Advance Sheet No. 02 | July 02, 2026 | Pages 1325-2097 Acts 120-245

2026 REGULAR SESSION

Acts and Joint Resolutions

of the

GENERAL ASSEMBLY
OF THE STATE OF SOUTH CAROLINA

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Ashley Harwell-Beach, Code Commissioner, P.O. Box 11489,
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No. 120

(R134, S337)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-13-640, RELATING TO THE POSSESSION OF BLUE CATFISH, SO AS TO INCLUDE A REFERENCE TO A SECTION OF THE PEE DEE RIVER.

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

Blue catfish over thirty-two inches limit

SECTION 1. Section 50-13-640(B) of the S.C. Code is amended to read:

(B) It is unlawful to possess more than twenty-five blue catfish (Ictalurus furcatus) a day in Lake Marion, Lake Moultrie, the section of the Pee Dee River from the state border with North Carolina to the Highway 301 bridge, and the upper reach of the Santee River, and it is unlawful to possess more than one hundred fifty blue catfish a day in all other state waterways.

Blue catfish limit

SECTION 2. Section 50-13-640(A) of the S.C. Code is amended to read:

(A) It is unlawful to possess more than two blue catfish (Ictalurus furcatus) greater than thirty-two inches in length in any one day in Lake Marion, Lake Moultrie, the upper reach of the Santee River, the section of the Pee Dee River from the state border with North Carolina to the Highway 301 bridge, and the Congaree and Wateree rivers.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 121

(R135, S357)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-13-190 SO AS TO CREATE THE OFFENSE OF MAIL THEFT AND PROVIDE PENALTIES FOR VIOLATIONS.

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

Mail theft

SECTION 1. Chapter 13, Title 16 of the S.C. Code is amended by adding:

Section 16-13-190. (A) As used in this section:

(1) "Mail" means any letter, postal card, parcel, package, bag, or other material, along with its contents, that has postage affixed by the postal customer, and:

(a) has been accepted for delivery by the postal service;

(b) the postal customer has left or deposited for collection by the postal service; or

(c) that the postal service has delivered to, but has not yet been received by, the person to whom it is addressed.

(2) "Mail receptacle" means a mailbox, post office box, rural box, letter box, lock drawer, mail bag, vehicle, or any place, area, or item intended or used by postal customers or a postal service for the collection, deposit, or delivery of mail.

(3) "Postal service" means the United States Postal Service, a private mail carrier, or a common carrier delivery service.

(B) A person commits the crime of mail theft if the person does any of the following:

(1) knowingly, willfully, and with the intent to deprive, injure, damage, or defraud another:

(a) takes, destroys, hides, or embezzles; or

(b) obtains mail by fraud or deception;

(2) buys, receives, conceals, or possesses:

(a) stolen mail and knows or reasonably should have known that

the mail was unlawfully taken or obtained;

(b) any key designed to provide access to a lock adopted by the United States Postal Service that provides access to any mail receptacle in any neighborhood or apartment panel used for the purpose of centralized mail without being authorized by the United States Postal Service to do so; or

(c) a counterfeit device or key designed to provide access to a lock adopted by the United States Postal Service that provides access to any mail receptacle in any neighborhood or apartment panel used for the purpose of centralized mail;

(3) knowingly, willfully, and with the intent to steal any mail inside of a mail receptacle, damages, opens, tears down, takes, or destroys any mail receptacle; or

(4) enters into an agreement, confederation, or conspiracy to violate any foregoing provisions of subsection (B) and does any overt act towards carrying out such unlawful agreement, confederation, or conspiracy.

(C) A person who violates any provision of subsection (B), except as otherwise provided in subsection (D)(1), is guilty of a Class E felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(D) A person who, without intending to defraud the victim, knowingly, willfully, and with the intent to deprive, injure, or damage another takes, destroys, or hides mail, or buys, receives, conceals, or possesses stolen mail that they know or reasonably should have known was unlawfully taken or obtained:

(1) for a first offense, is guilty of a Class A misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than three years, or both; or

(2) for a second or subsequent offense, is guilty of a Class E felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(E) In addition to the penalty assessed under subsection (C), the court shall order the person convicted of mail theft pursuant to this section to pay restitution to the victim in an amount determined by the court.

Crime classification, offense added

SECTION 2. Section 16-1-90(E) of the S.C. Code is amended to add the following offense:

16-13-190	Mail theft (second or subsequent offense)

Crime classification, offense added

SECTION 3. Section 16-1-100(A) of the S.C. Code is amended to add the following offense:

16-13-190	Mail theft (first offense)

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 122

(R137, S439)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO INCREASE THE MAXIMUM REIMBURSEMENT AMOUNT FOR THE EXEMPTION ON CERTAIN MANUFACTURING PROPERTY.

