



South Carolina House of Representatives

Legislative Update

G. Murrell Smith, Speaker of the House

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LEGISLATIVE UPDATE

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House Floor Actions (for April 9 - 10, 2024)

H. 4187 Felony 'Smash and Grab' or other Organized Retail Theft

The House has sent the Senate **H. 4187**. It is a legislative attempt to revise the criminal offense of retail theft of more than \$2,000 worth of merchandise, property, money, gift cards, or other forms of credit to deprive a merchant of the full value of these items. It would do so by creating **the offenses of felony organized retail crime and felony organized retail crime of an aggravated nature** by two or more people acting in concert. These crimes would have to be shown to have been committed with an intent by these thieves to sell, barter, exchange, or re-enter the stolen items into the stream of commerce for their own personal monetary, or other, gain.

It also proposes graduated penalties for these new crimes, based on the total value of any items taken within a 90-day period. One indictment can cover all of these thefts during this time, even if they were stolen from different locations. When an innocent party experiences bodily injury during these 'smash and grab' crimes, or more than \$2,000 worth of property damage is incurred by any merchant, an aggravated charge could be made. Maximum fines of \$50,000, and up to 15 years in jail – or both – could be imposed to punish these violators. Sellers of stolen items, even if no one is convicted of organized retail theft, also would face repercussions for doing so if they believe, or have reasonable grounds to have believed, that the items they received were stolen.

H. 4248 Conditional Discharge Orders for Serving Underage Drinkers Alcohol Offenders

The Senate is also receiving **H. 4248**. It would permit **servers charged with delivering underage patrons, beer, ale, porter, or wine** to enter into conditional discharge orders after paying appropriate fees set out under this bill. Compliance with these orders would dispose of the pending charges. While our State Law Enforcement Division would receive a nonpublic record of these offenses, they could be expunged once violators successfully meet all the conditions of the signed order, pay an appropriate fee, and then no conviction would appear on their records as a result.

H. 4561 Campaign Funds for Dependent Care

The House sent the Senate **H. 4561**, a bill **to allow candidates and public officials to use campaign funds to pay for dependent care expenses** incurred during campaign activities. Dependent care includes direct care for minors or family members with disabilities or medical conditions for whom the candidate or official has direct responsibility. This care would have to be provided when public officials participate in events outside

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of their normal working hours. Candidates and public officials would have to incur expenses that would not have arisen but for the fact they are campaigning. Any dependent care would have to be provided by a provider licensed in South Carolina, unless, as set out in this version of this bill, a non-licensed provider –who is not a family member – is the only person who can do so because no licensed provider is available. Records of these expenses would have to be retained for four years and made available to the State Ethics Commission upon request.

H. 4622 Itemized Medical Billing

The House gave third reading, as amended, and sent to the Senate **H. 4622**, a bill dealing with **itemized medical billing**. Beginning January 1, 2025, a health care provider that requests payment from a patient shall submit with the request an itemized bill of the service(s) provided during that visit. "Health care provider" means a hospital or ambulatory surgical facility. A health care provider may issue the itemized bill electronically, including through a patient portal on the provider's website. The provider must submit the itemized bill no later than 30 days after the provider receives a final payment. The legislation further outlines what must be contained in the itemized bill. The bill outlines that a provider cannot send to collections until an itemized bill is provided to a patient. It is provided that a collection agency is not liable under this provision for billing inaccuracies provided by the health care provider. If any inaccuracies are determined, the collection agency must cease collection activities and return the account back to the health care provider.

H. 4928 Veterans' Trust Fund

The House concurred with Senate amendments to **H. 4928** and enrolled the bill for ratification. This bill deals with the **Veterans' Trust Fund** that assist public and private veteran programs throughout the state with only voluntary tax donations. Currently, the fund does not have fundraising as an activity to raise monies to add to the fund. As a result, the bill adds fundraising as an activity.

H. 5144 School Mapping Data Program

H. 5144 was amended by the House and ordered to third reading. H. 5144 establishes a statewide **school mapping data** initiative within the State Department of Education (with guidance Center for School Safety and Targeted Violence) for the purpose of facilitating efficient emergency responses in public schools (including charter schools and special schools) by public safety agencies. The State Department of Education must pay annual maintenance fees to update school maps to ensure the floor plans and aerial imagery are accurate and up to date.

