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**HOUSE WEEK IN REVIEW**

The House of Representatives approved **S.805** and enrolled the bill for ratification. The legislation creates the **DEPARTMENT OF CHILDREN’S ADVOCACY** to ensure that childrenunder the care of a state agency, particularly children served by the child welfare or juvenile justice systems, receive timely, safe, and effective services and to receive and investigate complaints related to the provision of services to children by a state agency. The Department of Children’s Advocacy is established to perform oversight duties to safeguard the health, safety, and well-being of all children receiving 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 Health and Environmental Control, 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 Blind. The new department is headed by the State Child Advocate, who is appointed by the Governor from three candidates recommended by the Joint Citizens and Legislative Committee on Children and upon the advice and consent of the Senate for a term of six years. An individual may be reappointed to additional terms. The legislation establishes qualifications for the State Child Advocate, disqualifies someone who has served as the director or deputy director of a state agency during the previous four years, and provides grounds for the removal of the Advocate by the Governor upon recommendation of the Joint Citizens and Legislative Committee on Children. The legislation includes requirements for a state agency to inform the Department of Children’s Advocacy within twenty-four hours of a child fatality, serious injury, or other critical incident. The State Child Advocate is authorized to perform an independent investigation of a critical incident. The department is afforded access to government records, reports, and documents and is charged with making an annual report on its activities. The statewide Cass Elias McCarter Guardian ad Litem Program, the Division for Review of the Foster Care of Children, and the Continuum of Care for Emotionally Disturbed Children Division are transferred to be administered by the new Department of Children’s Advocacy.

The House approved **S.1041**, a bill establishing criminal and civil **PENALTIES FOR DEFRAUDING THE ELDERLY AND OTHER VULNERABLE ADULTS**, and enrolled the legislation for ratification. The legislation provides that it is unlawful for someone knowingly or willfully to solicit or obtain by deception, intimidation, undue influence, or false, misleading, or deceptive acts or practices the money or property of a vulnerable adult or the personal identifying information of a vulnerable adult for the purposes of committing financial identity fraud or identity fraud. Criminal penalties are established that subject a violator to a misdemeanor, when the total value of the money or property is no more than two thousand dollars, and felony offenses for larger sums. Provisions are made for civil actions that may be filed by vulnerable adults, or filed on their behalf, that allow for the recovery of three times the amount of actual damages or three thousand dollars for each violation, whichever is greater, along with reasonable attorney’s fees and court costs. Additionally, a civil action may be pursued to enjoin and restrain future violations. The legislation makes provisions for administrative orders to cease and desist, to return property or money received, and to impose penalties of up to ten thousand dollars per violation. Violations may be considered grounds for revocation, suspension, or non‑renewal of a professional license or registration issued by an agency of this state. A violation of these provisions is also designated an Unfair Trade Practice.

The House refused to concur in Senate amendments to **S.954**. As approved by the House, S.954 is legislation **ELIMINATING ALL CHARGES ON THE ELECTRIC BILLS OF SCE&G CUSTOMERS THAT SUPPORT THE FAILED V.C. SUMMER NUCLEAR POWER PROJECT**. This joint resolution affords the Public Service Commission additional time to make a decision on whether the Base Load Review Act has been properly used to finance the failed nuclear power project in Fairfield County. The House amended the legislation to provide that, while the PSC is conducting its review and rendering its decision under this timeline and during any appeals of decisions that could follow, the nuclear premium charge is to be removed from the power bills of SCE&G customers. The House version orders new electricity rates for customers of SCANA Corporation’s South Carolina Electric and Gas to be reduced by eliminating all of the increases that have been imposed in recent years under the Base Load Review Act to finance the failed V.C. Summer nuclear power project in Fairfield County. These lower experimental rates would no longer include the increases, amounting to around 18% to 19.5%, that have been included on the power bills of SCE&G customers to fund construction of the nuclear reactors in Jenkinsville which have now been abandoned. The Senate approved an experimental rate that eliminates most, but not all, of the increases attributable to the Base Load Review Act by allowing a 5% nuclear premium charge to remain on the power bills of SCE&G customers. A conference committee has been appointed to address the differences between the Senate and House on this legislation.

