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**H. 4003**

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Summary: Therapeutic use of cannabis

**HISTORY OF LEGISLATIVE ACTIONS**

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4/16/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 19](file:///h:\HJ%20Archive\2015\04-16-15.docx))

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**VERSIONS OF THIS BILL**

[4/16/2015](file:///p:\pprever\2015-16\4003_20150416.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 53, TITLE 44 SO AS TO AUTHORIZE THE THERAPEUTIC USE OF CANNABIS BY CERTAIN INDIVIDUALS AND FOR CERTAIN DISEASES AND MEDICAL CONDITIONS; TO AUTHORIZE CERTAIN PHYSICIANS TO RECOMMEND THE THERAPEUTIC USE OF CANNABIS UNDER CERTAIN CONDITIONS; TO AUTHORIZE CERTAIN INDIVIDUALS TO ACT AS CAREGIVERS FOR PATIENTS TO ASSIST IN THE THERAPEUTIC USE OF CANNABIS UNDER LIMITED CIRCUMSTANCES; TO CREATE A CONFIDENTIAL REGISTRY THROUGH WHICH TO ISSUE IDENTIFICATION CARDS TO REGISTERED PATIENTS AND REGISTERED CAREGIVERS AUTHORIZED TO ENGAGE IN THE THERAPEUTIC USE OF CANNABIS; TO PROVIDE CERTAIN DEFENSES AND OTHER PROTECTIONS TO REGISTERED PATIENTS, REGISTERED CAREGIVERS, AND PHYSICIANS FROM CRIMINAL PROSECUTION AND SANCTIONS AND PROFESSIONAL DISCIPLINE FOR CONDUCT AUTHORIZED BY THIS ARTICLE; TO PROVIDE FOR THE OPERATION OF ALTERNATIVE TREATMENT CENTERS TO CULTIVATE, GROW, AND SELL CANNABIS FOR THERAPEUTIC USE; TO PROVIDE CERTAIN DEFENSES AND PROTECTIONS TO ALTERNATIVE TREATMENT CENTERS FOR CONDUCT AUTHORIZED BY THIS ARTICLE; TO ALLOW ESTABLISHMENT OF CERTAIN FEES; TO CREATE CRIMINAL PENALTIES FOR VIOLATING THE TERMS OF THE ARTICLE; TO PROVIDE FOR THE DEVELOPMENT OF FORMS, PROCESSES, AND REGULATIONS TO IMPLEMENT THE ARTICLE; AND FOR OTHER PURPOSES; AND TO REPEAL ARTICLE 4, CHAPTER 53, TITLE 44 RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH.

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

SECTION 1. Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Article 20

Therapeutic Cannabis

Section 44‑53‑2010. Except as otherwise provided in this article:

(1) ‘Alternative treatment center’ or ‘center’ means a nonprofit corporation incorporated pursuant to Section 33‑31‑203that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, cannabis paraphernalia, and educational materials to qualifying patients, designated caregivers, and alternative treatment centers.

(2) ‘Alternative treatment center agent’ means a principal officer, board member, employee, manager, or volunteer of an alternative treatment center.

(3) ‘Cannabis’ means all parts of a plant of the cannabis genus of plants, whether growing or not, the seeds of the plant, the resin extracted from any part of the plant, and every compound, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. ‘Cannabis’ does not mean the mature stalks of the plant, fiber produced from the stalk, oil or cake made from the seeds of the plant, any other compound, salt, derivative, mixture, or preparation of a mature stalk except the resin extracted from the plant, and the fiber, oil or cake, or the sterilized seeds of the plant that are incapable of germination.

(4) ‘Cultivation location’ means an enclosed site under the control of an alternative treatment center in which cannabis is cultivated and which is secured with locks and other security devices as provided for in this article.

(5) ‘Department’ means the South Carolina Department of Health and Environmental Control.

(6) ‘Designated caregiver’ means an individual who:

(a) is at least twenty‑one years of age;

(b) has agreed to assist no more than five qualifying patients with the therapeutic use of cannabis;

(c) has never been convicted of a felony drug‑related offense; and

(d) possesses a valid registry identification card issued by the department pursuant to this article.

(7) ‘Diversion’ means the obtaining or transferring of cannabis from a legal use or possession to an illegal use or possession by a person not authorized to use or possess cannabis pursuant to this article.

(8) ‘Divert’ means an act that constitutes diversion.

(9) ‘Medical certification’ means the written documentation submitted by a provider to a qualifying patient with whom the provider has a provider‑patient relationship certifying that the patient has a qualifying medical condition that could benefit from the therapeutic use of cannabis for the purpose of obtaining a registry identification card from the department.

(10) ‘Provider’ means:

(a) a physician licensed to prescribe drugs pursuant to Chapter 47, Title 40 and who possesses a registration from the United States Drug Enforcement Administration to prescribe controlled substances;

(b) an advanced practice registered nurse licensed pursuant to Chapter 33, Title 40; or

(c) for a visiting qualifying patient, an individual licensed to prescribe drugs to humans in the state of the patient’s residence and who possesses a registration from the United States Drug Enforcement Administration to prescribe controlled substances.

(11) ‘Provider‑patient relationship’ means a provider‑patient treatment or counseling relationship of at least three months as part of which the provider has conducted an in‑person exam and taken a medical history of, provided a diagnosis to, and recommended a treatment plan for a patient relating to a qualifying medical condition; however, the requirement for a relationship of at least three months does not apply if the provider issues a medical certification that certifies that the onset of the patient’s qualifying medical condition occurred within the past three months, and the certifying provider is primarily responsible for the patient’s care related to the qualifying medical condition.

(12) ‘Qualifying medical condition’ means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn’s disease, agitation of Alzheimer’s disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, or an injury that significantly interferes with daily activities as documented by the patient’s provider;

(b) a severely debilitating or terminal medical condition or its treatment that has produced elevated intraocular pressure, cachexia, chemotherapy‑induced anorexia, wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms; and

(c) any other medical condition not included in items (a) or (b) that the department determines, on a case‑by‑case basis, is severely debilitating or terminal, upon the written request of a provider who furnishes a medical certification to the department.

(13) ‘Qualifying patient’ means a resident of South Carolina who has been diagnosed by a provider as having a qualifying medical condition and who possesses a valid registry identification card issued pursuant to Section 44‑53‑2280.