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H. 3992 Delinquent Unemployment Compensation Tax Payments

The House concurred in Senate amendments to **H. 3992**, legislation addressing **delinquent unemployment compensation tax payments**, and enrolled the bill for ratification. The legislation provides that an employer who has an installment payment agreement approved by the Department of Employment and Workforce shall be permitted to pay its unemployment compensation tax at the prescribed rate. However, any such employer's tax rate shall immediately revert to the tax class twenty rate if the employer fails to make any one of the succeeding deferred payments or fails to submit any succeeding wage report and payment in a timely manner as required by the department-approved installment payment agreement.

H. 5230 Attorney General Membership in the Retirement System for Judges and Solicitors

The House amended, approved, and sent the Senate **H. 5230**, a bill revising **retirement system eligibility**. The legislation provides authority for the South Carolina Attorney General to become a member of the South Carolina's Retirement System for Judges and Solicitors. Eligibility provisions of the Retirement System for Judges and Solicitors are revised to include administrative law judges. The legislation provides for full-time masters-in-equity to participate in the South Carolina Police Officers Retirement System.

H. 5235 Medicaid Program Conformity

The House approved and sent the Senate **H. 5235, Medicaid Program conformity** legislation. The bill revises provisions relating to insurers providing coverage to persons receiving Medicaid to comport with the federal Consolidated Appropriations Act of 2022.

H. 5236 Medicaid System Procurement

The House approved and sent the Senate **H. 5236**, a bill addressing **Medicaid System procurement**. The legislation allows the state to rely upon the prior notification published by the National Association of State Procurement Officials (NASPO) for any multi-state solicitation it issues by authorizing South Carolina's Department of Health and Human Services, or a successor agency, to award contracts and procure Medicaid systems and services using competitively solicited NASPO ValuePoint Master Cooperative Purchasing Agreements.

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H. 3180 Homeowners Associations' Authority to Foreclose on Property

The House amended, approved, and sent the Senate **H. 3180**, a bill addressing **homeowners associations' authority to foreclose on property**. Under the legislation, "any homeowners association with the authority granted in its governing documents to foreclose on the property of a homeowners association member must, in the case of a default by a defendant property owner, make application for a rule to show cause to be issued to the defendant property owner. No foreclosure sale may be noticed prior to the issuance of the rule to show cause."

H. 4843 Use of Marinas and Commercial Decks Located in Critical Coastal Areas

The House amended, approved, and sent the Senate **H. 4843**, a bill addressing the **authority for businesses to use their marinas and commercial decks located in coastal critical areas**. The legislation provides that, notwithstanding any statutory or regulatory provision of law to the contrary, businesses that contain grandfathered or permitted commercial decks or marinas located in coastal waters, tidelands, beaches, or dune areas may utilize these structure for purposes of providing food and beverage services for consumption by patrons of the business.

Introductions

Agriculture, Natural Resources and Environmental Affairs

H. 5390 Air Quality Rep. Hatch

This bill prohibits the emission of any air contaminant with purpose to affect temperature, weather or sunlight intensity.

S. 955 Blue Crabs Sen. Campsen

The bill would establish licensure for the taking of blue crab by trap for commercial purposes and provides for the requirements for obtaining the license.¹

S. 1150 Cultivated Food Products Sen. Climer

This bill would make it unlawful for any person to label any cell-cultivated food product (any food product developed in a laboratory or facility and grown from a sample of living animal cells) as beef, poultry, fish, crustacean, or any other animal protein that the cell-cultivated food product may resemble for the purposes of manufacturing, selling, or holding or offering for sale.

¹ *Callinectes sapidus* (from the Ancient Greek, "beautiful swimmer," and Latin *sapidus*, "savory"), the blue crab, Atlantic blue crab, or, regionally, the Maryland blue crab, is a species of crab native to the waters of the western Atlantic Ocean and the Gulf of Mexico.

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Education and Public Works

S. 1188 Expulsion and Hearings Sen. Tedder

S. 1188 relates to expulsion and hearings. S. 1188 would amend requirements to be included in written notification to parents or legal guardians of the pupil.