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

Manufacturing property tax exemption

SECTION 1. Section 12-37-220(B)(52) of the S.C. Code is amended to read:

(52)(a)(i) 42.8571 percent of the property tax value of manufacturing property assessed for property tax purposes pursuant to Section 12-43-220(a)(1). The exemption allowed by this item does not apply to property owned or leased by a public utility, as defined in Section 58-3-5, that is regulated by the Public Service Commission, regardless of whether the property is used for manufacturing. For purposes of this item, if the exemption is applied to real property, then it must be applied to the property tax value as it may be adjusted downward to reflect the limit imposed pursuant to Section 6, Article X of the South Carolina Constitution, 1895;

(ii) to the extent any such monies are refunded or otherwise credited under this item to a public utility that is regulated by the Public Service Commission, regardless of whether the property is used for manufacturing, any such refund or credits must be flowed through to customers as a reduction in rates, as appropriate.

(b) The revenue loss resulting from the exemption allowed by this item must be reimbursed and allocated to the political subdivisions of this State, including school districts, in the same manner as the Trust Fund for Tax Relief, not to exceed three hundred million dollars per year. In calculating estimated state individual and corporate income tax revenues for a fiscal year, the Board of Economic Advisors shall deduct amounts sufficient to account for the reimbursement required by this item.

(c) Notwithstanding the exemption allowed by this item, in any year in which reimbursements are projected by the Revenue and Fiscal Affairs Office to exceed the reimbursement cap in subitem (b), the exemption amount shall be proportionally reduced so as not to exceed the reimbursement cap.

(d) Notwithstanding any other provision of law, property exempted from property taxes in the manner provided in this item is considered taxable property for purposes of bonded indebtedness pursuant to Section 15, Article X of the Constitution of this State.

Time effective

SECTION 2. This act takes effect upon approval by the Governor and first applies to property tax years beginning after 2024.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 123

(R140, S454)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-40-40, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHARTER SCHOOLS ACT, SO AS TO CHANGE REFERENCES FROM "SPONSOR" TO "AUTHORIZER," AND TO REVISE AND PROVIDE OTHER DEFINITIONS; BY AMENDING SECTION 59-40-50, RELATING TO LEGAL EXEMPTIONS, POWERS, AND DUTIES OF CHARTER SCHOOLS, SO AS TO IMPOSE CERTAIN FISCAL ACCOUNTABILITY AND TRANSPARENCY MEASURES, TO IMPOSE CERTAIN ADMISSIONS AND ENROLLMENT STANDARDS AND TRANSPARENCY MEASURES, TO REVISE BYLAW REQUIREMENTS AND BOARD ETHICS REQUIREMENTS, AND TO REQUIRE ADDITIONAL POWERS AND DUTIES CONCERNING OPERATIONS AND MANAGEMENT; BY AMENDING SECTION 59-40-55, RELATING TO CHARTER SCHOOL AUTHORIZERS, SO AS TO MAKE CONFORMING CHANGES, TO REVISE THEIR POWERS AND DUTIES, TO INCREASE CHARTER AUTHORIZER OVERSIGHT, TO PROHIBIT CERTAIN FINANCIAL CONFLICTS, TO INCREASE ENFORCEMENT POWERS OF THE STATE DEPARTMENT OF EDUCATION, AND TO PROVIDE PROCEDURES FOR AUTHORIZER REVOCATION AND SCHOOL TRANSFERS; BY AMENDING SECTION 59-40-60, RELATING TO CHARTER SCHOOL APPLICATION