The House concurred in Senate amendments to **H.4488**, a bill **ALLOWING OFFICIALS WHO ARE DETERMINING CAUSES OF DEATH TO HAVE ACCESS TO PRESCRIPTION DRUG MONITORING INFORMATION**, and enrolled the legislation for ratification. The legislation expands the list of persons to which the Department of Health and Environmental Control’s Bureau of Drug Control may provide prescription monitoring program data so that it also includes a coroner, deputy coroner, medical examiner, or deputy medical examiner who is involved in an official inquiry into the cause and manner of a person’s death.

The House concurred in Senate amendments to **H.3699** and enrolled the bill for ratification. The legislation authorizes the **SHARING CHILDREN’S HEALTH INFORMATION WITH CAREGIVERS** in abuse and neglect cases, placements, or adoptions. The legislation removes prohibitions that prevent the Department of Social Services from sharing with foster parents, or other caregivers, the medical, mental health, and other known, or reasonably obtainable, information about children necessary to provide them with adequate care. This disclosure requirement applies to abuse and neglect cases, placements, or adoptions.

The House concurred in Senate amendments to **H.4683**, the **“BEACHFRONT MANAGEMENT REFORM ACT”**, and enrolled the bill for ratification. The legislation makes revisions to the limitations placed on the development of oceanfront property and other coastal areas. The legislation makes provisions for the baselines and setback lines that are be used until the Department of Health and Environmental Control completes its review cycle, to be initiated after 2023, to establish new lines. The legislation includes provisions for how DHEC is to evaluate oceanfront areas that incur extraordinary erosion due to the impact of a storm system or event named by the National Weather Service when making its reviews to establish new lines. A new protocol of notification requirements and public hearings is established for DHEC to follow as the agency revises lines in its beach preservation policy.The appeals process is revised to allow property owners to have one year to be granted a review of the baseline and setback line.

The House insisted upon its amendments to **H.3819**, a bill establishing new **REQUIREMENTS THAT MUST BE MET BEFORE PRESCRIBING OPIOID ANALGESICS TO MINORS**, and appointed a conference committee to address its differences with the Senate on the legislation.

The House returned **S.918** to the Senate with amendments. The legislation includes provisions that draw upon the work of the special House Opioid Abuse Prevention Study Committee that was appointed by the Speaker of the House to examine the growing misuse of prescription painkillers and recommend legislative actions to counter the epidemic of ruinous addiction and fatal overdoses. The legislation imposes new **LIMITATIONS ON INITIAL PRESCRIPTIONS OF AN OPIOID MEDICATION FOR ACUTE PAIN MANAGEMENT OR POSTOPERATIVE PAIN MANAGEMENT**. Under the bill, Initial opioid prescriptions for acute pain management or postoperative pain management must not exceed a seven‑day supply, except when clinically indicated for chronic pain, cancer pain, hospice care, palliative care, major trauma, major surgery, treatment of sickle cell anemia, or medication‑assisted treatment for substance abuse. Upon any subsequent consultation for the same pain, the practitioner may issue any appropriate renewal, refill, or new opioid prescription. The limitation does not apply when a practitioner orders an opioid prescription to be wholly administered in a hospital, nursing home, hospice facility, or residential care facility. The legislation makes provisions for the Department of Health and Environmental Control to use information in the state prescription monitoring program system to provide **PRESCRIPTION REPORT CARDS** to health care practitioner who prescribe controlled substances to inform them about their prescribing trends compared to other practitioners. The legislation includes provisions for **EXPANDING THE PRESCRIPTION MONITORING PROGRAM DATABASE TO INCLUDE INFORMATION ON THE ADMINISTRATION OF** **OPIOID ANTIDOTES**. The legislation establishes protocols for the timely submission to the database of the date an opioid antidote was administered, the dosage and route of administration, and the name, address, and date of birth of the person to whom the opioid antidote was administered, if available, that apply when an opioid antidote is administered in a hospital emergency department or other health care facility or by a first responder. DHEC is required to maintain data on the administering of opioid antidotes including the frequency with which opioid antidotes are administered in health care facilities and by first responders by geographic location. The legislation requires a health care practitioner or the practitioner’s delegate to review a patient’s opioid antidote administration history in addition to the patient’s controlled substance prescription history before issuing a prescription for a Schedule II controlled substance.

