**A** **BILL**

TO AMEND SECTION 40‑56‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC SAFETY, SO AS TO DELETE PROVISIONS MAKING THE STATE FIRE MARSHAL AN OFFICIAL CONSULTANT TO THE BOARD AUTHORIZED TO ATTEND ALL MEETINGS, AND TO PROVIDE ADMINISTRATIVE SUPPORT PROVIDED BY THE STATE FIRE MARSHAL TO THE BOARD IS BASED ON THE REQUEST OF THE BOARD; TO AMEND SECTION 40‑56‑20, RELATING TO DEFINITIONS CONCERNING THE BOARD, SO AS TO PROVIDE A NECESSARY DEFINITION; TO AMEND SECTION 40‑56‑35, RELATING TO EXCEPTIONS FROM PARTIES REQUIRED TO RECEIVE LICENSURE BY THE BOARD, SO AS TO INCLUDE INSPECTORS APPOINTED BY THE BOARD; TO AMEND SECTION 40‑56‑50, RELATING TO ADMINISTRATIVE SUPPORT PROVIDED TO THE BOARD BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO PROVIDE THE DEPARTMENT SHALL APPOINT TWO INSPECTORS TO WORK SOLELY FOR THE BOARD TO INSPECT LICENSEES FOR REGULATORY COMPLIANCE, TO PROVIDE THE APPOINTMENTS MUST BE MADE WITH THE ADVICE AND CONSENT OF THE BOARD, AND TO PROVIDE THE APPOINTEES SERVE AT THE PLEASURE OF THE BOARD WITH RENEWABLE TERM APPOINTMENTS; TO AMEND SECTION 40‑56‑70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD HAS SOLE AUTHORITY TO DISCIPLINE LICENSEES AND TO PROMULGATE REGULATIONS RELATING TO PYROTECHNICS; TO AMEND SECTION 40‑56‑80, RELATING TO THE AUTHORITY OF FIRE CHIEFS AND THEIR INSPECTORS, SHERIFFS, POLICE CHIEFS AND THEIR OFFICERS, AND AGENTS OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PERFORM CERTAIN INSPECTIONS, SO AS TO ELIMINATE THIS AUTHORITY AND PLACE IT WITH INSPECTORS APPOINTED BY THE BOARD; TO AMEND SECTION 40‑56‑115, RELATING TO THE JURISDICTION OF THE BOARD, SO AS TO CLARIFY THE SCOPE OF ITS JURISDICTION; AND TO AMEND SECTION 40‑56‑200, RELATING TO REGULATIONS PROMULGATED PURSUANT TO THIS CHAPTER, SO AS TO PROVIDE THE BOARD HAS SOLE AUTHORITY TO PROMULGATE SUCH REGULATIONS, TO PROVIDE LIMITED EFFECTS ON FIRE CODES AND REGULATIONS ADOPTED BY THE STATE FIRE MARSHAL, TO PROVIDE FIREWORKS BUSINESSES CONDUCTING BUSINESS ON JANUARY 1, 2018, ARE NOT REQUIRED TO INSTALL SPRINKLERS IN THEIR FACILITIES.

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

SECTION 1. Section 40‑56‑10(D) of the 1976 Code, as last amended by Act 196 of 2010, is further amended to read:

“(D) The department’s Office of State Fire Marshal shall provide administrative support as ~~required~~ requested by the board to perform ~~its~~ the board’s prescribed functions. ~~The State Fire Marshal is an official consultant and is authorized to attend all meetings.~~”

SECTION 2. Section 40‑56‑20 of the 1976 Code, as added by Act 196 of 2010, is amended by adding an item at the end to read:

“(13) ‘Sole’ means only.”

SECTION 3. Section 40‑56‑35(B)(3) of the 1976 Code, as added by Act 196 of 2010, is amended to read:

“(3) transportation, handling, or use of fireworks, or a combination of these, by the State Fire Marshal, his employees, board‑appointed inspectors, or a commissioned law enforcement officer acting within his official capacity; or”

SECTION 4. Section 40‑56‑50 of the 1976 Code, as added by Act 196 of 2010, is amended to read:

“Section 40‑56‑50. (A) The Department of Labor, Licensing and Regulation shall provide all administrative, fiscal, investigative, inspection, clerical, secretarial, and license renewal operations and activities of the board pursuant to Chapter 1.

(B) The department also shall appoint two inspectors to work solely for the board to inspect licenses for compliance. The appointees must be made with the advice and consent of the board. The inspectors serve at the pleasure of the board with renewable four‑year appointments.”

SECTION 5. Section 40‑56‑70 of the 1976 Code, as added by Act 196 of 2010, is amended to read:

“Section 40‑56‑70. (A) ~~It is the duty and responsibility of~~ The board has sole authority to promulgate, pursuant to the Administrative Procedures Act, regulations relating to pyrotechnics in this State, including the manufacture, sale, storage, and fire safety of these products. These regulations must be adjusted using the procedures in Chapter 34, Title 1.

(B) The board may conduct hearings on alleged violations by licensees of this chapter or regulations promulgated pursuant to this chapter and ~~may~~ has sole authority to discipline these licensees.

(C) The board also shall recommend to the General Assembly legislation it considers necessary for the safety and control of the sale of pyrotechnics.”

SECTION 6. Section 40‑56‑80(C) of the 1976 Code, as added by Act 196 of 2010, is amended to read:

“(C) A ~~fire chief and his inspector, a sheriff and his deputy, a chief of police and his officer, and an agent of SLED~~ board‑appointed inspector only may inspect a building, facility, or vehicle where fireworks may be manufactured, stored, or sold and records of manufacturing, storage, sales, and purchases that must be maintained.”

SECTION 7. Section 40‑56‑115 of the 1976 Code, as added by Act 196 of 2010, is amended to read:

“Section 40‑56‑115. The board has sole jurisdiction over the actions of licensees and former licensees as provided for in Chapter 1, as it pertains to the manufacture, storage, or sale of fireworks.”

SECTION 8. Section 40‑56‑200 of the 1976 Code, as added by Act 196 of 2010, is amended to read:

“Section 40‑56‑200. (A) A person required by this chapter to obtain a license to do business in this State, who has not obtained a license or who operates while his license is suspended or revoked or who violates a provision of this chapter or a regulation promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars and not more than two thousand dollars or imprisoned for not less than ninety days and not more than one year.

(B) This chapter does not repeal, amend, or otherwise affect fire codes and regulations adopted by the State Fire Marshal; except as it directly relates to the manufacture, sale, or storage of fireworks.

(C)(1) The board has sole authority to promulgate regulations pertaining to the manufacture, sale, or storage of fireworks. The board may use any or all of the existing fire code, delete portions of the code as the board finds desirable, promulgate regulations that are not in a particular fire code, or promulgate such regulations the board considers necessary to accomplish its duties as stated in this chapter.

(2) To avoid an overlap of prior regulations and any new regulations omitted or promulgated pursuant to this section, all fireworks businesses, retail or wholesale, that are conducting business prior to January 1, 2018, are not required to:

(a) install sprinkler systems in their respective businesses, and are considered thereafter to be grandfathered in; or

(b) have any such sprinkler system requirement imposed upon them ex post facto.

(3) In order to be considered as conducting business as referenced in item (2), the business must have all required licenses to conduct business and be actively engaged in the sale of fireworks before January 1, 2018.”

SECTION 9. This act takes effect upon approval by the Governor.

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