REQUIREMENTS, SO AS TO REVISE CHARTER SCHOOL APPLICATION REQUIREMENTS, TO INCREASE GOVERNANCE AND FINANCIAL DISCLOSURES, TO CREATE RULES FOR VIRTUAL SCHOOLS, AND TO CREATE A STREAMLINED REPLICATION PROCESS FOR SUCCESSFUL CHARTER SCHOOLS, AMONG OTHER THINGS; BY AMENDING SECTION 59-40-65, RELATING TO VIRTUAL INSTRUCTION REQUIREMENTS IN CHARTER SCHOOLS, SO AS TO PROVIDE NECESSARY DEFINITIONS AND IMPOSE CERTAIN REQUIREMENTS ON VIRTUAL CHARTER SCHOOLS; BY AMENDING SECTION 59-40-70, RELATING TO CHARTER SCHOOL APPLICANTS TO AUTHORIZERS, SO AS TO REVISE CHARTER APPLICATION AND APPROVAL PROCEDURES, TO IMPOSE CERTAIN REVIEW TIMELINES, TO REVISE EVALUATION REQUIREMENTS, TO PROVIDE CONDITIONAL APPROVALS, TO IMPOSE PLANNING-YEAR REQUIREMENTS, AND TO REVISE AUTHORIZER OVERSIGHT; BY AMENDING SECTION 59-40-75, RELATING TO CHARTER SCHOOL AUTHORIZER BOARD MEMBER ETHICS, CONDUCT, AND REMOVAL, SO AS TO INCLUDE AUTHORIZERS, TO REVISE THE GROUNDS FOR REMOVAL, TO REVISE THE MANNER OF FILLING VACANCIES, AND TO PROHIBIT CERTAIN CONFLICTS OF INTEREST; BY AMENDING SECTION 59-40-90, RELATING TO APPEALS OF FINAL DECISIONS OF CHARTER SCHOOL AUTHORIZERS, SO AS TO PROVIDE THAT APPEALS OF FINAL DECISIONS BY AUTHORIZERS MUST BE MADE TO THE ADMINISTRATIVE LAW COURT; BY AMENDING SECTION 59-40-110, RELATING TO CHARTER DURATIONS, RENEWALS, AND CLOSURES, SO AS TO INCLUDE CERTAIN CHARTER SCHOOL PERFORMANCE ASSESSMENTS BY AUTHORIZERS AND RELATED GUIDANCE AND RESPONSE PROCEDURES; BY AMENDING SECTION 59-40-111, RELATING TO ALTERNATIVE EDUCATION CAMPUSES, SO AS TO IMPOSE ACCOUNTABILITY REQUIREMENTS; BY AMENDING SECTION 59-40-115, RELATING TO CHARTER SCHOOL TRANSFERS AMONG AUTHORIZERS, SO AS TO IMPOSE REQUIREMENTS FOR SUCH TRANSFER PROCESSES AND TO REQUIRE CERTAIN TRANSPARENCY MEASURES, AMONG OTHER THINGS; BY AMENDING SECTION 59-40-120, RELATING TO THE OWNERSHIP OF

DISSOLVED CHARTER SCHOOL ASSETS, SO AS TO PROVIDE THAT CERTAIN ASSETS BECOME PROPERTY OF THE STATE OF SOUTH CAROLINA INSTEAD OF THE CHARTER SCHOOL'S AUTHORIZER; BY AMENDING SECTION 59-40-140, RELATING TO CHARTER SCHOOL AUTHORIZER MANAGEMENT AND REPORTING, SO AS TO MAKE CONFORMING CHANGES AND TO AUTHORIZE CHARTER SCHOOLS TO CONTRACT WITH MANAGEMENT ORGANIZATIONS FOR CERTAIN PURPOSES, AMONG OTHER THINGS; BY AMENDING SECTION 59-40-150, RELATING TO CHARTER SCHOOL FORMATIONS AND OPERATIONS, SO AS TO IMPOSE REQUIREMENTS ON THE STATE DEPARTMENT OF EDUCATION CONCERNING CHARTER SCHOOL APPLICATIONS, COMPLIANCE GUIDANCE, AND EVALUATIONS, AMONG OTHER THINGS; BY AMENDING SECTION 59-40-155, RELATING TO CHARTER SCHOOL TRUSTEE TRAINING AND REMOVALS, SO AS TO MAKE CERTAIN TRAINING PROVISIONS APPLICABLE TO CHARTER SCHOOL AUTHORIZER BOARD MEMBERS, TO REVISE THE ORIENTATION PROGRAM FOR NEW BOARD MEMBERS, AND TO PROVIDE ADDITIONAL TRAINING REQUIREMENTS, AMONG OTHER THINGS; BY AMENDING SECTION 59-40-180, RELATING TO REGULATIONS AND GUIDELINES, GRANDFATHER PROVISIONS, AND PENALTIES FOR VIOLATIONS, SO AS TO EXEMPT CERTAIN EXISTING AUTHORIZERS FROM THE APPLICATION PROCESS, AND TO SUBJECT AUTHORIZERS TO FUNDING REDUCTIONS FOR WILFUL OR KNOWING VIOLATIONS; AND BY AMENDING SECTION 59-40-230, RELATING TO THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT BOARD, SO AS TO CORRECT AN OBSOLETE REFERENCE.

