**South Carolina General Assembly**

118th Session, 2009-2010

**A75, R70, S453**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Verdin and Ford

Document Path: l:\s-res\dbv\005live.kmm.dbv.docx

Companion/Similar bill(s): 3088

Introduced in the Senate on February 19, 2009

Introduced in the House on March 25, 2009

Last Amended on May 20, 2009

Passed by the General Assembly on May 20, 2009

Governor's Action: June 2, 2009, Vetoed

Legislative veto action(s): Veto overridden

Summary: Livestock and poultry

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/19/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-19-09.docx)‑5

 2/19/2009 Senate Referred to Committee on **Agriculture and Natural Resources** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C02-19-09.docx)‑5

 3/12/2009 Senate Committee report: Favorable with amendment **Agriculture and Natural Resources** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-12-09.docx)‑13

 3/16/2009 Scrivener's error corrected

 3/17/2009 Senate Committee Amendment Adopted [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-17-09.docx)‑21

 3/17/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-17-09.docx)‑21

 3/24/2009 Senate Read third time and sent to House [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-24-09.docx)‑25

 3/25/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-25-09.docx)‑15

 3/25/2009 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C03-25-09.docx)‑15

 4/22/2009 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-22-09.docx)‑54

 5/14/2009 House Amended

 4/28/2009 House Debate adjourned until Wednesday, April 29, 2009 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-28-09.docx)‑37

 4/29/2009 House Requests for debate‑Rep(s). Kennedy, Littlejohn, McEachern, JH Neal, Weeks, and Hosey [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C04-29-09.docx)‑206

 5/13/2009 House Requests for debate removed‑Rep(s). Weeks, JH Neal, McEachern, Hosey, and Littlejohn [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-13-09.docx)‑33

 5/14/2009 House Requests for debate‑Rep(s). Stavrinakis, Rutherford, Weeks, Bales, R Brown, Miller, Hutto, JH Neal, MA Pitts, Hardwick, Umphlett, Kennedy, Duncan, Ott, Hosey, Whipper, Mack, Brantley, Gullick, and King [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-14-09.docx)‑60

 5/14/2009 House Amended [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-14-09.docx)‑85

 5/14/2009 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-14-09.docx)‑91

 5/14/2009 House Roll call Yeas‑96 Nays‑9 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-14-09.docx)‑91

 5/19/2009 House Read third time and returned to Senate with amendments [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-19-09.docx)‑62

 5/20/2009 Senate House amendment amended [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-20-09.docx)‑12

 5/20/2009 Senate Returned to House with amendments [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-20-09.docx)‑12

 5/20/2009 House Concurred in Senate amendment and enrolled [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-20-09.docx)‑260

 5/20/2009 House Roll call Yeas‑106 Nays‑4 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C05-20-09.docx)‑260

 5/27/2009 Ratified R 70

 6/2/2009 Vetoed by Governor

 6/16/2009 Senate Veto overridden by originating body Yeas‑36 Nays‑8

 6/16/2009 House Veto overridden Yeas‑95 Nays‑10 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C06-16-09.docx)‑146

 6/22/2009 Effective date 06/16/09

 6/24/2009 Act No. 75

**VERSIONS OF THIS BILL**

[2/19/2009](file:///p%3A%5Cpprever%5C2009-10%5C453_20090219.docx)

[3/12/2009](file:///p%3A%5Cpprever%5C2009-10%5C453_20090312.docx)

[3/16/2009](file:///p%3A%5Cpprever%5C2009-10%5C453_20090316.docx)

[3/17/2009](file:///p%3A%5Cpprever%5C2009-10%5C453_20090317.docx)

[4/22/2009](file:///p%3A%5Cpprever%5C2009-10%5C453_20090422.docx)

[5/14/2009](file:///p%3A%5Cpprever%5C2009-10%5C453_20090514.docx)

[5/20/2009](file:///p%3A%5Cpprever%5C2009-10%5C453_20090520.docx)

