same manner as reports of a master in equity are reviewed by the court and the determination of the amount of the award by the court of common pleas shall be final.</p> <p>Before a review shall be granted to the person against whom the award is made, such person shall pay to the person in whose favor the award is made, one half of the amount of the said award, and shall file with the said clerk of court a bond conditioned for the payment of the remaining half of the award or so much thereof as may be finally awarded, such bond to be approved by the clerk of court of the county in which the oyster beds lie as to form, surety and amount.</p> <p>The final award shall be entered on record in the office of the clerk of court of common pleas for the county in which the oyster beds lie and when so entered shall have the force and effect of a judgment. The amount of the award shall be limited to the direct actual damage suffered by the person owning in fee or in leasehold the oyster beds and the oysters growing therein.</p>
<p>2.</p>	<p>6-11-285(E)</p>	<p><b>Special Purpose or Public Service Districts Generally, General Provisions</b></p>	<p><b>Recommendation + Explanation:</b></p> <p>DHEC has recommended deleting item (E), as referenced Regulation 61-72 was repealed in 2015; recodify remaining items.</p> <p><b>Suggested Revision:</b></p> <p>(A) For purpose of this section:</p> <p>(1) "Political subdivision" means any municipality, county, public service district, special service district, or other public entity charged with the operation and maintenance of wastewater plants or treatment facilities, water treatment facilities, or with the operation and management of any water distribution system;</p> <p>(2) "Person" means a person as defined in item (1) of Section 48-1-10.</p> <p>(B) Any person violating any ordinance or regulation of a political subdivision or any permit, permit condition, or final determination of any political subdivision as required by state or federal law is subject to a civil penalty not to exceed two thousand dollars for each day of violation.</p> <p>(C) Any political subdivision, prior to the imposition of any civil penalty, shall issue a</p>

			<p>rule to show cause requiring the person to appear and show cause why civil penalties should not be imposed and specifying which violations are charged. A hearing upon the rule must be held before a hearing officer designated by the governing body of the political subdivision.</p> <p>(D) All penalties assessed under the provisions of this section must be held as debt and payable to the political subdivision by the person against whom they have been charged and shall constitute a lien against the property of the person.</p> <p><del>(E) The hearing procedure required under the provisions of this section must be in accordance, as practicably possible, with that procedure as prescribed by Regulation 61-72 of the Department of Health and Environmental Control.</del></p> <p><del>(F)</del> All appeals from the decision of the hearing officer under the provisions of this section must be heard in the court of common pleas in the county in which the political subdivision is located.</p>
3.	11-37-200(A)	South Carolina Resources Authority Act	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p>DHEC has recommend deleting the reference to Section 48-6-40. Section 48-6-40 is a new statute, that was created by Act 60 and addresses certain animal and poultry permitting and licensing decisions. According to DHEC, a previous statute that was numbered 48-6-40 was part of an act that was created to establish a revolving fund. This previous 48-6-40 was repealed by Act 513 in 1992; however, after 48-6-40 was repealed, the reference to 48-6-40 in 11-37-200(A) was never removed and has remained.</p> <p><b>Suggested Revision:</b></p> <p>(A) There is established by this section the Water Resources Coordinating Council which shall establish the priorities for all sewer, wastewater treatment, and water supply facility projects addressed in this chapter, <del>except as otherwise established by Section 48-6-40.</del> The council shall consist of a representative of the Governor, the Director of the Department of <del>Health and Environmental Control</del> <u>Services</u>, the Director of the South Carolina Department of Natural Resources, the Director of the Rural Infrastructure Authority, the Secretary of Commerce, the Chairman of the Jobs Economic Development Authority, and the Chairman of the Joint Bond Review Committee. These representatives may designate a person to serve in their place on the council, and the Governor shall appoint the chairman from among the membership of the council for a one-year term. The council shall establish criteria for the review of applications for projects. Not less often than annually, the council shall</p>

			determine its priorities for projects. The council after evaluating applications shall notify the authority of the priority projects. The South Carolina Jobs Economic Development Authority shall provide the staff to receive, research, investigate, and process applications for projects made to the coordinating council and assist in the formulating of priorities. Upon notification by the council, the authority shall proceed under the provisions of this chapter. The authority may consider applications for projects based upon the existence of a documented emergency consistent with regulations that may be promulgated by the authority. In determining which local governments are to receive grants, the local governments shall provide not less than a fifty percent match for any project. The authority may provide financing for the local matching funds on terms and conditions determined by the authority.
4.	40-61-20	Sanitarians	<b>Recommendation + Explanation:</b>
			DHEC has recommended amending executive officer reference and Department name to conform with Act 60.  This is not a DHEC provision; however, DHEC believes the chapter needs clarification as the board referenced in this statute appears to have been terminated as part of Section 7 of Act 608 of 1978 and as recognized in the 1989 Sunset Reviews by the Legislative Audit Council.
			<b>Suggested Revision:</b> There is created the South Carolina State Board of Examiners for Registered Environmental Sanitarians composed of six members appointed by the Governor, one of whom is the <del>executive officer</del> Director of the Department of Health and Environmental <del>Control</del> Services or his designee, three environmental sanitarians who are qualified by education and experience to be registered environmental sanitarians, and two public members who are not environmental sanitarians or do not have any pecuniary interests in any entity engaged in the business of environmental sanitarians. All members of the board must be residents of the State and serve for terms of four years and until their successors are appointed and qualify. Members of the board are eligible for reappointment but cannot serve more than two consecutive terms. The board is responsible for examining applicants for registered environmental sanitarians, investigating complaints, and investigating and prosecuting violations of this chapter.



			<p>The board may promulgate regulations to carry out the provisions of this chapter. The Governor may remove any member of the board who has been guilty of continued neglect of his duties or who is found to be incompetent, unprofessional, or dishonorable. No member must be removed without first giving him an opportunity to refute the charges filed against him. He must be given a copy of the charges at the time they are filed.</p> <p>Vacancies on the board are filled in the same manner as the original appointment for the unexpired portion of the term.</p>
5.	44-1-140(A)(1)	Department of Health and Environmental Control	<p><b>Recommendation + Explanation:</b></p> <p>DHEC has recommended deleting references in (A)(1) to remove items that DHEC considers obsolete practices.</p>
			<p><b>Suggested Revision:</b></p> <p>(A) The Department of Public Health may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:</p> <p>(1) the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State and all <del>convict camps, penitentiaries, jails,</del> hotels, schools, and other places used by or open to the public;</p>
6.	44-8-30, Title	Community Oral Health Coordinator	<p><b>Recommendation + Explanation:</b></p> <p>DHEC has recommended amending title to be consistent with spelling of “acknowledgment” throughout Act.</p>
			<p><b>Suggested Revision:</b></p> <p>SECTION 44-8-30. <del>Acknowledgement</del><u>Acknowledgment</u> of Dental Screening; time limits for presentation to school.</p>
7.	44-55-290	Privies	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p>DHEC has recommended also amending local health inspector references, as local health boards and units no longer exist.</p>
			<p><b>Suggested Revision:</b></p> <p>The Department of Health and Environmental Control <del>Services</del> shall designate as its agents <del>local health inspectors of incorporated towns or cities</del> for the enforcement of</p>