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

Definitions

SECTION 1. Section 59-40-40 of the S.C. Code is amended to read:

Section 59-40-40. As used in this chapter:

(1) A "charter school" means a public, nonreligious, nonhome-based, nonprofit corporation forming a school that operates by authorization of

a public school district, the South Carolina Public Charter School District, or a public or independent institution of higher learning, but is accountable to the board of trustees, or in the case of technical colleges, the area commission, of the authorizer which grants its charter. Nothing in this chapter prohibits charter schools from offering virtual services pursuant to state law and subsequent regulations defining virtual schools.

(2) A charter school:

(a) is, for purposes of state law and the state constitution, considered a public school and part of the South Carolina Public Charter School District, the local school district in which it is located, or is authorized by an approved public or independent institution of higher learning;

(b) is subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services; however, an applicant may seek to form a single gender charter school without regard to the gender makeup of that proposed charter school;

(c) must be administered and governed by a governing body in a manner agreed to by the charter school applicant and the authorizer, the governing body to be selected as provided in Section 59-40-50(B)(14);

(d) may not charge tuition or other charges pursuant to Section 59-19-90(8) except as may be allowed by the authorizer and is comparable to the charges of the local school district in which the charter school is located;

(e) is subject to the same fixed asset inventory requirements as are traditional public schools.

(3) "Applicant" means the person who or nonprofit corporate entity that desires to form a charter school and files the necessary application with the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, or the board of trustees or area commission of a public or independent institution of higher learning. The applicant also must be the person who or the nonprofit corporate entity that applies to the Secretary of State to organize the charter school as a nonprofit corporation. The nonprofit entity must maintain its nonprofit status to remain a charter school.

(4) "Authorizer" means a local or statewide authorizer. This includes the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, as provided by law, a public institution of higher learning or a nonprofit association directly affiliated with a public institution of higher learning as defined in Section 59-103-5, or an independent institution of higher

learning or a nonprofit association directly affiliated with an independent institution of higher learning as defined in Section 59-113-50, from which the charter school applicant requested its charter and which granted approval for the charter school's existence. Only those public or independent institutions of higher learning, as defined in this subsection, who register and apply with the State Board of Education may serve as charter school authorizers, and the Department of Education shall maintain a directory of those institutions. The authorizer of a charter school is the charter school's Local Education Agency (LEA), and a charter school is a school within that LEA. The authorizer retains responsibility for special education and shall ensure that students enrolled in its charter schools are served in a manner consistent with LEA obligations under applicable federal, state, and local law. A nonprofit association that is directly affiliated with an institution of higher learning as an authorizer shall serve at the pleasure of, and be subject to the oversight and control of, the governing body of the institution. The nonprofit entity must maintain its nonprofit status to remain an authorizer.

(5) "Certified teacher" means a person currently certified by the State of South Carolina to teach in a public elementary or secondary school or who currently meets the qualifications outlined in Sections 59-27-10 and 59-25-115.

(6) "Noncertified teacher" means an individual considered appropriately qualified for the subject matter taught and who has completed at least one year of study at an accredited college or university and meets the qualifications outlined in Section 59-25-115. An individual whose educator certificate has been suspended or revoked shall not be employed as a noncertified teacher during the term of suspension or revocation.

(7) "Charter committee" means the governing body of a charter school formed by the applicant to govern through the application process and until the election of a board of directors is held. After the charter application is approved by the authorizer, the board of directors of the corporation must be organized as the governing body and the charter committee shall be dissolved within six months of the school opening for students to attend. The election of the board of directors must be held by April first of the year in which the school opens for students. Failure to hold the election by this date may result in an immediate revocation of the charter.

(8) "Local school district" means any school district in the State except the South Carolina Public Charter School District and does not include special school districts.

(9) "Charter school contract" means a fixed term, renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(10) "Resident public school" means the school, other than a charter school, within whose attendance boundaries the charter school student's custodial parent or legal guardian resides.

(11) "Management organization" means a corporation, business, organization, or other entity, whether conducted for profit or not-for-profit, with whom the governing body of a charter school contracts to operate, manage, or oversee the operation, management, or provision and implementation of educational services and programs to the charter school. This includes a corporation, business, organization, or other entity that directly employs the administrator or any of the educational personnel, or both.

(12) "Replication" means the approval of a new charter school application based on the mission, academic model, instructional program, and operational structure of an existing charter school.