(14) ‘Registry identification card’ means the nontransferable confidential registry identification card issued by the department pursuant to Sections 44‑53‑2280 and 44‑53‑2320 that identifies a person as a qualifying patient or a designated caregiver.

(15) ‘Reportable incident’ includes:

(a) obtaining or disclosing confidential information in violation of this article or department regulations;

(b) loss of inventory by theft or diversion;

(c) unauthorized entry into the alternative treatment center, including a cultivation location;

(d) a known violation of this article or department regulations by an alternative treatment center agent; and

(e) any other incident that the department requires to be reported pursuant to regulation.

(16) ‘Seedling’ means a cannabis plant that has no flowers and is less than twelve inches in height and less than twelve inches in diameter.

(17) ‘Therapeutic use’ means the acquisition, possession, cultivation, preparation, use, delivery, transfer, or transportation of cannabis or cannabis paraphernalia for the administration of cannabis to treat or alleviate a qualifying patient’s qualifying medical condition, or symptoms or results of treatment associated with the qualifying patient’s qualifying medical condition. ‘Therapeutic use’ does not include the use of cannabis by a designated caregiver who is not a qualifying patient, cultivation or purchase by a visiting qualifying patient, or cultivation by a designated caregiver or qualifying patient.

(18) ‘Unusable cannabis’ means cannabis, other than usable cannabis, including the seeds, stalks, and roots of the plant.

(19) ‘Usable cannabis’ means the dried leaves and flowers of the cannabis plant and a mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of noncannabis ingredients combined with cannabis and prepared for consumption as food or drink.

(20) ‘Vaporization’ means the inhalation of cannabis without the combustion of the cannabis.

(21) ‘Visiting qualifying patient’ means a patient with a qualifying medical condition who is not a resident of South Carolina or who has been a resident of South Carolina fewer than thirty days and is not eligible to purchase therapeutic cannabis in South Carolina or to receive cannabis from a qualifying South Carolina patient.

Section 44‑53‑2020. (A) A qualifying patient is presumed to be lawfully engaged in the therapeutic use of cannabis if the patient possesses a valid registry identification card issued pursuant to Section 44‑53‑2280 and possesses an amount of cannabis that does not exceed:

(1) two ounces of usable cannabis; and

(2) any amount of unusable cannabis.

(B) A designated caregiver is presumed to be assisting a qualifying patient with the therapeutic use of cannabis if the caregiver possesses a valid registry identification card issued pursuant to Section 44‑53‑2320 and possesses an amount of cannabis that does not exceed:

(1) two ounces of usable cannabis or the total amount allowable for the number of qualifying patients for which the person is the designated caregiver; and

(2) any amount of unusable cannabis.

(C) If a qualifying patient or designated caregiver is found to be in possession of cannabis in an amount in excess of the quantities permitted in subsections (A) and (B), the excess amount is subject to seizure by law enforcement and must not be returned.

(D) The presumptions provided for in subsections (A) and (B) may be rebutted by evidence that conduct related to the use of cannabis was not for therapeutic purposes as allowed pursuant to this article.

Section 44‑53‑2030. A designated caregiver may receive compensation for costs, not including labor, associated with assisting a qualifying patient who has designated the caregiver to assist with the therapeutic use of cannabis. The compensation does not constitute the sale of a controlled substance.

Section 44‑53‑2040. (A) A qualifying patient may obtain cannabis for therapeutic use and cannabis paraphernalia pursuant to this article by:

(1) purchasing the cannabis and cannabis paraphernalia from an alternative treatment center; or

(2) reimbursing a designated caregiver for that caregiver’s purchase of cannabis and cannabis paraphernalia to assist with the therapeutic use of cannabis. The amount of reimbursement paid to the designated caregiver may not exceed the amount the designated caregiver paid to obtain the cannabis from an alternative treatment center.

(B) A designated caregiver may obtain cannabis to assist a qualifying patient with the therapeutic use of cannabis pursuant to this article by purchasing the cannabis or cannabis paraphernalia from an alternative treatment center.

Section 44‑53‑2050. A qualifying patient may engage in the therapeutic use of cannabis on privately owned property only with written permission of the property owner or, in the case of leased or rented property, with the permission of the tenant in possession of the property, except that a tenant must not allow a qualifying patient to smoke cannabis on leased or rented property if the lease or rental agreement prohibits smoking on the property. A tenant may permit a qualifying patient to engage in the therapeutic use of cannabis on leased or rented property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental agreement.

Section 44‑53‑2060. (A) A person entitled to custody of, or visitation or parenting time with, a minor must not be denied these rights for conduct allowed pursuant to this article.

(B) There is no presumption of child abuse or neglect for conduct allowed pursuant to this article.

Section 44‑53‑2070. For purposes of medical care, including organ transplants, a qualifying patient’s use of cannabis pursuant to this article is considered the authorized use of a medication taken at the direction of a provider and does not constitute the use of an illegal substance.

Section 44‑53‑2080. Nothing in this article may be construed to require:

(1) a health insurance provider, health care plan, or medical assistance program to be liable for or reimburse a claim for the therapeutic use of cannabis;

(2) an individual or entity in lawful possession of property to allow a guest, client, customer, or other visitor to engage in the therapeutic use of cannabis while on the property;

(3) an employer to accommodate the therapeutic use of cannabis at his place of employment; or

(4) a jail, detention center, correctional facility, or other type of penal institution to allow the therapeutic use of cannabis on its premises.

Section 44‑53‑2090. (A) It is an affirmative defense to prosecution for a person charged with manufacturing, possessing, having under his control, purchasing, administering, or transporting cannabis, cannabis analog, or any preparation containing cannabis, if the person is a qualifying patient who has been issued a valid registry identification card, is in possession of cannabis in a quantity and location permitted pursuant to this article, and is engaged in the therapeutic use of cannabis.

(B) It is an affirmative defense to prosecution for a person charged with manufacturing, possessing, having under his control, selling, purchasing, prescribing, administering, transporting, or possessing with intent to sell, dispense, or compound cannabis, cannabis analog, or any preparation containing cannabis, if the person is a designated caregiver who has been issued a valid registry identification card, is in possession of cannabis in a quantity and at a location permitted pursuant to this article, and is assisting a qualifying patient with the therapeutic use of cannabis.

(C) This section does not create an affirmative defense for an offense other than those acts permitted pursuant to this article.

Section 44‑53‑2100. (A) A qualifying patient is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege, for the therapeutic use of cannabis pursuant to this article.

