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COMMITTEE REPORT

March 29, 2017

**H. 3790**

Introduced by Rep. Erickson

S. Printed 3/29/17--H.

Read the first time February 16, 2017.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3790) to amend Section 44‑20‑30, as amended, Code of Laws of South Carolina, 1976, relating to terms defined in the “South Carolina Intellectual Disability, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 44‑20‑30 of the 1976 Code, as last amended by Act 47 of 2011, is further amended by adding an appropriately numbered item at the end to read:

“( ) ‘Autism spectrum disorder’ means autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.”

SECTION 2. Section 38‑71‑280(A)(1) of the 1976 Code is amended to read:

“(1) ‘Autism spectrum disorder’ means ~~one of the three following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:~~

~~(a) Autistic Disorder;~~

~~(b) Asperger’s Syndrome;~~

~~(c) Pervasive Developmental Disorder—Not Otherwise Specified~~ autism spectrum disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or a pervasive developmental disorder as defined in any previous edition of the DSM.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on February 16, 2017**

**State Expenditure**

This bill creates a uniform definition for ASD to be applied to the South Carolina Intellectual Disability, Related Disabilities, Head Injuries, and Spinal Cord Injuries Act, §44-20-10 et seq., Accident and Health Insurance, §38-71-10 et seq., and Education of Physically and Mentally Handicapped Children, §59-21-510 et seq. Current law defines autism or ASD in a slightly different manner under each of these code sections. The bill does not alter the function of §§44-20-10 et seq. and 38-71-10 et seq. nor does it fiscally or operationally impact the Department of Disabilities and Special Needs, the Department of Insurance, and the Public Employee Benefit Authority. Therefore, the bill would not have an expenditure impact for these agencies.

However, the amended definition of autism spectrum disorder in §59-21-510 of this bill potentially may affect the number of students classified as pupils with autism for purposes of EFA funding. This determination provides the highest classification weight of 2.57 in the weighted pupil units calculation used to allocate EFA funding. National and state data report the number of children diagnosed with ASD is growing. If the number of students classified as pupils with autism increases, the allocation of EFA funding to school districts may shift depending on the classification decisions made at the school district level. We expect that regulation number 43-243, Special Education, Education of Students with Disabilities, used by school districts to determine student classifications, encompasses the same diagnoses that fall within the amended definition of ASD. However, if the number of students classified as pupils with autism increase, this can influence EFA funding in two ways. If the number of weighted pupils increases, additional funding will be necessary to maintain the current base student cost. If total EFA funding remains constant, then the fixed amount of EFA funding may change among the school districts. The amount of EFA funding shifted is undetermined, since these classification decisions will be made at the school district level based on the revised definition of autism spectrum disorder.

**Local Revenue**

While we expect current regulations encompass the same diagnoses that fall within the amended definition of ASD, changes in weighted pupil units from an increase in the number of students classified as pupils with autism could also affect the funding received by local school districts from the Homestead Exemption Fund Tier III reimbursements. Statewide, Tier III reimbursements increase by an index factor equal to the annual growth in the Consumer Price Index and population. This additional reimbursement is allocated to school districts in proportion to the school district’s weighted pupil units as a percentage of statewide weighted pupil units. Since weighted pupil units will be influenced by the definition change for autism spectrum disorder, the share of Tier III reimbursements may shift among the school districts. The change in the amount of Tier III reimbursements shifting among the school districts is undetermined, since these classification decisions will be made at the school district level based on the revised definition of autism spectrum disorder.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑20‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE “SOUTH CAROLINA INTELLECTUAL DISABILITY, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT”, SO AS TO ADD A DEFINITION FOR “AUTISM SPECTRUM DISORDER”; TO AMEND SECTION 38‑71‑280, RELATING TO HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 59‑21‑510, AS AMENDED, RELATING TO SPECIAL EDUCATION PROGRAMS, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 44‑20‑30 of the 1976 Code, as last amended by Act 47 of 2011, is further amended by adding an appropriately numbered item at the end to read:

“( ) ‘Autism spectrum disorder’ means any of the pervasive development disorders or autism spectrum disorders as defined by the most recent addition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the edition in effect at the time of diagnosis.”

SECTION 2. Section 38‑71‑280(A)(1) of the 1976 Code is amended to read:

“(1) ‘Autism spectrum disorder’ means ~~one of the three following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:~~

~~(a) Autistic Disorder;~~

~~(b) Asperger’s Syndrome;~~

~~(c) Pervasive Developmental Disorder—Not Otherwise Specified~~ any of the pervasive development disorders or autism spectrum disorders as defined by the most recent addition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the edition in effect at the time of diagnosis.”

SECTION 3. Section 59‑21‑510(11) of the 1976 Code is amended to read:

“(11) ‘Pupils with autism spectrum disorder’ means pupils with a severe and chronic disorder that affects communication and behavior and which is manifested during early development by a characteristic pattern of social, communication, and learning behaviors. Autism spectrum disorder ~~is a behaviorally defined syndrome;~~ means any of the pervasive development disorders or autism spectrum disorders as defined by the most recent addition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the edition in effect at the time of diagnosis, the essential features of which include disturbances of: developmental rates or sequences; response to sensory stimuli; speech, language, and communication; and capacities to relate to people, objects, and events.”

SECTION 4. This act takes effect upon approval by the Governor.

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