(13) "Virtual charter school" means a charter school whereby students are taught primarily through online methods; provided, however, that at least twenty-five percent of the instruction in core areas must be provided pursuant to South Carolina Regulation 43-601. Any student enrolled in a virtual charter school shall be a resident of a South Carolina school district as provided for in Sections 59-63-30, 59-63-31, 59-63-32, and 59-63-33.

Charter school requirements

SECTION 2. Section 59-40-50(B) of the S.C. Code is amended to read:

(B) A charter school:

(1) must adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools operating in the same school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning authorizer, the local school district in which the charter school is located;

(2) must meet, but may exceed, the same minimum student attendance requirements as are applied to public schools;

(3) must adhere to the same financial laws and regulations, financial audits, audit procedures, and audit requirements as are applied to public schools, and post its annual budget, to include its operating budget, and audit on its website with other financial information required to be

posted by law or regulation. A charter school's financial audit is due to its authorizer no earlier than October 15, or the next business day, unless the Department of Education grants an extension or establishes a grace period for the authorizer;

(4) must post its annual budget, to include its operating budget and any debt incurred by the school, and audit on its website with other financial information required to be posted by law or regulation;

(5) must provide notice to its authorizer prior to entering into an agreement to borrow money secured by school property, funds, or other assets;

(6) must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from any source, for any purpose. The register must:

(a) be prominently posted on the school's website and made available for public viewing and downloading;

(b) be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure;

(c) be searchable and updated at least once a month;

(d) include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee; and

(iii) a statement providing a detailed description of the expenditure; and

(e) not include:

(i) an entry for salary, wages, or other compensation paid to individual employees; and

(ii) any information that can be used to identify an individual employee;

(7) must maintain on its website a copy of each monthly statement for all credit cards maintained by the school and by a management organization used for the benefit of the school, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the website. Each credit card statement must be posted within thirty days after the first payment is made toward the balance shown on the statement. No personal credit cards may be used by an employee or board member for purchases over two hundred fifty dollars directly related to the school or its operations;

(8) must be considered a school district for purposes of tort liability under South Carolina law, except that the tort immunity does not include acts of intentional or wilful racial discrimination by the governing body or employees of the charter school. Employees of charter schools must

be relieved of personal liability for any tort or contract related to their school to the same extent that employees of traditional public schools in their school district or, in the case of the South Carolina Public Charter School District or a public or independent institution of higher learning authorizer, the local school district in which the charter school is located are relieved;

(9) may in its discretion, hire noncertified teachers in a ratio of up to twenty-five percent of its entire teacher staff; however, if it is a converted charter school, it shall hire in its discretion noncertified teachers in a ratio of up to ten percent of its entire teacher staff. However, in either a new or converted charter school, a teacher teaching in the core academic areas as defined by federal law must be certified in those areas or possess a baccalaureate or graduate degree in the subject he or she is hired to teach. Part-time noncertified teachers are considered pro rata in calculating this percentage based on the hours which they are expected to teach. Any teacher, regardless of certification status, who resigns, is suspended, or is terminated amid allegations of unprofessional conduct must be reported to the Department of Education by the authorizer;

(10) must perform Department of Social Services Child Abuse and Neglect Registry criminal history record checks as applicable to all public schools for all school personnel, governing board of directors, volunteers, and other individuals who regularly come into contact with students, as defined in Section 59-19-117;

(11) must hire or contract for, in its discretion, administrative staff, including a school leader, to oversee the daily operation of the school. At least one of the administrative staff must be certified or experienced in the field of school administration. An administrator must be physically present onsite during school operating hours;

(12) must admit all children eligible to attend public school to a charter school, subject to space limitations, except in the case of an application to create a single gender charter school, or in the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, with an explicit mission and purpose of specializing in providing evidence-based, specific educational or behavioral health services for educationally disadvantaged students with a demonstrated need for such services. Demonstrated need may include, but not be limited to, as documented in an Individualized Education Program (IEP), 504 plan, a medical or psychological diagnosis, or documentation that the student is not meeting grade-specific standards in literacy as documented by the student's school. For purposes of this section, educationally disadvantaged students are those students as defined by the Every Student Succeeds Act (ESSA) or other subsequent

federal law. Evidence-based services must include, but are not limited to, services to students who need evidence-based, specialized, multi-sensory instruction in literacy or other services included in the student's IEP or 504 plan. This specialized mission and purpose must be defined in the school's charter and charter contract as approved by the authorizer and as allowed by ESSA or other federal law. If the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the authorizer. In the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, that is serving educationally disadvantaged students, if the number of applicants exceeds the capacity of a program, class, grade level, or building, students may be accepted by weighted lot as allowed by ESSA or other federal law with mission-aligned preference and the process clearly described in their charter and charter contract approved by their authorizer, and there is no appeal to the authorizer;

(13)(a) must not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except in the case of an application to create a single-gender charter school, in which case gender may be the only reason to show preference or deny admission to the school or as allowed by subitems (b) and (c).