(B) A designated caregiver is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege, for assisting a qualifying patient with the therapeutic use of cannabis pursuant to this article.

(C) A person is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege for being in the presence or vicinity of a qualifying patient engaged in the therapeutic use of cannabis or a designated caregiver assisting a qualifying patient with the therapeutic use of cannabis pursuant to this article.

Section 44‑53‑2110. (A) A provider is not subject to arrest by state or local law enforcement, prosecution or penalty under state or local law, or the denial of a right or privilege including, but not limited to, disciplinary action by the South Carolina Board of Medicine or other occupational or professional licensing entity, for providing a medical certification as required by Section 44‑53‑2250; however, nothing prevents a professional licensing entity from sanctioning a provider for failing to properly evaluate or treat a patient’s medical condition.

(B) Notwithstanding subsection (A), the department shall track the number of qualifying patients certified by each provider and shall refer any concerns about provider conduct to the appropriate licensing board.

Section 44‑53‑2120. Nothing in this article protects a qualifying patient or designated caregiver from arrest, prosecution, penalty, or the denial of a privilege for:

(1) using or possessing cannabis for purposes other than for therapeutic use or assisting with the therapeutic use as permitted by this article;

(2) being under the influence of cannabis while:

(a) operating a motor vehicle, commercial vehicle, boat, vessel, or another vehicle propelled or drawn by power other than muscular power;

(b) working in his place of employment without the written permission of the employer; or

(c) operating or handling heavy machinery or a dangerous instrumentality;

(3) using cannabis by smoking or vaporization in a public place including, but not limited to:

(a) a public bus or other public vehicle; or

(b) a public park, public beach, or public field;

(4) possessing cannabis on the grounds of:

(a) a public or private preschool, elementary school, or secondary school;

(b) a public recreation center or youth center;

(c) an area designated as a drug‑free zone;

(d) a correctional facility; or

(e) a law enforcement facility.

Section 44‑53‑2130. A person who makes a fraudulent representation to a law enforcement officer of a fact or circumstance relating to the therapeutic use of cannabis to avoid arrest or prosecution may be fined up to five hundred dollars and is subject to any other penalties available under law for making a false statement to a law enforcement officer or for the use of cannabis other than a use allowed pursuant to this article.

Section 44‑53‑2140. This article does not limit an employer’s right to discipline an employee for ingesting cannabis in the workplace or for working under the influence of cannabis, except as allowed by the employer’s policies and procedures.

Section 44‑53‑2150. (A) Cannabis or cannabis paraphernalia that is possessed, owned, or used in connection with the therapeutic use of cannabis as allowed pursuant to this article or acts incidental to that use, must not be seized or forfeited if the basis for the seizure or forfeiture is activity authorized by and not subject to penalties pursuant to this article.

(B) A state or local law enforcement officer immediately shall return cannabis and cannabis paraphernalia seized from a qualifying patient or designated caregiver in connection with the therapeutic use or assistance with the therapeutic use of cannabis if it is determined that the patient or caregiver is entitled to a protection contained in this article including, but not limited to, the dismissal or acquittal of charges or a decision not to prosecute.

Section 44‑53‑2160. (A) The application for, or possession of, a registry identification card, pursuant to this article, does not constitute probable cause or reasonable suspicion of possession of cannabis in violation of this article and may not be used to justify the search of the individual or his property.

(B) The possession of, or application for, a registry identification card does not preclude a search of the person if probable cause exists on other grounds.

Section 44‑53‑2170. (A) If a state or local law enforcement officer encounters an alternative treatment center or an individual whom the officer knows is an alternative treatment center agent, a designated caregiver, or a qualifying patient, or a person who credibly asserts he is an alternative treatment center agent, a designated caregiver, or a qualifying patient, the law enforcement officer must not provide information about cannabis‑related activity involving the person or entity, except pursuant to a lawfully issued subpoena, to a law enforcement officer or agency that does not recognize the rights and protections provided pursuant to this article.

(B) A state or local law enforcement officer shall file a report with the appropriate law enforcement agency if the officer has probable cause to believe an alternative treatment center or a person representing himself to be a qualifying patient, designated caregiver, or alternative treatment center agent is delivering or transferring cannabis to a person in violation of this article.

(C) Prosecution of an individual or entity for a violation of this article must be conducted pursuant to the laws of this State.

Section 44‑53‑2180. Seizure of cannabis by a law enforcement officer for violation of this article must be limited to the amount of cannabis in excess of the quantities permitted under this article, and any cannabis seized in excess of the allowed amount must not be returned.

Section 44‑53‑2190. (A) Within ten days after a person ceases to be the designated caregiver for a qualifying patient, the designated caregiver shall transfer the cannabis to the qualifying patient or to the patient’s new designated caregiver.

(B) Within ten days after a person is no longer a qualifying patient, the patient shall notify local law enforcement to dispose of the cannabis or mix the cannabis with other ingredients such as soil to make it unusable. The designated caregiver may dispose of or mix the cannabis as provided in this subsection on behalf of the patient, but the patient is responsible for ensuring that the cannabis has been disposed of properly.

(C) Within five days of learning of the death of a qualifying patient, a surviving family member, caretaker, executor, or the patient’s designated caregiver shall notify the department that the qualifying patient has died and request that local law enforcement dispose of the cannabis.

Section 44‑53‑2200. The department is responsible for the creation and maintenance of a confidential registry that contains:

(1) a qualifying patient’s name, mailing address, date of birth, social security number, date of registry identification card issuance and expiration, a random ten‑digit identification number, the provider’s name and address, the medical certification signed by the provider, the registry identification number for a designated caregiver, if one, and the registry identification number for a designated alternative treatment center, if any;

(2) a designated caregiver’s name, mailing address, date of birth, social security number, date of registry identification card issuance and expiration, a random ten‑digit identification number, a registry identification number for each qualifying patient for whom the caregiver has been designated, and a registry identification number for a designated alternative treatment center for each qualifying patient, if any; and

(3) the application and information submitted by a person who applies for a registry identification card as a qualifying patient or a designated caregiver, whether or not the department approves or denies the application.

Section 44‑53‑2210. (A) Information maintained in the confidential registry is considered protected health information that may not be released pursuant to state and federal confidentiality statutes including, but not limited to, the Health Insurance Portability and Accountability Act, as amended.

(B) Information maintained in the confidential registry is not public information subject to access pursuant to the South Carolina Freedom of Information Act.