The House returned **S.709** to the Senate with amendments. The bill establishes new requirements for **PUBLIC SCHOOL FIRE AND SAFETY POLICIES AND DRILLS**. Within each school year, public schools, including charter schools whose instruction is not primarily delivered online, must conduct at least two fire drills, two active shooter/intruder drills, and two severe weather/earthquake drills, with at least one of each drill conducted each semester. The legislation establishes requirements for school facility fire and safety policies and programs that charge the State Department of Education and the Office of the State Fire Marshal with developing model fire and safety policies and program guidelines and reviewing the safety policies and programs adopted by school districts and charter schools. The State Department of Education and the South Carolina Law Enforcement Division, in consultation with school‑employed mental health professionals and the State Fire Marshal, must develop and update guidelines for the conduct of active shooter/intruder training along with developmentally appropriate training materials. These guidelines must be included in required annual teacher collegial development. A developmentally appropriate active shooter/intruder drill instructional video must be shown to all students at the beginning of each semester, and the State Department of Education must make this video available to all public school classrooms.

The House amended Senate amendments to **H.4116** and returned the bill to the Senate. The legislation revises the state’s Medical Practice Act to provide that **PHYSICIANS CANNOT BE REQUIRED TO OBTAIN NATIONAL CERTIFICATION AS A CONDITION OF LICENSURE, REIMBURSEMENT, EMPLOYMENT, OR ADMITTING PRIVILEGES AT A HOSPITAL** or federally qualified health center. This prohibition applies to “Maintenance of Certification” or “MOC” continuing education programs that measure core competencies in the practice of medicine and surgery and are approved by a nationally‑recognized accrediting organization.

The House returned **H.3886**, the **“SOUTH CAROLINA HOMEOWNERS ASSOCIATION ACT”**, to the Senate with amendments. The bill establishes new comprehensive provisions governing the operation of homeowners associations.

The House returned **S.857**, a bill revising the composition of the **WIL LOU GRAY OPPORTUNITY SCHOOL BOARD OF TRUSTEES**, to the Senate with amendments. The legislation reduces the board’s membership from fourteen to twelve by eliminating the ex officio positions for the Governor and the State Superintendent of Education.

The House approved **S.937** and enrolled the bill for ratification. The legislation extends the temporary devolution of powers, duties, and obligations vested in the **DENMARK TECHNICAL COLLEGE AREA COMMISSION** to the State Board for Technical and Comprehensive Education until January 1, 2019, in order to coordinate with a Southern Association of Colleges and Schools accreditation timeline.

**HOUSE COMMITTEE ACTION**

**EDUCATION AND PUBLIC WORKS**

The Committee on Education and Public Works met on Tuesday, April 24, 2018 and recommended eight bills be sent to the House.

The Committee approved **S.937**, **DENMARK TECHNICAL COLLEGE AREA COMMISSION.** The legislation extends the temporary devolution of powers, duties, and obligations vested in the Denmark Technical College area commission to the state board for Technical and Comprehensive Education until January 1, 2019, in order to coordinate with a Southern Association of Colleges and Schools accreditation timeline.

The Committee approved **S.857**, **WIL LOU GRAY OPPORTUNITY SCHOOL BOARD OF TRUSTEES**. The bill revises the composition of the Wil Lou Gray Opportunity School board of trustees. The legislation reduces the board’s membership from fourteen to twelve by eliminating the ex officio positions for the Governor and the State Superintendent of Education.