(b) must give preference to students enrolled in the public charter school the previous year.

(c) may give enrollment preference to any of the following by enrolling the student without requiring participation in a lottery when a lottery is otherwise required under this chapter:

(i) a sibling of a pupil currently enrolled and attending, or who, within the last six years, attended the school for at least one complete academic year;

(ii) a child or children of any employee of the charter school or member of the charter school committee, provided that the number of students eligible for this preference may not exceed twenty percent of the school's total enrollment;

(iii) dependents of active-duty members of the military residing or stationed in this State, limited to not more than ten percent of the school's total enrollment except for schools meeting the provisions of subitem (f). Dependents of active-duty military members are subject to the enrollment provisions of Section 59-63-33;

(d) may enroll a student eligible for multiple enrollment preferences based on only one of the preferences, at the charter school's discretion. A student eligible for an enrollment preference that is denied the enrollment preference because the charter school has exceeded the

number of enrollment preferences allowed must be permitted to participate in any enrollment lottery held by the school for the year the enrollment preference is denied;

(e) may, in the case of a charter school designated as an Alternative Education Campus, pursuant to Section 59-40-111, mission-aligned preference may be given to educationally disadvantaged students as specifically defined in their charter and charter contract approved by their authorizer and as allowed by ESSA;

(f) may, if a charter school is located on a federal military installation or base where the appropriate authorities have made buildings, facilities, and grounds on the installation or base available for use by the charter school as its principal location, give enrollment priority to otherwise eligible students who are dependents of military personnel living in military housing on the base or installation or who are currently stationed at the base or installation not to exceed fifty percent of the total enrollment of the charter school. This priority is in addition to the other priorities provided by this item, but no child may be counted more than once for purposes of determining the percentage makeup of each priority;

(14) must consist of a board of directors of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws. Members of a board of directors may serve a term of two years, and may serve additional terms. The charter school's bylaws shall require staggered terms for board members with an election for two or more board positions occurring every two years. Fifty percent of the members of the board as specified by the bylaws must be individuals who have a background in K-12 education or in business, and the bylaws of the charter school also must provide for the manner of selection of these members. In addition, at least fifty percent of the members of the board as specified by the bylaws must be elected by the employees and the parents or guardians of students enrolled in the charter schools governed by the board. One parent or guardian of each student shall be designated to cast one vote per open board seat in the election for each student they have enrolled in the charter school. Employees of the charter school shall have one vote per open board seat. Employees who also have at least one child enrolled in the school shall retain their vote as an employee and may also be designated to cast votes in the same manner as other parents. All members must be residents of the State of South Carolina. A person who has been convicted of a felony must not be elected to a board of directors. If the board of directors consists of an odd number of members, the extra member must be an individual who has a background in K-12 education or in business. Notice of the election

must be posted on its website at least thirty days in advance of the election;

(15) must be subject to the Freedom of Information Act, including the charter school and its governing body. A board of directors of a charter school shall notify its authorizer of any regular meeting of the board at least forty-eight hours prior to the date on which it is to occur;

(16) must be subject to the ethics and government accountability requirements for public members and public employees as contained in Chapter 13, Title 8. For purposes of this subsection, members of the charter school boards are considered public members and employees of the charter school board, including individuals assigned to charter schools who are employed by management organizations, are considered public employees. The charter contract in accordance with Section 59-40-60(B) must contain a statement of assurance of ethical compliance on behalf of the school;

(17) must notify and provide a copy of any executed or amended management organization contracts to the authorizer. All management organization contracts must also be posted in a prominent location on its website;

(18) must collect, maintain, and make available to its authorizer the following information concerning the operation and management of the charter school:

(a) a list of members currently serving on the board of the charter school, including name, address, and term of office;

(b) copies of policies approved by the board of the charter school;

(c) board of the charter school meeting minutes and agendas;

(d) annual financial reports, including a copy of audited financial statements of the charter school;

(e) a copy of the budget approved by the board of the charter school with any amendments;

(f) all health and safety reports and certificates, including those related to fire safety, environmental matters, asbestos inspection, boiler inspection, and food service; and

(g) any management letters issued as part of the annual financial audit;

(19) must post on the school's website the most recent version of the school's bylaws and board policies including, but not limited to, the policies and procedures pursuant to Section 59-40-60(F)(13) and (14).