Judiciary

H. 5374 Individual Likenesses as Personal Property Rep. Henegan

This proposed legislation would grant everyone property rights over their likenesses, voices, or photographs. Furthermore, it would allow civil penalties to be assessed for unauthorized use, publication, production, or distribution of these images, likenesses, or voices.

H. 5375 Removing Squatters Rep. A. M. Morgan

This bill outlines a proposed process for landowners to have their local sheriff remove any unauthorized people, including squatters, from that landowner's property. The bill also outlines the form that the request must follow and the process by which it must be executed. The bill further amends the SC Code to include penalties for illegally residing on a property, and causing over \$1,000 worth of damage to it, to have committed a felony offense. Anyone who willfully presents a false document purporting to be a valid lease agreement could also be charged with a misdemeanor offense. Furthermore, anyone who lists or advertises residential property for sale or lease knowing that the seller or lessor has no legal claim to it would be committing a felony level offense.

H. 5391 Reporting and Cataloging the Immigration Status of Arrestees Rep. Beach

This bill would require law enforcement agencies to verify the immigration status of all suspects arrested by its officers. Upon these arrests and/or convictions, these immigration statuses would have to be logged in these suspects' criminal records.

H. 5393 Individuals Likenesses as their Personal Property Rep. Guffey

If enacted, this bill would grant everyone property rights over their likenesses, voices, or photographs. Furthermore, it establishes civil penalties for unauthorized use, publication, production, or distribution of anyone's image, likeness, or voice.

H. 5394 Virtual Voyeurism Rep. Guffey

This bill would expand current voyeurism statutes to make it a criminal offense to --for the purpose of arousing or gratifying sexual desire of any person-- knowingly create, manipulate, alter, adapt, or modify an image, audio recording, video recording, or other

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such item with digital technology. These alterations, done in a manner to create a realistic but false image, audio, or video of another person without that person's knowledge and consent, would constitute a criminal violation.

S. 32 Documenting Losses Caused by Unknown Drivers Sen. Hutto

This bill would allow insured drivers who experience a motor vehicle collision with an unknown motorist to take depositions of any witnesses if they fail to obtain any affidavit. No lawsuit would have to have been filed for this right to attach. It would also allow these insured drivers to provide digital or other records of collisions to document damages caused by unknown motorists.

S. 723 Campground Camper Ejectments Sen. Talley

If enacted, this bill would establish that lessors renting spaces for temporary use by recreational vehicle owners could request local law enforcement assistance to eject these campers in certain situations. It also would allow someone so ejected from one of these campgrounds up to ten (10) days after being removed to make any claims for any property they purportedly left behind.

S. 841 Prosecutor Personal Privacy Protections Sen. Alexander

This bill would provide current, and former, prosecutors an option to protect the privacy of their personal contact information. When this information is held by state or local governments, it would be deemed confidential after these officials give proper notice of exercising their proposed statutory protection.

S. 843 Bona Fide South Carolina Native American Tribes Sen. Rankin

This bill would prohibit charitable solicitations by any person, or group, claiming to be a South Carolina-based Native American Tribe, unless they have either been federally recognized as a tribe, or, have been designated as a tribe, group, or special interest organization by our State Commission for Minority Affairs Board.

S. 866 Separating Potential Sexual Offenders from Society Sen. Shealy

This bill provides a *reasonable expectation* standard for determining when someone has a propensity to commit acts of sexual violence. This bill also would clarify these identified individuals would need to be involuntarily committed to facilities to address this propensity. Such commitments would be civil commitments without any negative connotation to the mental health treatment community as a whole.

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S. 994 Attorney General-Monitored Vaping Devices Sen. Alexander

This bill would monitor the sale of “electronic nicotine delivery systems [ENDS],” also known as vapor products or “vapes.” It also would establish penalties for prohibited sales of these products. This bill also outlines when, where, and how these products could be legally marketed. South Carolina’s Attorney General would publish lists of compliant ENDS products makers, marketers, and suppliers. As part of this listing, no labels such as candy, bubble gum, cotton candy, gummy bear, lollipop, ice cream, sherbet, popsicle, or bomb pop could appear on any ENDS products sold in the Palmetto State.