The Committee approved **S.709**, **PUBLIC SCHOOL FIRE AND SAFETY POLICIES AND DRILLS,** with amendments. The bill establishes new requirements for public school drills. Within each school year, public schools, including charter schools whose instruction is not primarily delivered online, must conduct at least two fire drills, two active shooter/intruder drills, and two severe weather/earthquake drills, with at least one of each drill conducted each semester. The legislation establishes requirements for school facility fire and safety policies and programs that charge the State Department of Education and the Office of the State Fire Marshal with developing model fire and safety policies and program guidelines and reviewing the safety policies and programs adopted by school districts and charter schools. The State Department of Education and the South Carolina Law Enforcement Division, in consultation with school‑employed mental health professionals and the State Fire Marshal, must develop and update guidelines for the conduct of active shooter/intruder training along with developmentally appropriate training materials. These guidelines must be included in required annual teacher collegial development. A developmentally appropriate active shooter/intruder drill instructional video must be shown to all students at the beginning of each semester, and the State Department of Education must make this video available to all public school classrooms.

The Committee approved **S.888**, **PAY FOR UNUSED** **LEAVE AND SICK** **LEAVE FOR TEACHERS.** This bill provides that certain public school faculty members annually may receive payments for unused annual leave and sick leave in excess of ninety days at an established rate of substitute pay or other amount for their job classification. It also provides these payments are available to teachers in public school districts and charter schools. This is subject to approval by the local school board, or, in the case of a charter school, the governing body of the charter school.

The Committee approved **S.302**, **BAND AND PHYSICAL** **EDUCATION**. This bill relates to physical education instruction in public schools and provides that marching band instruction based on the South Carolina academic standards for the visual and performing arts must be considered the equivalent of physical education instruction.

The Committee passed **S.28**, **ELECTIVE** **CREDIT IN RELIGIOUS** **INSTRUCTION**, which relates to elective credit for released time classes in religious instruction for high school students. The bill notes that requirements shall be satisfied if a school district leaves the evaluation and assessment function for an off-campus released time class to an accredited private school, and accepts the off-campus released time transfer of credit without individually assessing the quality or subject matter of the class, “trusting the private school accreditation process to ensure adequate academic standards.”

The Committee approved **S.1083** regarding **TEMPORARY** **LICENSE** **PLATES FOR NEWLY** **ACQUIRED** **VEHICLES.** The bill relates to the time period for procuring registration and licensing, temporary license plates, and the transfer of license plates. The bill provides that the Department of Motor Vehicles is authorized to administer a program for and regulate the issuance of temporary license plates for newly acquired vehicles; provides for design and other specifications; provides that the Department is authorized to administer an electronic system for county auditor's offices, licensed motor vehicle dealers, leasing companies, and other entities authorized by the Department to use in issuing temporary license plates; and provides that any person or entity authorized by this section to issue a temporary license plate shall maintain records as required by the department.

The Committee approved, as amended, **S.874**, **ORGAN** **PROCUREMENT ORGANIZATION** **VEHICLES**, which defines authorized emergency vehicles, adding organ procurement organization vehicles to the definition. Moreover, the requisite motor vehicle insurance coverage must be maintained, and, before driving such a vehicle, the driver must successfully complete a nationally accredited safety driving course that is specific for emergency vehicles or includes training on the operation of emergency vehicles.

**LABOR, COMMERCE AND INDUSTRY**

The House Labor, Commerce and Industry Committee met on Wednesday, April 25, and reported out several bills.

The committee gave a favorable report on **S.1099**, a bill addressing **SOUTH CAROLINA MINING ACT EXEMPTIONS**. The legislationrevises provisions governing the application of the South Carolina Mining Act, to add exemptions for the Department of Commerce, Division of Public Railways, and persons acting under contract with the Department of Commerce.

The committee gave a favorable report on **S.1042**. This bill revises insurance law provisions to define the term **“INTERNATIONAL MAJOR MEDICAL INSURANCE”** and include this form of insurance in the definition for the term “surplus lines insurance”. International major medical insurance is a temporary health insurance policy that covers the expenses associated with illnesses or accidents that occur while traveling or when temporarily residing outside of a person’s home country.

The committee gave a favorable report on **S.877**. This bill revises **APPRAISAL MANAGEMENT COMPANY REGISTRATION REQUIREMENTS** to allow the option of satisfying a registration requirement with a surety bond in an amount not to exceed fifty thousand dollars.