(C) If a person discloses information contained in the registry in violation of this article, the person must be fined not more than one thousand dollars. Subsequent violations are a misdemeanor and, upon conviction, the person must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

Section 44‑53‑2220. A person may not have access to information in the registry, except for an authorized employee of the department in the course of his official duties and a state or local law enforcement officer who has detained or arrested a person who claims to be a qualifying patient, a designated caregiver, or an alternative treatment center agent engaged in or assisting with the therapeutic use of cannabis.

Section 44‑53‑2230. (A) If a state or local law enforcement officer submits an affidavit to the department affirming that he has probable cause to believe cannabis is possessed at a specific address in violation of this article, an authorized employee for the department may disclose whether the location is associated with a qualifying patient, designated caregiver, or an alternative treatment center.

(B) If a state or local law enforcement officer submits an affidavit to the department affirming that he has probable cause to believe a person possesses cannabis, an authorized employee for the department may disclose whether the person is a qualifying patient, designated caregiver, or alternative treatment center agent, if the law enforcement officer provides the person’s name and address or name and date of birth.

(C) Counsel for the department may notify a law enforcement officer about falsified or fraudulent information submitted to the department when counsel has made a legal determination that there is probable cause to believe the information is false or falsified.

Section 44‑53‑2240. The department shall create an application for the issuance of an initial and renewal registry identification card to a person applying as a qualifying patient. The application must require, at a minimum:

(1) the person’s name, residential and mailing address, and date of birth, unless the person is homeless in which case a residential address is not required;

(2) a recent passport‑sized photograph of the person’s face;

(3) the name, address, and telephone number of the person’s provider;

(4) the medical certification signed by the provider pursuant to Section 44‑53‑2250;

(5) the name, residential and mailing address, and date of birth of the person’s designated caregiver, if any;

(6) the name and street address of the person’s designated alternative treatment center, if any; and

(7) a statement signed by the person, agreeing not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this article and acknowledging that knowing diversion of cannabis is a felonywhich, upon conviction, results in:

(a) revocation of the registry card;

(b) a fine of not more than five thousand dollars or imprisonment of not more than five years, or both; and

(c) the possibility of other penalties allowed pursuant to law.

Section 44‑53‑2250. The department shall develop a medical certification form to be completed by a provider and submitted by a person applying for a registry identification card as a qualifying patient. The certification must include:

(1) the provider’s name, address, phone number, and medical license number;

(2) an acknowledgement to be signed by the provider that sets forth:

(a) the penalties for providing false information, including the department’s right to notify the medical board or other similar authority established pursuant to Chapter 47, Title 40; and

(b) definitions of:

(i) ‘provider‑patient relationship’, as defined in Section 44‑53‑2010;

(ii) ‘qualifying medical condition’, as defined in Section 44‑53‑2010; and

(iii) ‘provider’, as defined in Section 44‑53‑2010; and

(3) an affidavit for the provider to sign with the following provisions:

(a) the provider and patient have a provider‑patient relationship;

(b) the patient has a qualifying medical condition, identifying the patient’s condition, and that the symptoms or side‑effects might benefit from the therapeutic use of cannabis; and

(c) the condition has lasted at least three months or that the onset of the patient’s condition occurred within the past three months and the certifying provider is primarily responsible for the patient’s care related to the condition.

Section 44‑53‑2260. (A) In order to be placed on the registry and receive a registry identification card as a qualifying patient, a person must:

(1) be a resident of the State;

(2) submit an application as provided for in Section 44‑53‑2240, along with a fee in an amount determined by the department; and

(3) undergo a state and federal criminal background check for which the person must pay the costs.

(B) The department has the discretion not to issue a person a registry identification card as a qualifying patient if the person has been convicted of or pled guilty or nolo contendere to a felony drug‑related offense within the previous five years.

Section 44‑53‑2270. (A) The department shall approve or deny an application for an initial or renewal registry identification card as a qualifying patient within fifteen days of receipt of the application, required supporting documentation, and department fee.

(B) Except as provided for in Section 44‑53‑2260, the department may deny an application only if:

(1) the person did not provide the information required pursuant to Section 44‑53‑2260;

(2) the person’s registry identification card previously was revoked for violating the provisions of this article or department regulations; or

(3) the department determines that the information submitted by the person was falsified or did not meet the requirements of this article or department regulations.

(C) The department shall notify the person of the denial of an application within fifteen days of reaching the decision. A person whose application is denied may request a hearing in the Administrative Law Court within thirty days of receipt of written notification of denial of the application.

Section 44‑53‑2280. (A) The department shall issue an initial or renewal registry identification card to a person approved as a qualifying patient within five days of approving the application.

(B) A registry identification card expires one year after the date of issuance, unless the provider states in the medical certification that the certification should expire at an earlier specified date.

(C) A registry identification card must include:

(1) the name, mailing address, and date of birth of the qualifying patient;

(2) a passport‑sized photograph of the qualifying patient’s face;

(3) the date of issuance and expiration of the registry identification card;

(4) a designation as a ‘qualifying patient’ with a random ten‑digit identification number, containing at least four numbers and at least four letters, which is unique to the qualifying patient;

(5) the registry identification number for the designated caregiver, if one;

(6) the name and address of the designated alternative treatment center, if one; and

(7) a statement that the qualifying patient is permitted to possess cannabis for therapeutic use pursuant to this article.

(D) A qualifying patient may designate only one designated caregiver and one alternative treatment center at any given time. Violation of this subsection is a misdemeanor and, upon conviction, results in a fine of not more than one thousand dollars or imprisonment of not more than one year, or both.

Section 44‑53‑2290. The department shall create an application for the issuance of an initial and renewal registry identification card to a person applying as a designated caregiver. The application must require, at a minimum:

(1) the person’s name, residential and mailing address, and date of birth;

(2) a recent passport‑sized photograph of the person’s face;

(3) the name, residential and mailing address, and date of birth of each qualifying patient for whom the person would be the designated caregiver, unless a qualifying patient is homeless in which case a residential address is not required;

(4) the name and street address of the alternative treatment center designated by each qualifying patient, if any; and

(5) a statement signed by the person agreeing to act as the designated caregiver for each qualifying patient named in the application and pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this article and acknowledging that the knowing diversion of cannabis is a felony which, upon conviction, results in:

(a) revocation of the registry card;

(b) a fine of not more than five thousand dollars or imprisonment of not more than five years, or both; and

(c) the possibility of other penalties allowed pursuant to law.

