COMMITTEE REPORT

March 15, 2018

**H. 3822**

Introduced by Reps. Fry, Bedingfield, Henderson, Huggins, Johnson, Hewitt, Crawford, Duckworth, Arrington, Allison, Tallon, Hamilton, Felder, Elliott, Jordan, B. Newton, Martin, Erickson, West, Lowe, Ryhal, Atwater, Willis, Jefferson, W. Newton, Bennett, Crosby, Long, Putnam, Cogswell and Whipper

S. Printed 3/15/18--S.

Read the first time May 10, 2017.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (H. 3822) to amend Section 44‑53‑160, as amended, Code of Laws of South Carolina, 1976, relating to the process for making changes to controlled substance schedules, etc., respectfully

**REPORT:**

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

HARVEY S. PEELER, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced February 22, 2017**

**State Expenditure**

The Department of Health and Environmental Control is currently required to report any changes made to the schedules listing controlled substances to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Medical, Military, Public and Municipal Affairs Committee, and the Judiciary Committee of the House of Representatives, and to the Clerks of the Senate and House. This bill requires the department to also notify the Code Commissioner of any changes to these schedules.

**Department of Health and Environmental Control.** The department reports that this bill would have no expenditure impact on the general fund, federal funds, or other funds, as the department already has procedures in place to notify the required State officials of any changes.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 44‑53‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCESS FOR MAKING CHANGES TO CONTROLLED SUBSTANCE SCHEDULES, SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE CODE COMMISSIONER OF ADDITIONS, DELETIONS, AND RESCHEDULING OF SUBSTANCES.

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

SECTION 1. Section 44‑53‑160(B) and (C) of the 1976 Code, as last amended by Act 140 of 2012, is further amended to read:

“(B) Except as otherwise provided in this section, during the time the General Assembly is not in session, the department may add, delete, or reschedule a substance as a controlled substance after providing notice and a hearing to all interested parties. The addition, deletion, or rescheduling of a substance pursuant to this subsection has the full force of law unless overturned by the General Assembly. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Medical, Military, Public and Municipal Affairs Committee, and the Judiciary Committee of the House of Representatives, ~~and to~~ the Clerks of the Senate and House, and the Code Commissioner, and shall post the schedules on the department’s website indicating the change and specifying the effective date of the change.

(C) If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law or regulation, the department shall, at the first regular or special meeting of the South Carolina Board of Health and Environmental Control within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance. Upon the addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Medical, Military, Public and Municipal Affairs Committee, and the Judiciary Committee of the House of Representatives, ~~and to~~ the Clerks of the Senate and House, and the Code Commissioner, and shall post the schedules on the department’s website indicating the change and specifying the effective date of the change.”

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

‑‑‑‑XX‑‑‑‑