			the terms of this article and the rules and regulations issued pursuant thereto within one mile outside the corporate limits of such town or city. Such <del>local health inspectors</del> <del>agents</del> shall enforce such rules and regulations as may be issued by the Department under the terms of this article. In counties having health units it shall be the duty of such health units to enforce the rules and regulations of the Department in the territory of such counties lying beyond the distance of one mile from the corporate limits of towns or cities having local health inspectors. Provided, that nothing herein shall affect the Richland County board of health from having concurrent jurisdiction with the designated local health inspectors to implement the rules and regulations within one mile of the boundary of a city or town.
8.	44-55-410	Sewage Systems for Manufacturing Employees' Houses	<b>Recommendation + Explanation:</b>
			DHEC has recommended adding protection of "environment" to this statute for clarity.
			<b>Suggested Revision:</b>
			In order to protect the public health <u>and environment</u> , all persons engaged in manufacturing in this State and furnishing, by renting and otherwise, directly or indirectly, houses to their employees shall furnish to their employees occupying such houses sewage closets with necessary sewage connections for them.
9.	44-55-610	Septic Tanks in Counties With a City of Over 70,000	<b>Recommendation + Explanation:</b>
			DHEC has recommended amending county board of health name to Department of Environmental Services.
			<b>Suggested Revision:</b>
			In each county in this State containing a city having a population of more than seventy thousand according to the official United States census, the construction, installation and use of septic tanks shall be regulated by the provisions of this article and specifications and rules and regulations adopted by the <del>county board of health</del> <u>Department of Environmental Services</u> and shall be approved by the <del>county board of health</del> <u>Department of Environmental Services</u> , whose certificate of approval shall be accepted by all agencies and the courts of this State as evidence of such approval and of installation in compliance with the provisions of this article and of such specifications, rules and regulations.
10.	44-55-620		<b>Recommendation + Explanation:</b>

		<b>Septic Tanks in Counties With a City of Over 70,000</b>	DHEC recommends amending county board of health name to Department of Environmental Services. <b>Suggested Revision:</b> The <del>county board of health of any such county</del> <u>Department of Environmental Services</u> may promulgate specifications, rules and regulations governing septic tanks and their installation which shall accord with approved engineering standards in general and shall contain the following standards and requirements in particular: (1) No septic tank shall be installed which has a net liquid capacity of less than five hundred gallons; (2) The length of each tank shall be at least two but not more than three times the width; (3) The uniform liquid depth of each tank shall be not less than two feet six inches; and (4) The theoretical detention period of each tank shall be not less than twenty-four hours based upon the average daily flow.
11.	44-55-630	<b>Septic Tanks in Counties With a City of Over 70,000</b>	<b>Recommendation + Explanation:</b> DHEC recommends amending county board of health name to Department of Environmental Services. <b>Suggested Revision:</b> The plans for each septic tank having a capacity of one thousand gallons or more shall have the approval of the <del>county health officer</del> <u>Department of Environmental Services</u> before the tank is installed. Each such tank shall have a second or effluent compartment not longer than one third the total length of the tank nor shorter than three feet and shall be equipped with a dosing chamber and siphon if a tile field or filter is used for secondary treatment of the tank effluent.
12.	44-55-640	<b>Septic Tanks in Counties With a City of Over 70,000</b>	<b>Recommendation + Explanation:</b> DHEC recommends amending county board of health name to Department of Environmental Services. <b>Suggested Revision:</b> Each septic tank shall be installed so as to receive the approval of the <del>county board of health</del> <u>Department of Environmental Services</u> through a duly authorized agent.
13.	44-55-650	<b>Septic Tanks in Counties With a City of Over 70,000</b>	<b>Recommendation + Explanation:</b> DHEC recommends amending county board of health name to Department of Environmental Services. <b>Suggested Revision:</b>

			All septic tanks shall be constructed of such materials as shall be required by the rules and regulations and specifications promulgated by the <del>county board of health</del> <u>Department of Environmental Services</u> .
14.	44-55-670	Septic Tanks in Counties With a City of Over 70,000	<b>Recommendation + Explanation:</b>
			DHEC recommends amending county board of health name to Department of Environmental Services.
			<b>Suggested Revision:</b>
			All septic tanks shall have a minimum of one hundred feet of distribution pipe laid and installed in the manner required by the specifications, rules and regulations promulgated by the <del>county board of health</del> <u>Department of Environmental Services</u> .
15.	44-55-680	Septic Tanks in Counties With a City of Over 70,000	<b>Recommendation + Explanation:</b>
			DHEC recommends amending county board of health name to Department of Environmental Services.
			<b>Suggested Revision:</b>
			No septic tank effluent shall be discharged into any stream without special approval of the <del>county board of health</del> <u>Department of Environmental Services</u> through a duly authorized agent.
16.	44-55-690	Septic Tanks in Counties With a City of Over 70,000	<b>Recommendation + Explanation:</b>
			DHEC recommends amending county board of health name to Department of Environmental Services.
			<b>Suggested Revision:</b>
			The <del>county board of health</del> <u>Department of Environmental Services</u> may permit and approve the installation of temporary septic tanks in the case of unusual, temporary or emergency conditions. Such temporary septic tank shall be constructed and installed in accordance with the specifications, rules and regulations promulgated by the <del>county board of health</del> <u>Department of Environmental Services</u> relating to the use of such tanks, and the <del>board</del> <u>Department of Environmental Services</u> may determine the period of time for which such temporary septic tank may be used.
17.	44-55-700	Septic Tanks in Counties With a City of Over 70,000	<b>Recommendation + Explanation:</b>
			DHEC recommends amending county board of health name to Department of Environmental Services.
			<b>Suggested Revision:</b>