The committee gave a report of favorable with amendments on **S.810**, a bill revising provisions for the regulation of **PAWNBROKERS** to establish an expedited process for returning stolen property in the possession of a pawn shop to the rightful owners. The legislation includes provisions for records on pledged items to be compiled in a centralized database maintained by the Department of Consumer Affairs that is accessible by law enforcement.

The committee gave a favorable report on **S.1027**, a bill providing an **EXEMPTION FROM CERTAIN UNEMPLOYMENT COMPENSATION FILING REQUIREMENTS FOR SMALLER COMPANIES**. The legislation revises unemployment insurance provisions, to provide that filing requirements imposed under certain Department of Employment and Workforce regulations or procedures relating to vacation time do not apply to employers in this state with fewer than fifty employees.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The Medical, Military, Municipal, and Public Affairs Committee met on Thursday, April 26, 2018, and reported our several bills.

**H.4489**, a bill **EXEMPTING KIDNEY TREATMENT CENTERS FROM** **CERTIFICATE OF NEED** review requirements, was given a favorable recommendation by the full committee. The legislation outlines that these centers are still subject to licensing requirements.

**H.4947**, legislation codifying language in current proviso the requirements for **STATE EMPLOYEE LEAVE DONATIONS**, was given a favorable report by the full committee.

This legislation states that in the event of a medical emergency a state employee may make a written request to their employing agency that a specified number of accrued annual or sick leave hours be transferred from their accounts to a specific leave recipient, rather than to a leave pool account. This request is subject to the approval of the agency director.

The legislation also outlines that an employee with less than fifteen days in their sick leave account may not transfer any sick leave to the recipient, and an employee with more than fifteen days in their sick leave account may transfer sick leave to the recipient if they retain a minimum of fifteen days in their own sick leave account. Once leave of an employee has been transferred to the recipient, it may not be restored or returned to the leave donor.

**H.4978**, legislation dealing with an **ATHLETIC TRAINER’S CERTIFICATE TO PRACTICE**, was given a favorable recommendation by the committee. Currently, an athletic trainer works under a licensed physician to carry out the practice of care, prevention, and physical rehabilitation of athletic injuries. This bill will require an athletic trainer to be an allied health professional. The bill also clarifies an existing regulation to make it clear that DHEC is authorized to suspend, deny, or revoke an athletic trainer’s certificate, and impose a civil monetary penalty for violations of an athletic trainer regulation.

The committee gave a favorable report to **H.5002**, a bill allowing a **LICENSED BARBER** to practice within his or her scope of practice in a licensed cosmetology setting (beauty salon).

**H.5040**, a bill regarding **SCHOOL HOLIDAYS**, was given a favorable with amendment recommendation by the committee. The bill outlines that local school districts must observe Martin Luther King, Jr. Day and Memorial Day as legal holidays and schools and offices of the school districts must be closed on those dates. School districts may not schedule make-up days on either day. Schools and school districts may utilize the funds realized from observing those holidays to provide educational training related to the Martin Luther King Jr. Day and Memorial Day observance.

**H.5061**, a bill that makes changes to the **PHARMACIST SAFETY ACT**, was given a favorable with amendment report by the committee. The bill adds a provision that requires a pharmacy to provide a thirty minute rest break to pharmacists and pharmacy technicians working a twelve hour shift in the pharmacy. The rest break will be determined by the pharmacist or pharmacist technician but a rest break may not be taken at the beginning or end of a twelve hour shift. The bill exempts institutional pharmacies where critical patient care is provided.

The committee gave a favorable report to **S.79**, a bill designating July of each year as **FIBROID TUMOR AWARENESS MONTH** to raise awareness of the impact fibroid tumors have on women’s health.

**S.170**, legislation requiring every county to establish a **CHILD FATALITY REVIEW TEAM**, was given a favorable with amendment recommendation by the committee. The bill requires every county coroner to establish a Child Fatality Review Team to perform a review within seven days of a case where a child under the age of eighteen has died. This review team may be composed of a county coroner or his or her designee; a local law enforcement officer; an agent from SLED’s Department of Child Fatalities; a board certified child abuse pediatrician; a county DSS representative; and a forensic pathologist.