Section 44‑53‑2300. (A) In order to be placed on the registry and receive a registry identification card as a designated caregiver, a person must:

(1) be a resident of the State who is twenty‑one years or older;

(2) submit an application pursuant to Section 44‑53‑2290, along with a fee in an amount determined by the department; and

(3) undergo a state and federal criminal background check for which the person must pay the costs.

(B) A person is prohibited from serving as a designated caregiver if he has been convicted of or pled guilty or nolo contendere to a drug‑related offense under the laws of this or any other state or under the laws of the United States within the previous ten years. This subsection does not apply to a custodial parent or legal guardian seeking to serve as a designated caregiver for the minor child of the custodial parent or legal guardian pursuant to Section 44‑53‑2350.

Section 44‑53‑2310. (A) The department shall approve or deny an application for an initial or renewal registry identification card as a designated caregiver within fifteen days of receipt of the application, required supporting documentation, and department fee.

(B) The department may deny an application only if:

(1) the person did not provide the information required pursuant to Section 44‑53‑2290;

(2) the person’s registry identification card previously was revoked for violating the provisions of this article or department regulations;

(3) the person has been convicted of or pled guilty or nolo contendere to a drug‑related offense under the laws of this or any other state or under the laws of the United States within the previous ten years; or

(4) the department determines that the information submitted by the person was falsified or did not meet the requirements of this article or department regulations.

(C) The department shall notify the person of the denial of an application within ten days of reaching the decision. A person whose application is denied may request a hearing in the Administrative Law Court within thirty days of receipt of written notification of denial of the application.

Section 44‑53‑2320. (A) The department shall issue an initial or renewal registry identification card to a person approved as a designated caregiver within five days of approving the application.

(B) A registry identification card expires one year after the date of issuance.

(C) A registry identification card must include:

(1) the name, mailing address, and date of birth of the designated caregiver;

(2) a passport‑sized photograph of the designated caregiver’s face;

(3) the date of issuance and expiration of the registry identification card;

(4) a designation as a ‘designated caregiver’ with a random ten‑digit identification number, containing at least four numbers and at least four letters, which is unique to the designated caregiver;

(5) the registry identification number for each qualifying patient for whom the designated caregiver is assisting with the therapeutic use of cannabis; and

(6) a statement that the designated caregiver is permitted to possess cannabis pursuant to this article to assist a qualifying patient with the therapeutic use of cannabis.

Section 44‑53‑2330. A valid registry identification card, or its equivalent, that is issued pursuant to the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess cannabis for therapeutic purposes, has the same force and effect as a valid registry identification card issued by the department in this State, provided the visiting qualifying patient:

(1) produces a statement from a physician or other medical provider stating that the visiting qualifying patient has a qualifying medical condition as defined in Section 44‑53‑2010; and

(2) does not cultivate or purchase cannabis in this State or obtain cannabis from alternative treatment centers or from a qualifying South Carolina patient.

Section 44‑53‑2340. (A) The department may revoke the registry identification card of a qualifying patient or designated caregiver for violation of this article or department regulations. The qualifying patient or designated caregiver also is subject to other penalties established by law.

(B) A person whose registry identification card is revoked may request a hearing in the Administrative Law Court within thirty days of receipt of written notification of the revocation.

Section 44‑53‑2350. (A) The department may not issue a registry identification card to a person under eighteen years of age who is applying as a qualifying patient unless:

(1) a custodial parent or legal guardian responsible for health care decisions of the minor submits a medical certification from two providers, one of whom must be a pediatrician;

(2) the provider has explained the potential risks and benefits of the therapeutic use of cannabis to the custodial parent or legal guardian responsible for health care decisions of the minor;

(3) the custodial parent or legal guardian responsible for health care decisions of the minor consents in writing to:

(a) allow the minor’s therapeutic use of cannabis; and

(b) serve as the minor’s designated caregiver and control the acquisition of the cannabis and the frequency of the therapeutic use of cannabis by the minor; and

(4) the custodial parent or legal guardian responsible for health care decisions of the minor completes an application in accordance with the requirements of Section 44‑53‑2240 on behalf of the minor.

(B) The department may not issue a registry identification card to an incapacitated person who is applying as a qualifying patient unless:

(1) a person with the legal authority to make health care decisions on behalf of the incapacitated person submits a medical certification from two providers documenting the incapacitated person’s qualifying medical condition and other required information;

(2) the provider has explained the potential risks and benefits of the therapeutic use of cannabis to the person with the legal authority to make health care decisions on behalf of the incapacitated person;

(3) the person with the legal authority to make health care decisions on behalf of the incapacitated person consents in writing to:

(a) allow the incapacitated person’s therapeutic use of cannabis; and

(b) serve as the incapacitated person’s designated caregiver and control the acquisition of the cannabis and the frequency of the therapeutic use of cannabis by the incapacitated person; and

(4) the person with the legal authority to make health care decisions for the incapacitated person completes an application in accordance with the requirements of Section 44‑53‑2240 on behalf of the incapacitated person.

Section 44‑53‑2360. The department shall include with the registry identification card issued to a qualifying patient or designated caregiver a written notification that possession of a state registry identification card does not prohibit enforcement of federal law applicable to the possession of cannabis including, but not limited to, the use or sale of cannabis.

Section 44‑53‑2370. A qualifying patient or designated caregiver who is found to be in possession of cannabis outside of his home and is not in possession of a registry identification card may be fined up to one hundred dollars.

Section 44‑53‑2380. If the qualifying patient’s certifying provider notifies the department in writing that the qualifying patient no longer suffers from a qualifying medical condition or should discontinue using cannabis for another compelling reason, the registry identification card is void upon notification by the department to the qualifying patient.

Section 44‑53‑2390. (A)(1) A qualifying patient shall notify the department before changing a designated caregiver or a designated alternative treatment center.

(2) A designated caregiver shall notify the department as soon as he is no longer the designated caregiver for a qualifying patient or when he becomes the designated caregiver for a qualifying patient.

(B) A qualifying patient and a designated caregiver shall notify the department of:

(1) a change of address within ten days of the change; and

(2) the loss of a registration identification card within ten days of becoming aware of the card being lost.

(C) When a qualifying patient or a designated caregiver notifies the department of a change to information appearing on his registry identification card, the department shall issue the qualifying patient or designated caregiver a new registry identification card with a new random ten‑digit identification number within twenty days of receiving the notification and updated information. The person shall pay a fee to replace the card in an amount determined by the department.