			The use, construction or installation of any septic tank in any such county without the prior approval of the <del>county board of health</del> <u>Department of Environmental Services</u> as herein provided for shall be deemed a misdemeanor, punishable by a fine of not less than ten dollars nor more than fifty dollars or imprisonment of not less than five days nor more than twenty days, and each day during which such violation shall continue shall constitute a separate offense.
18.	44-55-820	Approval of Sewage Disposal Methods at Homesites	<b>Recommendation + Explanation:</b>
			DHEC recommends amending county board of health name to Department of Environmental Services.
			<b>Suggested Revision:</b>
			No private or public utility, municipality, or electric cooperative supplying power shall connect temporary or permanent power to a new site of any mobile, modular or permanently constructed building or facility until such time as the power supplier is presented with a certificate, license, or permit by the county or municipality when the proposed connection is to be made within the corporate limits thereof authorizing such connection. No such certificate, license, or permit shall be issued by the county or municipality without a permit from the <del>county health department</del> <u>Department of Environmental Services</u> approving the method of sewage disposal; nor shall such permit, certificate or license be issued until evidence is presented that all other appropriate safety and health regulations, permits, codes and ordinances have been complied with. Such permits, certificates or licenses shall state the location of the approved site. The governing body of each county or municipality shall provide one office to issue evidence that all such requirements have been met by the applicant.
19.	44-55-830	Approval of Sewage Disposal Methods at Homesites	<b>Recommendation + Explanation:</b>
			DHEC recommends amending health department name to Department of Environmental Services.
			<b>Suggested Revision:</b>
			The purchaser or owner shall obtain the permit and provide to any person who sells a mobile home a copy of the certificate of <del>health department</del> <u>the Department of Environmental Services</u> approval required by Section 44-55-820 before placing such mobile home upon the new site for occupancy.
20.	44-55-860	Approval of Sewage Disposal	<b>Recommendation + Explanation:</b>
			DHEC recommends amending county board of health name to Department of Environmental Services.

		<b>Methods at Homesites</b>	<p><b>Suggested Revision:</b></p> <p>Whenever any lot or parcel of land without improvement thereon upon which an owner intends to construct a building or place a mobile home is not accessible to a sewer line for a tap-on and the <del>county board of health</del><u>Department of Environmental Services</u> or other appropriate agency in which the lot or parcel of land is situated certifies that such lot or land is not suitable to accommodate a septic tank or other individual sewage disposal system, the <del>board</del><u>Department of Environmental Services</u> or agency shall state in writing to the owner within thirty days following inspection of the property the reason such septic tank or system cannot be used. At the same time the <del>board</del><u>Department of Environmental Services</u> or agency shall inform the owner of the property in detail of any corrective measures that may be taken to remedy the sewage problem.</p>
21.	44-56-160(A)	<b>South Carolina Hazardous Waste Management Act, General Provisions</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p>DHEC has requested that Section 44-56-215 be added in the last sentence, as applicable fee structures are also covered in that Code section.</p> <p><b>Suggested Revision:</b></p> <p>(A) The Department of <del>Health and Environmental Control</del><u>Services</u> is directed to establish a Hazardous Waste Contingency Fund to ensure the availability of funds for response actions necessary at permitted hazardous waste landfills and necessary from accidents in the transportation of hazardous materials and to defray the costs of governmental response actions at uncontrolled hazardous waste sites. The contingency fund must be financed through the imposition of fees provided in Sections 44-56-170, <u>44-56-215</u> and 44-56-510 and annual appropriations which must be provided by the General Assembly.</p>
22.	46-9-120	<b>State Crop Pest Commission</b>	<p><b>Recommendation + Explanation:</b></p> <p>Amend Department name to conform with Act 60.</p> <p>DHEC has recommended adding clarification regarding reporting to the Department of Environmental Services any incidents of radiological terrorism.</p> <p><b>Suggested Revision:</b></p> <p>Every farmer, agriculturalist, county extension agent, agricultural products processor, crop advisor, or other person working in agriculture, or person having responsibility for agricultural production or processing must report agricultural products having or</p>

			<p>suspected of having any disease or infection from any crop pest whatsoever that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly infectious agents and which might cause serious agricultural threat to the State. The report must be made by telephone, in writing, or by compatible electronic format within twenty-four hours to the Director, Regulatory and Public Service Programs, Clemson University, and must include as much of the following information as is available: the geographic location of the agricultural product and/or its origin; the name and address of any known owner, the name and address of any known shipper; the name and address of the owner of the point of origin; and the name and address of the reporting individual. The director must report to the Department of <u>Public Health and Environmental Control</u> any incidents which affect public health, or which create a public health emergency, as defined in Section 44-4-130. <u>The director must report to the Director of the Department of Environmental Services any incidents related to radiological terrorism.</u> For purposes of this section, the terms chemical terrorism, bioterrorism, and radiological terrorism have the same meanings as provided in Section 44-4-130.</p>
23.	46-57-50 (1), (3), and (4)	Food Safety	<p><b>Recommendation + Explanation:</b></p> <p>DHEC has recommended amending this statute to include the Department of Public Health's authority to conform with Act 60. DHEC has also recommended deleting subsection (4) for redundancy, as subsections (3) and (4) are the same.</p>
			<p><b>Suggested Revision:</b></p> <p>The Department of Agriculture may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:</p> <p>(1) the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, all other places or establishments providing eating or drinking facilities, <del>and all other places known as private nursing homes or places of similar nature,</del> operated for gain or profit, <u>except that this shall not apply to food services provided at health care facilities or other facilities regulated by the Department of Public Health pursuant to the State Health Facility Licensure Act unless such services are provided to the general public;</u> and</p> <p>(2) the production, storing, labeling, transportation, and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives, and any other products made in semblance for milk or milk products; and</p>

			(3) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other businesses, and bottling plants; <del>and</del> (4) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, and bottling plants.
24.	59-111-510 through -580	Medical and Dental Loans	<p><b>Recommendation + Explanation:</b></p> <p>S.C. Code Sections 59-111-510 through -580 comprise Article 7 titled “Medical and Dental Loans.” According to DHEC, this program has not been funded in over thirty years, and DHEC has suggested that the General Assembly may wish to repeal these statutes in lieu of amending the name of the Department in those statutes.</p>
25.	(New Provision)	(Uniform Procedures for Contested Cases and Appeals)	<p><b>Recommendation + Explanation:</b></p> <p>DHEC recommends adding a provision in a new bill, to maintain the status quo and ensure the new contested case hearing provisions of Act 60 and any subsequent amendment apply to every contested case hearing arising from each new agency.</p> <p><b>Suggested Provision</b></p> <p><u>The addition of Section 48-6-30 by Act 60 of 2023 and the amendment to Section 44-1-60 by Act 60 and this act are intended to provide a uniform procedure for contested cases and appeals from the Department of Environmental Services or the Department of Public Health, respectively, and to the extent that 48-6-30 or 44-1-60 conflict with an existing statute or regulation, the provisions of 48-6-30 or 44-1-60 are controlling. This does not apply to decisions under the South Carolina Mining Act in Section 48-20-10, et seq.</u></p>
26.	(New Provision)	(Code Commissioner Directed to amend remaining references to DHEC)	<p><b>Recommendation + Explanation:</b></p> <p>DHEC recommends adding a provision in a new bill, to direct the Code Commissioner to amend or correct all remaining references to DHEC, its Board, or other agencies.</p> <p><b>Suggested Provision:</b></p> <p><u>The Code Commissioner may change or correct remaining references to the former Department of Health and Environmental Control, its Board, or other agencies</u></p>