The purpose of the local Child Fatality Review Team is to rapidly review all child deaths that occur in the county the coroner serves. The review team will enter their findings into the Child Death Review Case Reporting System, submit a monthly report the State Child Fatality Advisory Committee, and submit a report of the findings of each reviewed death to the Bureau of Vital Statistics. Meetings of the review team are closed to the public and are not subject to the Freedom of Information Act (FOI) only when discussing cases of child deaths.

This bill also provides for the distribution of funds to counties based on population to supplement existing funds used for full-time county coroners. The minimum funding to each county is $35,000 and is contingent upon availability of funds from state appropriations or the availability of financial support for other sources.

The committee gave a favorable report to **S.345**, a bill revising the scope of practice and supervision requirements for an **ADVANCED PRACTICE REGISTERED NURSE (APRN)**. The bill removes the existing requirement for an APRN to practice within a 45 mile radius of the supervising physician. It also increases the maximum number of APRNs a physician may supervise from three to the equivalent of six full time APRNs. A physician must not supervise more than six APRNs and physicians assistants at any one time. The supervising physician must have an active, unrestricted, permanent license to practice medicine in SC and practice within the geographic boundaries of this State. Among many other things, the bill allow APRNs to prescribe Schedule II controlled substances, under certain conditions.

**S.506**, a bill relating to the **DISPENSING OF MEDICATIONS BY PHARMACISTS NOT LICENSED IN THIS STATE**, was given a favorable with amendment recommendation by the committee. The bill allows for a thirty-day supply to be dispensed for a one-time emergency prescription refill. No controlled substance may be dispensed under this provision.

The bill adds that a pharmacist can exercise his professional judgment, in consultation with the patient, to dispense varying quantities of a maintenance medication per refill up to the total number of dosage units authorized by the prescriber on the original prescription. However, if the prescriber has specified on the maintenance prescription that dispensing in an initial amount followed by periodic refills is medically necessary, the prescription must be filled as indicated. However, this discretion is not permitted for medications in Schedules II - V or for any prescriptions that must be reported to the Prescription Monitoring Program. Dispensing of medication based on prescriber authorized refills must be limited to no more than a 90 day supply.

The committee gave a favorable report to **S.891**, legislation dealing with **INFORMATION THAT MUST BE MADE AVAILABLE TO PARENTS OF NEWBORNS**. Currently, state law requires every hospital to make a DHEC-approved video on the dangers associated with shaking infants and young children available to the parents of each newborn baby delivered in the hospital. The bill requires the educational video to include information on safe sleeping practices and the causes of sudden unexpected infant death syndrome as well. Federal funds are available this provision.

And finally the committee gave a favorable report to **S.962**, a bill providing **criteria for LICENSURE AS AN ADDICTION COUNSELOR.** This bill requires an addiction counselor to be licensed by the Department of Labor, Licensure, and Regulation. The bill also updates the educational options for eligibility for licensure. Beginning October 1, 2018, an addiction counselor applicant must have a master’s degree or higher. The bill provides that an individual may not represent himself as an addiction counselor without being licensed.

**BILLS INTRODUCED IN THE**

**HOUSE THIS WEEK**

**JUDICIARY**

**S.777 *ALCOHOL FOR SALE AT SOCCER COMPLEXES* Senator Senn**

This bill would allow beer, wine, and liquor sales for on-premises consumption at soccer complexes. These complexes are as defined in this proposed legislation.

**H.5319 *SOUTH CAROLINA ANTI-RACKETEERING ACT* Rep. Elliott**

The proposed "South Carolina Anti-Racketeering Act" would prohibit buying or owning any interest in any enterprise, real estate, or personal property if it is acquired through a pattern of racketeering activities. The covered activities are defined in this proposed legislation. It would establish penalties for violations and procedures for Racketeer Influenced and Corrupt Organization [RICO] forfeitures of these assets. It also would allow the domestication of another court’s RICO orders in South Carolina when their Act is similar to ours. It further would establish certain requirements before a foreign corporation could acquire any property in South Carolina. In addition, this proposal would prohibit lobbyists, current or former public officials, and former public employees from serving in election campaigns, or providing services to candidates. As a final provision, it would prevent former public employees serving as lobbyists or working for anyone regulated by their former public employer.

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