(D) A qualifying patient or designated caregiver who fails to notify the department of a change required pursuant to this section is subject to a fine not to exceed one thousand dollars.

Section 44‑53‑2400. (A) There are created four regions from which to select and operate an alternative treatment center in the State, designated as the:

(1) Upstate region consisting of Oconee, Pickens, Greenville, Anderson, Abbeville, Greenwood, Laurens, Spartanburg, Cherokee, Union, York, and Chester counties;

(2) Midlands region consisting of McCormick, Edgefield, Saluda, Newberry, Fairfield, Lancaster, Chesterfield, Kershaw, Richland, Lexington, Aiken, Barnwell, Bamberg, Orangeburg, Calhoun, Clarendon, Sumter, and Lee counties;

(3) Southeast region consisting of Allendale, Hampton, Jasper, Beaufort, Colleton, Dorchester, Charleston, and Berkeley counties; and

(4) Northeast region consisting of Marlboro, Dillon, Marion, Horry, Georgetown, Williamsburg, Florence, and Darlington counties.

(B) An alternative treatment center must operate as a nonprofit organization but is not required to be registered as a tax‑exempt organization by the Internal Revenue Service.

Section 44‑53‑2410. Within eighteen months of the effective date of this article, the department shall select one alternative treatment center for each region of the State.

Section 44‑53‑2420. The department shall develop an application to evaluate an organization applying to operate as an alternative treatment center using an impartial and numerically scored competitive bidding process that complies with applicable law for state contracts, which must address, at a minimum:

(1) suitability of the proposed location, including the potential impact of local zoning laws;

(2) proximity to proposed or existing alternative treatment centers and to significant populations of qualifying patients to ensure to the greatest extent possible the location of at least one center in reasonably close proximity to qualifying patients statewide;

(3) sufficiency of capital to operate an alternative treatment center;

(4) character and relevant experience of the principal officers and board members, including training or professional licensing in medicine, pharmaceuticals, homeopathy, botany, or cannabis cultivation and preparation, and experience operating a nonprofit organization;

(5) a plan to ensure the availability of affordable cannabis for qualifying patients enrolled in Medicaid or receiving Supplemental Security Income or Social Security Disability Insurance;

(6) packaging and labeling protocol to ensure the safety and purity of the cannabis;

(7) recordkeeping and inventory control protocol;

(8) on‑site security and safety protocol; and

(9) the legal right to possess and use the land, buildings, and equipment necessary to carry out the duties of an alternative treatment center.

Section 44‑53‑2430. An applicant organization shall submit a department‑approved application with all required information and documentation and a nonrefundable fee in an amount established by the department. The application and supporting materials must include, at a minimum:

(1) the legal name, articles of incorporation, and bylaws of the organization applying to operate an alternative treatment center;

(2) the physical address of the proposed alternative treatment center if a precise address has been determined or, if a location has not been determined, the general location where the center would be located, which may include a second location for the cultivation of cannabis;

(3) a description of the enclosed, locked facility to be used for the cultivation of cannabis, if any;

(4) the name, address, and date of birth of each principal officer and board member of the proposed alternative treatment center;

(5) the security and safety measures to be implemented by the proposed alternative treatment center, which must comply with regulations promulgated by the department, including a description of interior and exterior lighting and security systems;

(6) the distance of the proposed alternative treatment center from any preexisting kindergarten or public or private elementary or secondary school;

(7) the proposed policy regarding services to qualifying patients who cannot afford to purchase cannabis for therapeutic use;

(8) information demonstrating the organization’s knowledge of organic growing methods to be used in the growing and cultivation of cannabis;

(9) the processes to be followed to ensure the quality of the cannabis, including purity and consistency of dosage;

(10) the estimated time for the alternative treatment center to be fully operational following the date of issuance of a certificate of registration and the assumptions used for the basis of those estimates;

(11) information demonstrating the organization’s experience operating a nonprofit or other business;

(12) a description of any additional services to be available to patients at the center; and

(13) recordkeeping and inventory control policies and procedures.

Section 44‑53‑2440. (A) The organization’s board of directors shall include at least one physician, advance practice registered nurse, or pharmacist licensed to practice in the State pursuant to Title 40, and at least one patient eligible to register as a qualifying patient. The majority of board members must be residents of the State.

(B) A medical professional serving on the organization’s board of trustees is prohibited from maintaining an ownership interest in the center.

(C) A person is prohibited from serving on an alternative treatment center’s board of trustees or as a principal officer of an alternative treatment center if he has been convicted of a felony drug‑related offense.

Section 44‑53‑2450. (A) Information required as part of an alternative treatment center application that identifies the location where cannabis is proposed to be grown, cultivated, harvested, and otherwise prepared for dispensing to qualifying patients, designated caregivers, and alternative treatment centers is considered to be confidential and not subject to disclosure under the Freedom of Information Act or otherwise, except that:

(1) information may be disclosed to a state or local law enforcement agency upon request for purposes of enforcement pursuant to this article;

(2) the location may be disclosed to a town or city when seeking recommendations about a suitable location, provided that town and city representatives maintain the information’s confidentiality; and

(3) the name, address, and telephone number may be disclosed to qualifying patients.

(B) The department, in coordination with the local governing body of the town or city in which the alternative treatment center would be located, may solicit oral or written comments from qualifying patients, designated caregivers, and the residents of the town or city as part of approving a location for an alternative treatment center.

Section 44‑53‑2460. Upon selection and before beginning operation, the alternative treatment center shall pay to the department an initial registration fee and an annual fee thereafter in amounts to be determined by the department.

Section 44‑53‑2470. Records and information maintained by an alternative treatment center are considered protected health information that may not be released pursuant to state and federal confidentiality statutes including, but not limited to, the Health Insurance Portability and Accountability Act, as amended. An alternative treatment center shall maintain records using the qualifying patient’s or designated caregiver’s registry identification number, rather than the patient’s or caregiver’s name, to protect confidentiality.

Section 44‑53‑2480. No later than one year after an alternative treatment center receives its initial registration certificate, the department shall evaluate the center’s operation. The department may revoke a registration certificate if the alternative treatment center:

(1) violates this article or department regulations; or

(2) is not operational.

Section 44‑53‑2490. An alternative treatment center is subject to inspection by the department. During an inspection, the department may review the alternative treatment center’s records, including its dispensing and data collection records. Records must track patient‑specific and caregiver‑specific information by registry identification number to protect confidentiality.