			<u>referenced in 2023 Act No. 60 in the 1976 Code to reflect the transfer of them to the “Department of Public Health,” “Department of Environmental Services,” or other entities referenced in 2023 Act No. 60. References to the names of these agencies and offices in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.</u>
27.	<i>(New Provision)</i>	<i>(Existing DHEC Board Decisions, Permits, etc., Remain Valid)</i>	<b>Recommendation + Explanation:</b>
			DHEC has recommended adding a provision in a new bill to clarify that existing Board decisions, permits, licenses, and registrations remain valid.
			<b>Suggested Provision:</b>
			<u>Nothing contained in 2023 Act 60 shall modify decisions of the former Department of Health and Environmental Control or its Board that occurred prior to July 1, 2024. After the effective date of Act 60, all decisions, including but not limited to orders, permits, licenses, registrations, and certifications issued, will remain in full force and effect.</u>
28.	1-23-600(H)(1)	South Carolina Administrative Law Court	<b>Recommendation + Explanation:</b>
			DHEC recommends amending Act 60’s version of 1-23-600(H)(1) to reinstate existing Code text for general applicability of subsection (H) to preserve the status quo concerning other agencies previously covered, and to remove redundancy about emergency actions since that is already stated in 1-23-600(H)(3).
			<b>Suggested Revision:</b>
			<u>(H)(1) This subsection applies to timely filed requests for a contested case hearing of decisions by the Department of Environmental Services pursuant to this section of decisions by departments governed by a board or commission authorized to exercise the sovereignty of the State. Emergency actions taken by the Department of Environmental Services pursuant to an applicable statute or regulation are not subject to the provisions of this subsection.</u>
29.	44-1-60(D)(2)	Department of Public Health	<b>Recommendation + Explanation:</b>
			[Note: DHEC’s proposed changes in this item are designed to add upon its recommended changes that have been set forth above in item # 173 of Section 1 and item # 28 of Section 2 of this report.]

			<p>DHEC recommends adding a sentence to proposed new subitem (D)(2) to provide clarity on other proposed changes to 44-1-60 and 1-23-600(H)(1) (see item # 173 in Section 1 and item # 28 in Section 2), and to maintain the status quo concerning stays of public health decisions that are appealed to the Administrative Law Court.</p> <p><b>Suggested Revision:</b></p> <p>(2) After the final review conference, the board, its designee, or a committee of three members of the board appointed by the chair shall issue a written final agency decision based upon the evidence presented. The decision may be announced orally at the conclusion of the final review conference or it may be reserved for consideration. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court. In either event, the written decision must be mailed to the parties no later than thirty calendar days after the date of the final review conference. Within thirty calendar days after the receipt mailing of the decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the final agency department decision may request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. <u>Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested hearing of decisions from the Department of Public Health.</u> The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.</p>
30.	44-3-110 through 140	Local Boards and Health Districts	<p><b>Recommendation + Explanation:</b></p> <p>DHEC has recommended the repeal of Sections 44-3-110 through 44-3-140. According to DHEC, these statutory sections are no longer necessary as the Catawba Health District no longer exists. The counties within the former Catawba Health District are now served by the Midlands Region Office for Public Health.</p> <p><b>Suggested Revision:</b></p> <p><del>SECTION 44-3-110. Creation of Catawba Health District; appointment of district medical director.</del></p> <p>There is hereby created the Catawba Health District consisting of Chester, Lancaster and York Counties. The Catawba Health District shall be a subdivision of the Department of Health and Environmental Control and shall be under the direction and control of the Department of Health and Environmental Control. The Director of the Department of Health and Environmental Control shall appoint, after consultation</p>

			<p>with the District Advisory Council, a district medical director whose duty it shall be to protect the public health in the district.</p> <p><del>SECTION 44-3-120. Creation and membership of Advisory Council.</del>  There is also hereby created the Catawba Health District Advisory Council. Membership of the Advisory Council shall consist of sixteen members and shall be based upon population and community needs of the district. The initial membership shall consist of three members from Chester County, five members from Lancaster County and eight members from York County, who shall be appointed by the Governor upon the recommendation of the legislative delegations of the respective counties. The members of the Advisory Council shall serve for a term of four years or until their successors are appointed and qualify, except that eight of the sixteen members of the initial Board shall serve for an initial term of two years. The eight members having two-year terms shall be chosen by lot. Advisory Council members shall be appointed for terms commencing July 1, 1973.</p> <p><del>SECTION 44-3-130. Powers and duties of Advisory Council.</del>  The Catawba Health District Advisory Council shall be subject to the supervisory and advisory control of the Department of Health and Environmental Control. The District Advisory Council shall be charged with the duty of advising the district medical director in all matters of sanitary interest and scientific importance bearing upon the protection of the public health.</p> <p><del>SECTION 44-3-140. Officers of Advisory Council.</del>  The Advisory Council shall elect a chairman annually beginning its membership. The district medical director shall be secretary of the Advisory Council.<u>Repealed.</u></p>
31.	44-7-310	State Health Facility Licensure Act	<p><b>Recommendation + Explanation:</b>  DHEC recommends the repeal of 44-7-310. DHEC believes this statute was implicitly repealed by 44-7-315, effective June 7, 2011.</p> <p><b>Suggested Revision:</b>  <del>SECTION 44-7-310. Certain information not to be disclosed publicly.</del>  Information received by the Office of Health Licensing of the department through inspection or otherwise which does not appear on the face of the license may not be disclosed publicly in a manner as to identify individuals or facilities except in a proceeding involving the licensure or certification of need of the facility or licensing proceedings against an employee of the facility or as ordered by a court of competent jurisdiction.<u>Repealed.</u></p>

