**A** **BILL**

TO AMEND SECTION 12‑21‑6000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PENALTIES FOR VIOLATING THE MARIJUANA AND CONTROLLED SUBSTANCES TAX ACT, SO AS TO PROVIDE THAT A CONVICTION OF A DEALER IS NOT REQUIRED FOR THE DEPARTMENT TO LEVY THE TAX; TO AMEND SECTION 12‑21‑6050, RELATING TO THE DISTRIBUTION OF TAX PROCEEDS FROM THE MARIJUANA AND CONTROLLED SUBSTANCES TAX, SO AS TO PROVIDE THAT SEVENTY‑FIVE PERCENT OF THE FUNDS MUST BE DISTRIBUTED TO THE STATE OR LOCAL LAW ENFORCEMENT AGENCY THAT CONDUCTED THE INVESTIGATION OF A DEALER THAT LED TO THE ASSESSMENT.

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

SECTION 1. Section 12‑21‑6000 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) A conviction against a dealer is not required for the department to levy the tax.”

SECTION 2. Section 12‑21‑6050 of the 1976 Code is amended to read:

“Section 12‑21‑6050. (A) The department shall credit twenty‑five percent of the proceeds of the tax levied by this article to the general fund of the State. The remaining seventy‑five percent must be maintained in a separate account created by the department. The department shall distribute the tax proceeds in the account that were collected by assessment to the state or local law enforcement agency that conducted the investigation of a dealer that led to the assessment. The department shall distribute the tax proceeds from the account on a quarterly or more frequent basis. If more than one state or local law enforcement agency conducted the investigation, the department shall determine the equitable share for each agency based on the contribution each agency made to the investigation. A state or local law enforcement agency may submit evidence to the department of the level of contribution the agency made to the investigation that led to the assessment.

(B) The department may establish procedures for any necessary tax refunds. The refund of a tax that has already been distributed must be drawn initially from the fund. The amount of refunded taxes that were distributed to a law enforcement agency under this section and any interest must be subtracted from succeeding distributions from the account to that law enforcement agency. The amount of refunded taxes that were credited to the general fund under this section and any interest must be subtracted from succeeding credits to the general fund from the account.

(C) The department may promulgate regulations necessary to implement the provisions of this section.”

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

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