Charter school authorizer requirements

SECTION 3. Section 59-40-55 of the S.C. Code is amended to read:

Section 59-40-55. (A) In order to promote the quality of charter school outcomes and oversight, the Department of Education shall establish and implement policies, procedures, and practices to ensure quality authorizing, good governance and accountability that clearly define the roles and responsibilities of the authorizer consistent with state law.

(B) A charter school authorizer:

(1) may approve charter applications pursuant to Section 59-40-60 that meet the requirements specified in Sections 59-40-50 and 59-40-60 except that institutions of higher learning authorizers may choose to only approve those charter applications that meet the requirements of this chapter and align with the mission and strategic plan of the institution of higher learning authorizer;

(2) must decline to approve charter applications according to Section 59-40-70(C) or an application submitted by a charter school whose applicant is also a member of the State Board of Education, the Education Oversight Committee, or a local school district board of trustees;

(3) must negotiate and execute sound charter contracts with each approved charter school including, but not limited to, specific outcome-based expectations concerning academics, operations, governance, and finance based on the school's charter contract;

(4) must monitor, in accordance with charter contract terms, the performance and legal/fiscal compliance of charter schools with charter-specific state law, Department of Education policies, procedures, and practices and policies adopted by the authorizer's governing board including, but not limited to, collecting and analyzing data to support ongoing evaluation according to the charter contract;

(5) must conduct or require oversight activities that enable the authorizer to fulfill its responsibilities outlined in this chapter, including conducting appropriate inquiries and investigations, only if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to public charter schools;

(6) must collect, in accordance with Section 59-40-140(H), an annual report from each of its authorized charter schools and submit the report on the academic and financial performance of each of its authorized charter schools and authorizers performance to the State

Board of Education in a format prescribed by the Department of Education before January thirtieth;

(7) must notify the charter school in writing of noncompliance with the school's charter or contract and provide reasonable opportunity for the school to remedy the problem, unless the problem warrants revocation and revocation timeframes apply. The school shall have up to thirty calendar days to respond, in writing, describing how the issue will be remedied. If the problem warrants revocation, then the authorizer shall notify the school in writing and provide a copy to the State Superintendent of Education at the same time the school is notified and revocation timeframes apply;

(8) must develop a corrective action plan and take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies as documented pursuant to item (7) in charter school performance or legal compliance. If the corrective action plan or corrective actions relate to special education services, then the authorizer shall provide a copy of the letter denoting the deficiencies and the corrective action plan to the Department of Education. These actions or sanctions may include requiring the school to develop and execute the corrective action plan within a specified timeframe;

(9) must determine whether each charter contract merits renewal, nonrenewal, or revocation;

(10) must provide to parents and the general public information about charter schools authorized by the authorizer as an enrollment option within the district in which the charter school is located to the same extent and through the same means as the district in which the charter school is located provides and publicizes information about all public schools in the district. A charter school shall notify its authorizer of its enrollment procedures and dates of its enrollment period no less than sixty days before the first day of its enrollment period;

(11) must permanently close any charter school at the conclusion of the school year after receiving the lowest performance level rating as defined by the state accountability system for three consecutive years in accordance with Section 59-40-110(H); however, the first year of a school's operation shall be excluded for purposes of this section;

(12) must, within thirty days of submission or execution to the authorizer, post in a prominent location on its website all charter school applications, renewal applications, and any management organization contracts associated with the charter schools;

(13) must post in a prominent location on its website their budget as an authorizer, including revenues, source of revenue, and expenditures. If the authorizer has charged fees to a charter school for

services, then those fees must be listed by individual school;

(14) must review and notify the charter schools of any noncompliance related to management organization contracts;

(15) must be subject to the ethics and government accountability requirements for public members and public employees in Chapter 13, Title 8. For purposes of this subsection, members of the authorizer's governing boards are considered public members, and employees of the authorizer's governing board are considered public employees;

(16) must be subject to Section 11-35-5340 of the South Carolina Consolidated Procurement Code or implements a procurement code which, in the written opinion of the Division of Procurement Services of the State Fiscal Accountability Authority, is substantially similar to the provisions and purposes of the South Carolina Consolidated Procurement Code;

(17) must be subject to audits by the Legislative Audit Council. For the purpose of carrying out its audit duties, the Legislative Audit Council shall have access to the records and facilities of each authorizer during the authorizer's normal operating hours, and each authorizer must produce records requested by the Legislative Audit Council. The provisions contained in Chapter 15, Title 2, related to the Legislative Audit Council shall apply to audits conducted pursuant to this section;

(18) must review and monitor the implementation of enrollment procedures submitted by the charter school pursuant to Section 59-40-50(B)(12) to ensure compliance with the admission requirements established pursuant to Section 59-40-50(B)(12) and (13);

(19) must be subject to the South Carolina Freedom of Information Act; and

(20) must not receive commissions, rebates, or financial incentives related to insurance products purchased by the charter school.