32.	44-7-1590(C)	State Health Facility Licensure Act	<p><b>Recommendation + Explanation:</b> DHEC has recommended amending to eliminate direct appeals of DHEC CON decisions to Circuit Court under the Hospital Revenue Bond Act, as appeals of DHEC CON decisions are controlled by the State Health Facility Licensure Act, 44-7-110 <i>et seq.</i>, and by the appeals procedures set forth in 44-1-60.</p> <p><b>Suggested Revision:</b> (C) Any interested party, within twenty days after the date of the publication of the notice, but not afterwards, may challenge the action so taken by the authority, <u>or</u> the county board, <del>or the Department of Health and Environmental Control</del>, by action de novo in the court of common pleas in any county where the hospital facilities are to be located.</p>
33.	44-7-1690	State Health Facility Licensure Act	<p><b>Recommendation + Explanation:</b> DHEC has recommended amending to eliminate direct appeals of DHEC CON decisions to Circuit Court under the Hospital Revenue Bond Act, as appeals of DHEC CON decisions are controlled by the State Health Facility Licensure Act, 44-7-110 <i>et seq.</i>, and by the appeals procedures set forth in 44-1-60.</p> <p><b>Suggested Revision:</b> Notice of the approval by a county board of any intergovernmental loan agreement or subsidiary loan agreement must be published at least once in a newspaper having general circulation in each county by the respective county board prior to the execution of such agreements. With respect to a subsidiary loan agreement, the notice must set forth the action taken by the county board and the South Carolina Department of <u>Public Health and Environmental Control</u> pursuant to Section 44-7-1660. The intergovernmental loan agreement and subsidiary loan agreement must be filed with the clerk of court of the authorizing issuer and the clerk of court of the project county prior to the issuance of the bonds authorized thereby. Any interested party may, within twenty days after the date of the publication of the notice, challenge the action taken by the county board of the authorizing issuer or the project county in approving the intergovernmental loan agreement by action de novo in the court of common pleas of the project county or the authorizing issuer. Any interested party may, within twenty days after the date of the publication of the notice, challenge the action taken by the county board in approving the subsidiary loan agreement <del>or the Department of Health and Environmental Control with respect to the hospital facilities</del> by action de novo in the court of common pleas in any county where the hospital facilities are to be located.</p>

34.	44-55-290	Privies	<p><b>Recommendation + Explanation:</b> DHEC has recommended deleting last two sentences in paragraph, as local health boards and units no longer exist.</p> <p><b>Suggested Revision:</b> The Department of Health and Environmental Control Services shall designate as its agents <del>local health inspectors of incorporated towns or cities</del> for the enforcement of the terms of this article and the rules and regulations issued pursuant thereto within one mile outside the corporate limits of such town or city. Such <del>local health inspectors</del> agents shall enforce such rules and regulations as may be issued by the Department under the terms of this article. <del>In counties having health units it shall be the duty of such health units to enforce the rules and regulations of the Department in the territory of such counties lying beyond the distance of one mile from the corporate limits of towns or cities having local health inspectors. Provided, that nothing herein shall affect the Richland County board of health from having concurrent jurisdiction with the designated local health inspectors to implement the rules and regulations within one mile of the boundary of a city or town.</del></p>
35.	44-55-1310 through 1360	Passive Soil-Based On-Site Disposal Systems	<p><b>Recommendation + Explanation:</b> DHEC has advised that it believes Sections 44-55-1310 through -1360 have been implicitly repealed by amendment of R.61-56, effective date May 26, 2016. Accordingly, the Code Commissioner may wish to review and make changes in the Code to reflect the same.</p> <p><b>Suggested Revision:</b> <del>SECTION 44-55-1310. Definitions. Section repealed upon contingency. See Editor's notes. As used in this article: (1) "Passive soil-based on-site disposal system" means a nongravel, nonmechanical, soil absorption trench used to collect, treat, and discharge, or reclaim wastewater or sewage from a small on-site wastewater system generating less than fifteen hundred gallons per day, large on-site wastewater system generating equal to or greater than fifteen hundred gallons per day, or community, cluster, or commercial wastewater system, served by either gravity or pump distribution, without the use of communitywide sewers or a centralized treatment facility. (2) "Department" means the South Carolina Department of Health and Environmental Control. HISTORY: 2003 Act No. 49, Section 1, eff June 6, 2003; 2015 Act No. 37 (H.3646), Section</del></p>