Section 44‑53‑2500. The alternative treatment center’s registry certificate may be revoked at any time upon violation of this article or department regulations, including if the center negligently or knowingly allows cannabis to be provided to someone who is not authorized to possess cannabis or to engage in or assist in the therapeutic use of cannabis pursuant to this article.

Section 44‑53‑2510. (A) An alternative treatment center must not be located in a residential district or within one thousand feet of the property line of a preexisting kindergarten, public or private elementary or secondary school, or a designated drug‑free school zone.

(B) Cannabis and cannabis paraphernalia must not be visible off the premises of an alternative treatment center.

Section 44‑53‑2520. An alternative treatment center shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing cannabis and cannabis paraphernalia and the theft of cannabis and cannabis paraphernalia and shall ensure that each location has an operational security alarm system.

Section 44‑53‑2530. An alternative treatment center shall conduct:

(1) an initial comprehensive inventory of all cannabis, including usable cannabis available for dispensing and mature cannabis plants at each authorized location, on the date the alternative treatment center first dispenses cannabis; and

(2) monthly inventory of all cannabis, including usable cannabis available for dispensing, mature cannabis plants, and seedlings at each authorized location, quantities and the cost of cannabis purchased from other alternative treatment centers, qualifying patients, and designated caregivers, and quantities cultivated at the center’s cultivation center.

Section 44‑53‑2540. An alternative treatment center shall file an incident report with the department no later than the next business day after the center discovers, or should have discovered, a reportable incident. The report must indicate the nature of the incident and the corrective action taken by the center.

Section 44‑53‑2550. (A) Each time an alternative treatment center employee dispenses cannabis to a qualifying patient or to the qualifying patient’s designated caregiver, the employee shall:

(1) require the person to show his registry identification card to verify the person is a qualifying patient or designated caregiver;

(2) review the center’s records to verify that the cannabis to be dispensed does not exceed the limitations provided in subsection (C); and

(3) record the date and quantity of cannabis dispensed.

(B) All records relating to the dispensing of cannabis must be maintained according to the registry identification number of the qualifying patient and the designated caregiver if any.

(C) Except as provided in subsection (D), a qualifying patient may not obtain more than two ounces of usable cannabis directly or through the qualifying patient’s designated caregiver during a ten‑day period.

(D) After providing an opportunity for patients, experts, researchers, and physicians to be heard, the department may issue a regulation adjusting the limit specified in subsection (C) for a specific qualifying condition to a quantity that is necessary to be therapeutic over a ten‑day period.

Section 44‑53‑2560. (A) The department shall track the number of qualifying patients who have designated an alternative treatment center and issue a monthly written statement to the alternative treatment center providing the name and registry identification numbers of each qualifying patient and each qualifying patient’s designated caregiver.

(B) The department shall provide written notice to an alternative treatment center that identifies the name and registry identification number of a qualifying patient and the patient’s designated caregiver if a qualifying patient:

(1) designates the alternative treatment center as his center for dispensing cannabis;

(2) revokes the designation of the alternative treatment center; or

(3) is no longer a qualifying patient pursuant to this article.

Section 44‑53‑2570. Cannabis dispensed by an alternative treatment center must include a label specifying the weight of the cannabis and any other information required by the department. The label also must state that the cannabis is for therapeutic use only and that diversion is a felonywhich, upon conviction, results in:

(1) revocation of the registry card;

(2) a fine of not more than five thousand dollars or imprisonment of not more than five years, or both; and

(3) the possibility of other penalties allowed pursuant to law.

Section 44‑53‑2580. (A) Except when transporting cannabis as provided in subsections (B) or (C), an alternative treatment center employee shall possess and manufacture cannabis only at a center location at which the employee regularly works.

(B) Cannabis provided to a qualifying patient or a designated caregiver for use by a qualifying patient must be in a secure package labeled with a document that identifies the alternative treatment center, the patient’s registry identification number, the caregiver’s registry identification number if a caregiver has been designated, the quantity and form of the cannabis, the time and date of origin of transportation, and destination of the cannabis.

(C) An alternative treatment center operating a cultivation location shall label the cannabis being transported with a document that identifies the center by its certificate number, the time, date, origin, destination, quantity, and form of the cannabis being transported.

Section 44‑53‑2590. (A) An alternative treatment center may not possess or cultivate cannabis in excess of:

(1) eighty cannabis plants, one hundred sixty seedlings, and eighty ounces of usable cannabis, or six ounces of usable cannabis per qualifying patient; and

(2) three mature cannabis plants, twelve seedlings, and six ounces of usable cannabis for each qualifying patient who has designated the alternative treatment center to provide him with cannabis for therapeutic use.

(B) An alternative treatment center only shall use organic pesticides when cultivating cannabis.

Section 44‑53‑2600. (A) An alternative treatment center or alternative treatment center agent may not dispense, deliver, or otherwise transfer cannabis to a person or entity other than:

(1) a qualifying patient who has designated the center;

(2) a designated caregiver of a qualifying patient who has designated the center; or

(3) another alternative treatment center.

(B) All cultivation of cannabis must take place in an enclosed, locked facility registered with the department that is accessible only by the center’s agents.

Section 44‑53‑2610. An alternative treatment center shall submit an annual report to the department that provides information required by the department to evaluate the effectiveness and operation of the center.

Section 44‑53‑2620. (A) An alternative treatment center shall conduct a state and federal criminal background check on a prospective employee or volunteer before employing or allowing the person to volunteer. If the center fails to comply with this section, it must be fined one thousand dollars.

(B)(1) A prospective employee or volunteer shall consent in writing to undergo a state and federal criminal background check and a drug screen as a condition of employment or volunteering and shall provide annual criminal background checks to the center and consent to periodic drug screens while employed or volunteering. A prospective or existing employee or volunteer shall pay the costs of the criminal background checks and drug screens.

(2) An alternative treatment center shall maintain the results of criminal background checks and drug screens as part of the employee’s or volunteer’s personnel records.

Section 44‑53‑2630. (A) An alternative treatment center may not employ or allow a person to serve as an alternative treatment center agent who:

(1) has been convicted of a felony drug‑related offense;

(2) is under twenty‑one years of age; or

(3) tests positive for the presence of cannabis components or metabolites when tested by the department for drug use.