S. 1088 Limiting Commercial, For-Profit Pipeline Company Authority Sen. Young

This bill extends the ban on for-profit pipeline companies exercising any power of condemnation, also known as eminent domain, from June 30, 2024 to June 30, 2026.

S. 1112 Federal and State Background Checks for Adoption Enablers Sen. Shealy

This bill would require anyone applying to become foster parents, adoptive parents, legal guardians, or employees or volunteers with child placement agencies, residential treatment programs, or to be contracted service providers who will have direct, unsupervised contact with children to have a state and federal background check conducted before doing so.

S. 1126 Only Qualified South Carolina Citizens to be Voters Sen. Kimbrell

This bill proposes an amendment to the South Carolina Constitution. Existing language in it would be modified to state that *only* a citizen of the United States and of South Carolina who is eighteen (18) years old, or older, and who is properly registered, could vote in elections. Existing state constitutional language states *any* such citizen is qualified to vote in our state.

Medical, Military, Public and Municipal Affairs

S. 849 Xylazine Sen. Verdin

The bill adds Xylazine to the Schedule III Controlled Substance with exceptions. It is unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or possess with intent to produce, manufacture, or distribute xylazine for a use other than a nonhuman use. Also see H. 4617 (in Senate Judiciary since Jan. 16, 2024).

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S. 857 Mobile Cosmetology Sen. Davis

Among many things, the bill provides for the permitting and regulation of mobile salons and portable cosmetologist, esthetician or nail technician operations.

S. 858 Acute Hospital Care at Home Sen. Davis

The bill exempts acute hospital care at home from Certificate of Need review. Acute hospital care at home means acute-level hospital care to treat a subset of diagnoses that respond safely and effectively to home-based acute care, utilizing technology to provide continuous remote patient monitoring and connectivity to the patient.

S. 1132 Barbers and Cosmetologists Sen. Davis

Persons who provide hair braiding and blow dry styling, but no other services, are exempt from regulation by the state Board of Barber Examiners.

Labor, Commerce and Industry

S. 846 Corporations and Associations Claiming to Represent Native American Indian Groups Sen. Rankin

This bill establishes requirements that a domestic corporation or association claiming to represent a bona fide Native American Indian Group, Native American Indian Tribe, or Native American special interest organization must meet in order to use certain terminology as part of its corporate name.

H. 5361 OSHA Worker Walkaround Representative Designation Process Rep. Trantham

This concurrent resolution recognizes the need to protect workplace safety and private property rights from infringement by proposed changes to the Occupational Safety and Health Act Worker Walkaround Representative Designation Process.

Ways and Means

H. 5368 Medicaid Coverage for Chiropractic Visits Rep. Herbkersman

This bill provides that eligible Medicaid beneficiaries, regardless of age, are allowed 12 chiropractic visits per state fiscal year.

H. 5372 "Accessory Dwelling Unit Affordable Housing Incentive Act" Rep. W. Jones

This bill provides a property tax exemption for certain accessory dwelling units which are secondary housing units on the same lot as a primary residence.

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H. 5373 “South Carolina Lottery Scholarship Guaranteed Admission Act” Rep. W. Jones

This bill creates the Lottery Scholarship Guaranteed Admissions Program under which institutions of higher learning in this state that receive lottery scholarship funds must guarantee admission to students who meet certain criteria, such as graduating in the top 10 percent of their high school class.

H. 5389 One-Time Individual Income Taxpayer Rebates Rep. A. M. Morgan

This bill appropriates the \$1.8 billion in the pass-through account that was discovered in 2024, or the balance in this account, whichever is greater, to a Taxpayer Rebate Fund which the Department of Revenue must use to provide a one-time rebate for individual income taxpayers that filed a return for tax year 2023.

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Note to the reader regarding these Legislative Summaries

Sources

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South Carolina General Assembly, South Carolina House of Representatives, *Legislative Update*, 2024. <https://www.scstatehouse.gov/hupdate.php>

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- 1) a Word document showing that week's bill activity.
- 2) a Webpage (the Bill Summary Index) with hypertext links to the bills (by bill number, date, and the different stages in the legislative process).
- 3) the end of session summaries (with index).

Style

The House Research Office uses the 17th edition of the Chicago Manual of Style (with in-house style modifications, esp. regarding numbers/numerals).

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