		<p>1, eff June 1, 2015.</p> <p>Editor's Note Section 44-55-1350, as amended by 2015 Act No. 37, Section 4, provides for the repeal of this section when certain regulations become effective.</p> <p>SECTION 44-55-1320. Wastewater collection, treatment, discharge, or reclamation. Section repealed upon contingency. See Editor's notes.</p> <p>A passive soil-based on-site disposal system is authorized for use for collecting, treating, discharging, or reclaiming wastewater or sewage from a small on-site wastewater system generating less than fifteen hundred gallons per day, large on-site wastewater system generating equal to or greater than fifteen hundred gallons per day, or community, cluster, or commercial wastewater system, if the systems comply with the requirements of this chapter and with ordinances a county or municipality establishes consistent with this chapter.</p> <p>HISTORY: 2003 Act No. 49, Section 1, eff June 6, 2003; 2015 Act No. 37 (H.3646), Section 2, eff June 1, 2015.</p> <p>Editor's Note Section 44-55-1350, as amended by 2015 Act No. 37, Section 4, provides for the repeal of this section when certain regulations become effective.</p> <p>SECTION 44-55-1330. System installation requirements. Section repealed upon contingency. See Editor's notes.</p> <p>(A) A passive soil-based on-site disposal system must be installed only by installation technicians who are licensed by the department under Regulation 61-56.1 as an installer and certified by the manufacturer or a representative that has been duly authorized to administer licensed installer certification.</p> <p>(B) A passive soil-based on-site disposal system must be sized and installed according to these minimum standards:</p> <ul style="list-style-type: none"> <li>–(1) The storage capacity of the system must be at least that available in a conventional gravel system below the invert. A manufacturer shall provide its product's storage capacity as determined by a recognized third party testing company.</li> <li>–(2) The total trench bottom area of the passive soil-based on-site disposal system, measured as the area bounded by the trench width and length must be at least seventy-five percent of that required for a conventional gravel system. The system must not be less than three hundred square feet, measured as the area bounded by the trench width and length, for soils in all classifications. In addition to the above requirement, the system must provide an unobstructed open bottom area equal to at least one-half the total bottom area of a conventional gravel system. The system must have a projected product width that fills the trench width within two inches. The system also must have a reserve area at least equal to fifty percent of the size of the</li> </ul>
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			<p>installed system.</p> <p>–(3) The absorption area must comply with all other appropriate separation distances, trench location, trench depth, and contour orientation as prescribed in Regulation 61-56. The permitting procedure for these systems will be the same as conventional systems to include site evaluation and final inspection.</p> <p>–(4) The entire absorption area must be shown on a set of "as built" diagrams prepared by the department at the time of final inspection to include information identifying the name of the installer, the name of the product manufacturer, and the type or model number of the installed product.</p> <p>–(5) Lateral trench runs must be as long as practical within the limits of the approved site so as to minimize the linear loading rate. Wastewater may be distributed to a lateral trench run either by gravity flow or by pump.</p> <p>HISTORY: 2003 Act No. 49, Section 1, eff June 6, 2003; 2015 Act No. 37 (H.3646), Section 3, eff June 1, 2015.</p> <p>Editor's Note Section 44-55-1350, as amended by 2015 Act No. 37, Section 4, provides for the repeal of this section when certain regulations become effective.</p> <p><del>SECTION 44-55-1350. Alternative tile field product regulations.</del> The department shall promulgate regulations regarding alternative tile field products to include passive soil-based on-site disposal systems in accordance with the following:</p> <p>(1) Regulations must conform to the requirements of Sections 44-55-1310, 44-55-1320 and 44-55-1330. When the department submits the proposed regulations to the General Assembly for approval pursuant to the Administrative Procedures Act, in addition to the information which must be filed pursuant to Section 1-23-120, the department shall include an explanation for each change proposed from the requirements of Sections 44-55-1310, 44-55-1320 and 44-55-1330.</p> <p>(2) When the regulations promulgated by the department are approved by the General Assembly and become effective by publication in the State Register, the provisions of Sections 44-55-1310, 44-55-1320 and 44-55-1330 are repealed and no longer have the force and effect of law.</p> <p>HISTORY: 2003 Act No. 49, Section 1, eff June 6, 2003; 2015 Act No. 37 (H.3646), Section 4, eff June 1, 2015.</p> <p><del>SECTION 44-55-1360. Violation.</del> A violation of a provision of this chapter is punishable in accordance with Sections 44-1-150, 48-1-320, 48-1-330, and 48-1-340, as applicable.<del>Repealed.</del></p>
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36.	48-43-50	Oil and Gas Exploration, Drilling, Transportation and Production	<b>Recommendation + Explanation:</b>
			Amend Board and Administrative Law Judge references to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The <del>board or an Administrative Law Judge</del> <u>Administrative Law Court</u> shall have the power to conduct hearings, to summon witnesses, to administer oaths and to require the production of records, books and documents for examination at any hearing or investigation.
37.	49-3-60 (Implicitly repealed by Act 60)	Water Resources Planning and Coordination Act	<b>Recommendation + Explanation:</b>
			Act 60 deletes these provisions by adding a new statute numbered 49-3-60; however, it appears that the deletion of these provisions by Act 60 might have been unintended. DHEC has consulted with DNR, and DHEC recommends retaining these provisions as they were recently enacted in 2022 Act No. 139. If these provisions are retained, the Department name would need to be amended to "Department of Environmental Services".
			<b>Suggested Revision:</b>
			(A) Notwithstanding another provision of law, an entity that has contracted for the right to store water in a reservoir owned by the United State Army Corps of Engineers has exclusive rights to any return flows generated directly or indirectly to that reservoir by the entity. The rights conferred by this subsection must be subject to any regulatory requirements imposed by the South Carolina Department of <del>Health and Environmental Control</del> <u>Services</u> and to the availability to the entity of unused storage capacity within the reservoir to store such return flows. (B) For purposes of this section, "return flow" means water that is discharged directly or indirectly to a reservoir from a water reclamation facility.
38.	49-3-60 (Added by Act 60)	Water Resources Planning and Coordination Act	<b>Recommendation + Explanation:</b>
			DHEC views the provisions in Section 49-3-60 as being redundant with the procedures for Department decision review contained in Section 48-6-30 and believes this redundancy may create confusion as to the uniform procedure for such reviews. DHEC has recommended deleting new Section 49-3-60 that was added by Act 60.
			<b>Suggested Revision:</b>
			(A) All decisions of the <del>Department of Environmental Services</del> involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, certificates, or other actions of the department which may give rise to a contested case, except a decision to establish a baseline or setback line, must be made using the procedures set forth in



		<p>this section. A department decision referenced in this subsection relating to a poultry facility or another animal facility, except a swine facility, also must comply with the provisions of Section 49-3-65.</p> <p>(B) The department shall comply with all requirements for public notice, receipt of public comments, and public hearings before making a decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment, and public hearings.</p> <p>(C) In making a decision about a permit, license, certification, or other approval giving rise to a contested case, the department shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny, or condition a permit, license, certification, or other approval. At the time that a final departmental decision is made, the department shall issue a final written decision and shall base its decision on the administrative record, which must consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification, or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as such materials are specifically referred to in the department decision. The department is not required to issue a final written departmental decision for issuance of routine permits for which the department has not received adverse public comments. The department is required to make a final decision granting the permit where the applicant has met all conditions in statutes and regulations governing that permit.</p> <p>(D)(1) The department shall send a notice of a final departmental decision by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a written decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.</p> <p>(2) Decisions by the department become final thirty days after the mailing of a notice pursuant to item (1) unless the applicant, permittee, licensee, certificate holder, or affected person files a request for a contested case hearing with the Administrative Law Court.</p> <p>(3) Within thirty calendar days after the mailing of the decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may request a contested case hearing before the Administrative</p>
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			<p>Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested case hearing of decisions from the Department of Environmental Services. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.</p> <p>(E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.</p>
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### Section 3

## Recommended Statutory Changes from Dep't of Veterans' Affairs and Dep't of Agriculture

### SC Department of Veterans' Affairs' Recommended Statutory Changes

1.	23-3-810 (B), (F)	Vulnerable Adults Investigations Unit	<b>Recommendation + Explanation:</b>
			The Department of Veterans' Affairs recommends adding "the Department of Veterans' Affairs" to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>...</p> <p>(B) In accordance with Article 1, Chapter 35, Title 43, the unit shall receive and coordinate the referral of all reports of alleged abuse, neglect, or exploitation of vulnerable adults in facilities operated or contracted for operation by the Department of Mental Health, <u>the Department of Veterans' Affairs</u>, or the Department of Disabilities and Special Needs. The unit shall establish a toll-free number, which must be operated twenty-four hours a day, seven days a week, to receive the reports.</p> <p>...</p>

			(F) The South Carolina Law Enforcement Division may develop policies, procedures, and memorandum of agreement with other agencies to be used in fulfilling the requirements of this article. However, the South Carolina Law Enforcement Division must not delegate its responsibility to investigate criminal reports of alleged abuse, neglect, and exploitation to the agencies, facilities, or entities that operate or contract for the operation of the facilities. Nothing in this article precludes the Department of Mental Health, <u>the Department of Veterans' Affairs</u> , the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements.
2.	43-35-10 (4),(12),(13)	Duties and Procedures of Investigative Entities	<b>Recommendation + Explanation:</b>
			The Department of Veterans' Affairs recommends adding "the Department of Veterans' Affairs" to conform with Act 60.
			<b>Suggested Revision:</b>
			<p>...</p> <p>(4) "Facility" means a nursing care facility, community residential care facility, a psychiatric hospital, or any residential program operated or contracted for operation by the Department of Mental Health, <u>the Department of Veterans' Affairs</u>, or the Department of Disabilities and Special Needs.</p> <p>...</p> <p>(12) "Operated facility" means those facilities directly operated by the Department of Mental Health, <u>the Department of Veterans' Affairs</u>, or the Department of Disabilities and Special Needs.</p> <p>...</p> <p>(13) "Contracted facility" means those public and private facilities contracted for operation by the Department of Mental Health, <u>the Department of Veterans' Affairs</u>, or the Department of Disabilities and Special Needs.</p>
3.	43-35-15 (A),(B)	Duties and Procedures of Investigative Entities	<b>Recommendation + Explanation:</b>
			The Department of Veterans' Affairs recommends adding "the Department of Veterans' Affairs" to conform with Act 60.
			<b>Suggested Revision:</b>
			(A) The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division shall receive and coordinate the referral of all reports of alleged abuse, neglect, or exploitation of vulnerable adults in facilities operated or contracted for operation by the Department of Mental Health, <u>the Department of Veterans' Affairs</u> , or the Department of Disabilities and Special Needs. The unit shall establish a toll free number, which must be operated twenty-four hours a day, seven days a week, to receive the reports. The unit shall investigate or refer to appropriate law