(B) An alternative treatment center shall create an identification badge for each alternative treatment center agent before the person may possess, cultivate, or transport cannabis on behalf of the center. The badge must display the center’s certificate number and the agent’s name or a unique identifying number.

(C) An alternative treatment center agent shall wear the identification badge at all times when on the premises of the alternative treatment center, including a cultivation location.

Section 44‑53‑2640. A person who has been convicted of a felony drug‑related offense may not work or serve as an agent of the alternative treatment center. A person who violates this section may be fined up to one thousand dollars. A subsequent violation is a misdemeanor and, upon conviction, the person must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

Section 44‑53‑2650. (A) An alternative treatment center shall develop, implement, and maintain on the premises personnel policies and procedures that include:

(1) a job description or employment contract developed for every employee and volunteer listing duties, authority, responsibilities, qualifications, and supervision;

(2) required training in and adherence to confidentiality laws;

(3) the proper use of the center’s security measures and controls; and

(4) emergency response procedures.

(B) An alternative treatment center shall prepare training documentation that every employee and volunteer must sign indicating the date, time, and place of the training, topics discussed, and the name and title of the presenter. The alternative treatment center shall maintain documentation of an employee’s and a volunteer’s training for a period of at least six months after termination of the period of employment or volunteer service.

(C) An alternative treatment center shall maintain a personnel record for each employee and volunteer that includes the person’s application and a record of any disciplinary action taken.

Section 44‑53‑2660. (A) An alternative treatment center is not subject to prosecution or penalty under state or local law, search or inspection except by the department pursuant to Section 44‑53‑2490, or seizure of cannabis and related materials, if acting in compliance with the provisions of this article and department regulations to:

(1) acquire or purchase cannabis seeds or seedlings;

(2) possess, cultivate, manufacture, or transport cannabis and seedlings; or

(3) deliver, transfer, supply, sell, or dispense cannabis, cannabis paraphernalia, and educational materials to qualifying patients who have designated the alternative treatment center, designated caregivers on behalf of these qualifying patients, or other alternative treatment centers.

(B) An alternative treatment center agent is not subject to arrest by state or local law enforcement, prosecution or penalty in any manner under state or local law, search, or denial of a right or privilege for working for or serving on behalf of an alternative treatment center pursuant to this article.

Section 44‑53‑2670. A provider must not:

(1) accept, solicit, or offer any form of pecuniary remuneration from or to an alternative treatment center, except if the provider is employed by an alternative treatment center;

(2) offer a discount or other thing of value to a qualifying patient who uses or agrees to use a particular alternative treatment center;

(3) examine a patient for purposes of issuing a medical certification at a location where cannabis is sold or distributed; or

(4) hold an economic interest in an alternative treatment center if the provider provides medical certifications pursuant to this article.

Section 44‑53‑2680. (A) An alternative treatment center shall provide educational materials about cannabis to a qualifying patient and designated caregiver, which addresses, at a minimum:

(1) the strains of cannabis available and routes of administration;

(2) how to achieve proper dosage for different routes of administration using the smallest amount possible to achieve the desired effect while limiting potency;

(3) tolerance of, dependence on, and withdrawal from cannabis;

(4) signs and symptoms of addiction to cannabis and substance service provider referral information;

(5) organic certification of the center’s cannabis and cannabis paraphernalia; and

(6) possible side effects from the use of cannabis for therapeutic purposes.

(B) Educational materials must be available for inspection by the department upon request.

(C) An alternative treatment center shall collect data on strains of cannabis used and methods of delivery for qualifying conditions and symptoms, side effects experienced, and therapeutic effectiveness for each patient who is willing to provide the information. The data collection must use the qualifying patient’s registry identification number to maintain confidentiality.

Section 44‑53‑2690. (A) There is created the Therapeutic Cannabis Fund, in the Office of the State Treasurer, an account separate and distinct from the general fund, to be used to administer the provisions of this article.

(B) The Therapeutic Cannabis Fund consists of:

(1) general fund revenues appropriated to the fund;

(2) proceeds generated by fees and fines authorized pursuant to this article; and

(3) proceeds from grants, donations, contributions, taxes, and any other sources of revenue as may be provided by statute or regulation.

(C) Any unexpended and unencumbered monies remaining in the fund at the end of a fiscal year must be carried forward to be used for the purposes provided in this article and income is retained to the fund.

Section 44‑53‑2700. Not later than one year after the effective date of this article, the department shall promulgate regulations that address:

(1) form and content of applications for initial and renewal registry identification cards for qualifying patients and designated caregivers;

(2) form and content of a medical certification;

(3) procedures for considering, approving, and denying applications for initial and renewal registry identification cards and for revoking registry identification cards;

(4) appropriate identification;

(5) fees and fines allowed pursuant to this article; and

(6) methodology for establishing fees applicable to a person applying for and a person issued a registry identification card and fines related to violation of this article by these persons to offset the costs of implementing this article.

Section 44‑53‑2710. Not later than eighteen months after the effective date of this article, the department shall promulgate regulations relating to alternative treatment centers that address:

(1) form and content of an application for initial and renewal registration certificates;

(2) security requirements, including lighting, physical security, video security, alarm requirements, measures to prevent loitering, and on‑site parking;

(3) liability insurance;

(4) sanitary requirements;

(5) electrical safety requirements;

(6) personnel requirements, including the use and supervision of volunteers;

(7) labeling;

(8) department inspections and oversight;

(9) suspension and revocation of a certificate of registration;

(10) appeals of department enforcement actions;

(11) advertising restrictions;

(12) hours of operation;

(13) fees and fines; and

(14) methodology for establishing fees applicable to an organization applying and operating as an alternative treatment center and to agents of an alternative treatment center and fines related to violation of this article by these organizations and persons to offset the costs of implementing this article.

Section 44‑53‑2720. The department shall establish requirements for the handling, testing, inspection and production of cannabis infused products. These requirements must comply with applicable state, local, and federal guidelines including, but not limited to, the Food Safety Modernization Act.

Section 44‑53‑2730. Subject to Title 11, Chapter 35, South Carolina Consolidated Procurement Code, the department is authorized to procure services of qualified contractors to assist it in implementing this article, including testing, audit, inspection, registry management, diversion control, and other compliance services.”

SECTION 2. Article 4, Chapter 53, Title 44 of the 1976 Code is repealed.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this article is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this article, the General Assembly hereby declaring that it would have passed this article, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. Except as otherwise provided in this article, this act takes effect upon approval by the Governor.

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