(A75, R70, S453)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑4‑160 SO AS TO PROVIDE THAT UNITS OF LOCAL GOVERNMENT MAY NOT ENACT ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT LOCAL LAWS AND ORDINANCES PERTAINING TO THE REGULATION OF AND ENFORCEMENT OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED BY STATE LAW AND STATE AGENCY REGULATIONS, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 6‑1‑330, RELATING TO LOCAL FEE IMPOSITION LIMITATIONS, SO AS TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY MAY NOT IMPOSE A FEE ON AGRICULTURAL LANDS, FORESTLANDS, OR UNDEVELOPED LANDS FOR A STORMWATER, SEDIMENT, OR EROSION CONTROL PROGRAM UNLESS CHAPTER 14 OF TITLE 48 ALLOWS FOR THE IMPOSITION OF THIS FEE ON THESE LANDS, AND TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 47‑9‑60 SO AS TO PROVIDE THAT ONLY PROPERTY OWNERS AND RESIDENTS WITHIN A TWO‑MILE RADIUS OF A PERMITTED LIVESTOCK AND POULTRY FACILITY, WITH THE EXCEPTION OF A SWINE FACILITY, MAY APPEAL A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PERTAINING TO THE FACILITY; AND BY ADDING SECTION 47‑9‑65 SO AS TO PROVIDE THE COMPOUNDING PHARMACIST WHO FILLS AN ORDER FOR PERFORMANCE ENHANCING MINERAL OR DRUG COMPOUNDS WHICH ARE NOT FDA APPROVED FOR POLO HORSES PRIOR TO A POLO MATCH MUST CERTIFY THE COMPOUND WITH HIS SIGNATURE ACCOMPANIED BY A COMPLETE LISTING OF THE COMPONENTS CONTAINED IN THE COMPOUND AND TO PROVIDE PENALTIES FOR VIOLATIONS.**

Be it enacted by the General Assembly of the State of South Carolina:

**Livestock and poultry regulations and restrictions**

SECTION 1. Chapter 4, Title 47 of the 1976 Code is amended by adding:

 “Section 47‑4‑160. (A) For the purposes of this section, ‘care and handling’ means accepted animal husbandry practices.

 (B) Units of local government in this State may not enact ordinances, orders, or other regulations concerning the care and handling of livestock and poultry.

 (C) It is the intent of the General Assembly to occupy the field of regulation of care and handling of livestock and poultry. All local laws and ordinances related to the regulation of and the enforcement of the care and handling of livestock and poultry in this State are preempted and superseded by laws enacted by the General Assembly and regulations promulgated by state agencies pursuant to those laws.

 (D) The provisions of this section do not apply to Chapter 45, Title 46 concerning nuisance suits related to agricultural operations, commonly referred to as the Right to Farm Act, and do not affect a local unit of government’s authority to enact ordinances concerning new swine operations and new slaughterhouse operations.

 (E) The provisions of this section do not preclude or limit a unit of local government’s right to exercise its land use and zoning authority.”

**Fee impositions**

SECTION 2. Section 6‑1‑330 of the 1976 Code is amended by adding a new subsection to read:

 “(D) The governing body of a county may not impose a fee on agricultural lands, forestlands, or undeveloped lands for a stormwater, sediment, or erosion control program unless Chapter 14, Title 48 allows for the imposition of this fee on these lands; provided, that any county which imposes such a fee on these lands on the effective date of this subsection may continue to impose that fee under its same terms, conditions, and amounts.”

**Appeal of permits**

SECTION 3. Chapter 9, Title 47 of the 1976 Code is amended by adding:

 “Section 47‑9‑60. 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 Health and Environmental Control pertaining to the facility.”

**Polo horse drug compounds; penalties**

SECTION 4. Article 1, Chapter 9, Title 47 of the 1976 Code is amended by adding:

 “Section 47‑9‑65. The compounding pharmacist who fills an order for performance enhancing mineral or drug compounds which are not FDA approved for polo horses prior to a polo match must certify the compound with his signature accompanied by a complete listing of the components contained in the compound. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.”

**Time effective**

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 27th day of May, 2009.

Vetoed by the Governor -- 6/2/09.

Veto overridden by Senate -- 6/16/09.

Veto overridden by House -- 6/16/09.

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