			<p>enforcement those reports in which there is reasonable suspicion of criminal conduct. The unit also shall investigate vulnerable adult fatalities as provided for in Article 5, Chapter 35, Title 43. The unit shall refer those reports in which there is no reasonable suspicion of criminal conduct to the appropriate investigative entity for investigation. Upon conclusion of a criminal investigation of abuse, neglect, or exploitation of a vulnerable adult, the unit or other law enforcement shall refer the case to the appropriate prosecutor when further action is necessary. The South Carolina Law Enforcement Division may develop policies, procedures, and memorandum of agreement with other agencies to be used in fulfilling the requirements of this article. However, the South Carolina Law Enforcement Division must not delegate its responsibility to investigate criminal reports of alleged abuse, neglect, and exploitation to the agencies, facilities, or entities that operate or contract for the operation of the facilities. Nothing in this subsection precludes the Department of Mental Health, <u>the Department of Veterans' Affairs</u>, the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements.</p> <p>(B) Except as otherwise provided in subsection (D), the Long Term Care Ombudsman Program shall investigate or cause to be investigated noncriminal reports of alleged abuse, neglect, and exploitation of vulnerable adults occurring in facilities. The Long Term Care Ombudsman Program may develop policies, procedures, and memoranda of agreement to be used in reporting these incidents and in furthering its investigations. The Long Term Care Ombudsman Program must not delegate its responsibility to investigate noncriminal reports of alleged abuse, neglect, and exploitation to the facilities or to the entities that operate or contract for the operation of the facilities. Nothing in this subsection precludes the Department of Mental Health, <u>the Department of Veterans' Affairs</u>, the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements. The Long Term Care Ombudsman Program shall refer reports of abuse, neglect, and exploitation to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division if there is reasonable suspicion of criminal conduct.</p> <p>...</p>
4.	43-35-25 (D)(1)	Duties and Procedures of Investigative Entities	<p><b>Recommendation + Explanation:</b></p> <p>The Department of Veterans' Affairs recommends adding "the Department of Veterans' Affairs" to conform with Act 60.</p> <p><b>Suggested Revision:</b></p> <p>...</p> <p>(D) (1) the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for incidents occurring in facilities operated or contracted for operation by the Department of</p>

			Mental Health, <u>the Department of Veterans' Affairs</u> , or the Department of Disabilities and Special Needs;
5.	43-35-35(B)	Duties and Procedures of Investigative Entities	<b>Recommendation + Explanation:</b>
			The Department of Veterans' Affairs recommends adding "the Department of Veterans' Affairs" to conform with Act 60.
			<b>Suggested Revision:</b>
			... (B) All deaths involving a vulnerable adult in a facility operated or contracted for operation by the Department of Mental Health, <u>the Department of Veterans' Affairs</u> , the Department of Disabilities and Special Needs, or their contractors must be referred to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for investigation pursuant to Section 43-35-520.
6.	43-35-220 (B)(1)	Vulnerable Adult Guardian Ad Litem Program	<b>Recommendation + Explanation:</b>
			The Department of Veterans' Affairs recommends adding "the Department of Veterans' Affairs" to conform with Act 60.
			<b>Suggested Revision:</b>
			... (B) (1) obtaining and reviewing relevant documents including, but not limited to, the vulnerable adult's medical records; records from the place of residence if the vulnerable adult is living in a facility or other institution; records related to assets and debts of the vulnerable adult in cases of alleged exploitation; and records from the Department of Social Services, Department of Mental Health, <u>the Department of Veterans' Affairs</u> , Department of Disabilities and Special Needs, or other public entities providing services to the vulnerable adult;
7.	43-35-520	Vulnerable Adult Fatalities	<b>Recommendation + Explanation:</b>
			The Department of Veterans' Affairs recommends adding the "the Department of Veterans' Affairs" name as set forth below in the suggested revision; also recommends deleting reference to "the Department of Mental Health" in the last sentence and replacing it with "the Department of Veterans' Affairs" to conform with Act 60.
			<b>Suggested Revision:</b>
			The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, created pursuant to Section 23-3-810, shall, in addition to its investigation responsibilities under that section or Article 1, investigate cases of vulnerable adult fatalities in facilities operated or contracted for operation by the Department of Mental Health, <u>the Department of Veterans' Affairs</u> , or the Department of Disabilities and Special Needs. Provided, that in a nursing home as

			defined in Section 44-7-130, contracted for operation by the Department of Mental Health <del>or the Department of Veterans' Affairs.</del> the Vulnerable Adults Investigations Unit shall investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner as provided in Section 43-35-35(A). In the event that a coroner rules that the death of an individual in a veterans' nursing home under the authority of the <del>Department of Mental Health</del> <u>Department of Veterans' Affairs</u> results from natural causes, the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death.
8.	44-11-30	Organization and Control of State Mental Health Facilities	<b>Recommendation + Explanation:</b> Veterans' Affairs recommends repealing this statute after the July 1, 2025, transfer of Stone veterans facility based on SC Code section 25-11-710.
			<b>Suggested Revision:</b>
			<del>The South Carolina Mental Health Commission, in mutual agreement with the authorities of the United States Veterans Administration, may establish South Carolina veterans homes to be located on grounds owned by the Department of Mental Health. The purpose of these homes is to provide treatment for South Carolina veterans who are mentally ill or whose physical condition requires long-term nursing care. Admission requirements to these homes are the same as any other facility operated by the department except that the patients at these facilities must be South Carolina veterans. The South Carolina Mental Health Commission is designated as the agency of the State to apply for and to accept gifts, grants, and other contributions from the federal government or from any other governmental unit for the operation and construction of South Carolina veterans homes. The South Carolina Mental Health Commission shall consult with the Department of Veterans' Affairs, Office of the Governor, concerning the policies, management, and operation of the South Carolina veterans homes. Repealed.</del>
9.	44-11-40	Organization and Control of State Mental Health Facilities	<b>Recommendation + Explanation:</b> Veterans' Affairs recommends repealing this statute after the July 1, 2025, transfer of Stone veterans facility based on SC Code section 25-11-710.
			<b>Suggested Revision:</b>
			<del>For the purpose of Section 44-11-30 "South Carolina veterans" means any ex-service South Carolina citizen who was discharged under other than dishonorable conditions and who served in any branch of the military or naval service of the United States. Repealed.</del>

