**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑9‑70 SO AS TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY NOT ISSUE A PERMIT TO ALLOW A PERSON TO CONSTRUCT A CONFINED POULTRY OPERATION UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE A DEFINITION FOR THE TERM “RESIDENCE”.

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

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

“Section 47‑9‑70. (A) The Department of Health and Environmental Control shall not issue a permit to allow a person to construct a confined poultry operation within five thousand two hundred eighty feet of a community that contains more than forty residences. This provision may be waived if the permit applicant obtains waivers signed by the owners of the residences in the affected area. A resident’s owner who signs a waiver shall not be counted in the total number.

(B) As used in this section ‘residence’ means a permanent inhabited dwelling, any existing church, school, hospital, or any other structure which is routinely occupied by the same person or persons more than twelve hours per day or by the same person or persons under the age of eighteen for more than two hours per day, except those owned by the applicant.”

SECTION 2. This act takes effect upon approval by the Governor.

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