**SC Department of Agriculture’s Recommended Statutory Changes**

<b>10.</b>	<b>46-57-20 (E), (G), (H)</b>	<b>Food Safety</b>	<b>Recommendation + Explanation:</b>																									
			<p>The Department of Agriculture has requested amendments to 46-57-20 as set forth below in subsections (E), (G), and (H).</p>																									
			<b>Suggested Revision:</b>																									
			<p>(A) For the purposes of this section:</p> <p>(1) “Home-based food production operation” means an individual, operating out of the individual’s dwelling, who prepares, processes, packages, stores, and distributes nonpotentially hazardous foods for sale directly to a person.</p> <p>(2) “Nonpotentially hazardous foods” means candy and baked goods that are not potentially hazardous foods.</p> <p>(3) “Person” means an individual consumer.</p> <p>(4) “Potentially hazardous foods” means:</p> <p>(a) an animal food that is raw or heat treated, a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes, or mixtures of cut tomatoes not modified to prevent microorganism growth or toxin formation, or garlic in oil mixtures not modified to prevent microorganism growth or toxin formation;</p> <p>(b) certain foods that are designated as Product Assessment Required (PA) because of the interaction of the pH and Aw values in these foods. Below is a table indicating the interaction of pH and Aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">Aw values</td> <td></td> <td style="text-align: center;">pH values</td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">4.6 or less</td> <td style="text-align: center;">&gt; 4.6 - 5.6</td> <td style="text-align: center;">&gt; 5.6</td> </tr> <tr> <td style="text-align: center;">(1)</td> <td style="text-align: center;">&lt; 0.92</td> <td style="text-align: center;">non-PHF</td> <td style="text-align: center;">non-PHF</td> <td style="text-align: center;">non-PHF</td> </tr> <tr> <td style="text-align: center;">(2)</td> <td style="text-align: center;">&gt; 0.92 - 0.95</td> <td style="text-align: center;">non-PHF</td> <td style="text-align: center;">non-PHF</td> <td style="text-align: center;">PHF</td> </tr> <tr> <td style="text-align: center;">(3)</td> <td style="text-align: center;">&gt; 0.95</td> <td style="text-align: center;">non-PHF</td> <td style="text-align: center;">PHF</td> <td style="text-align: center;">PHF</td> </tr> </table> <p>Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009 Federal Drug Administration Food Code.</p> <p>(B) The operator of the home-based food production operation must take all reasonable steps to protect food items intended for sale from contamination while preparing, processing, packaging, storing, and distributing the items including, but not limited to:</p> <p>(1) maintaining direct supervision of any person, other than the operator, engaged in the</p>		Aw values		pH values				4.6 or less	> 4.6 - 5.6	> 5.6	(1)	< 0.92	non-PHF	non-PHF	non-PHF	(2)	> 0.92 - 0.95	non-PHF	non-PHF	PHF	(3)	> 0.95	non-PHF	PHF	PHF
	Aw values		pH values																									
		4.6 or less	> 4.6 - 5.6	> 5.6																								
(1)	< 0.92	non-PHF	non-PHF	non-PHF																								
(2)	> 0.92 - 0.95	non-PHF	non-PHF	PHF																								
(3)	> 0.95	non-PHF	PHF	PHF																								

		<p>processing, preparing, packaging, or handling of food intended for sale;</p> <p>(2) prohibiting all animals, including pets, from entering the area in the dwelling in which the home-based food production operation is located while food items are being prepared, processed, or packaged and prohibiting these animals from having access to or coming in contact with stored food items and food items being assembled for distribution;</p> <p>(3) prohibiting all domestic activities in the kitchen while the home-based food production operation is processing, preparing, packaging, or handling food intended for sale;</p> <p>(4) prohibiting any person who is infected with a communicable disease that can be transmitted by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted by food, who has an infected wound, or who has an acute respiratory infection from processing, preparing, packaging, or handling food intended for sale by the home-based food production operation; and</p> <p>(5) ensuring that all people engaged in processing, preparing, packaging, or handling food intended for sale by the home-based food production operation are knowledgeable of and follow safe food handling practices.</p> <p>(C) Each home-based food production operation shall maintain a clean and sanitary facility to produce nonpotentially hazardous foods including, but not limited to:</p> <p>(1) department-approved water supply;</p> <p>(2) a separate storage place for ingredients used in foods intended for sale;</p> <p>(3) a properly functioning refrigeration unit;</p> <p>(4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for the cleaning and sanitization of all utensils and equipment;</p> <p>(5) adequate facilities for the storage of utensils and equipment;</p> <p>(6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;</p> <p>(7) a properly functioning toilet facility;</p> <p>(8) no evidence of insect or rodent activity; and</p> <p>(9) department-approved sewage disposal, either on-site treatment or publicly provided.</p> <p>(D) All food items packaged at the operation for sale must be properly labeled. The label must comply with federal laws and regulations and must include:</p> <p>(1) the name and address of the home-based food production operation;</p> <p>(2) the name of the product being sold;</p> <p>(3) the ingredients used to make the product in descending order of predominance by weight; and</p> <p>(4) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast to the background that reads: "NOT FOR RESALE PROCESSED AND PREPARED BY A HOME-BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD SAFETY REGULATIONS."</p>
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			<p><del>(E) Home-based food operations only may sell, or offer to sell, food items directly to a person for his own use and not for resale. A home-based food operation may not sell, or offer to sell, food items at wholesale. Food produced from a home-based food production operation must not be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61-25. Home based food operations only may sell, or offer to sell, food items directly to a person, including online and by mail order, or to retail stores, including grocery stores. Food produced from a home-based food production operation shall be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61.25. Any retail stores, including grocery stores, that sell or offer to sell home-based food products must post clearly visible signage indicating that home-based food products are not subject to commercial food regulations.</del></p> <p>(F) A home-based food production operation is not a retail food establishment and is not subject to regulation by the department pursuant to Regulation 61-25.</p> <p>(G) The provisions of this section do not apply to an operation with net earnings of less than <del>five</del><u>fifteen</u> hundred dollars annually but that would otherwise meet the definition of a home-based food operation provided in subsection (A)(1).</p> <p><u>(H) The provisions of this section apply in the absence of a local ordinance to the contrary.</u></p>
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