(C)(1) A statewide authorizer shall only retain or contract to retain two percent of the total state allocation distributed to charter schools, as appropriated annually through the state appropriations process, for each charter school it authorizes for the purpose of carrying out its oversight and administrative responsibilities. With approval by the Department of Education, an authorizer may offer additional services related to charter school operations to charter schools it authorizes, however the charter school shall be under no obligation to purchase those services from the authorizer. A charter school may not be penalized or have its charter revoked based upon their failure to purchase offered services from the authorizer. A charter authorizer offering such services shall post a list of those services and the cost of the service in a prominent place on the authorizer's website. The amount retained by the authorizer does not

include costs incurred in delivering services that a charter school may purchase at its discretion from the authorizer. The amount authorizers may claim for administration of federally funded programs or grants is subject to the terms and conditions of the federal program or grant. The authorizer shall use its funding provided pursuant to this section exclusively for the purpose of fulfilling authorizer obligations in accordance with this chapter.

(2)(a) If the Department of Education determines an authorizer has violated this provision, a written notice of the alleged violation shall be provided to the authorizer. The authorizer shall have thirty calendar days from receipt of the notice to submit documentation and any other relevant evidence demonstrating the authorizer is in compliance with this provision. Upon a determination by the Department of Education that a violation has occurred, the State Superintendent of Education may:

(i) order reimbursement of improperly charged amounts to the charter schools;

(ii) revoke the authorizer's authority to charter or authorize schools, and all schools may apply to transfer to a different authorizer using the process established by the Department of Education pursuant to Section 59-40-55(D); or

(iii) order other appropriate relief.

(b) The authorizer may file an appeal with the State Board of Education within thirty days of the decision by the State Superintendent of Education to revoke an authorizer's authority to authorize schools. After an appeal is filed, the State Board of Education must hold a public hearing regarding the appeal within fourteen days. All appeals from the State Board of Education's decisions to terminate a public or independent institution of higher learning authorizer registration shall be made to the Administrative Law Court. The authorizer shall not demand or withhold any unspent appropriated funds held by or owed to a charter school that is transferring under the provisions of this section and may not charge fees associated with the school moving to another authorizer.

(c) A charter school authorizer, or an entity affiliated with or owned or created by an authorizer, is prohibited from:

(i) contracting with schools or otherwise selling services to schools over which the authorizer has direct oversight, such as financial services;

(ii) using its authority or position as authorizer to influence, induce, or attempt to influence or induce, a charter school to contract for additional services provided by the authorizer;

(iii) using authority or position as an authorizer to unfairly compete with any private entity or enterprise offering similar services to

charter schools;

(iv) using state funds, including any funds retained under Section 59-40-55(C)(1), to fund, market, or promote any additional contracted services offered to charter schools in exchange for a fee;

(v) contracting with a charter school to provide services necessary to remedy any alleged noncompliance with the terms of the charter contract or applicable law;

(vi) utilizing state funds, including any funds retained under Section 59-40-55(C)(1), for any purpose not directly related to fulfilling its obligations as an authorizer under this chapter and pursuant to any other state law or regulation;

(vii) receiving direct or indirect compensation from any contract entered into by a school it authorizes and a third party; however, nothing in this section shall prohibit an authorizer from leasing a building, or providing food service or transportation, to schools it authorizes; and

(viii) conditioning approval, renewal, or evaluation outcomes on the purchase of any goods or services.

(d) The Department of Education shall terminate approval of any authorizer that is found by either the department or a court to have violated the requirements of this section or the requirements of Chapter 13 of Title 8.

(D) The Department of Education shall conduct annual reviews aligned to the current state school district accreditation timeline, to monitor and evaluate the performance of all charter school authorizers, informed by the annual report provided for in this section. The review process must include an examination of how authorizers meet standards and practices, an evaluation of each authorizer's charter school's performance, and review of each authorizer's record of renewal, revocation, and authorization decisions. In addition, the Department of Education shall establish a process for receiving and reviewing complaints regarding charter schools and authorizers. These reports shall be considered in its annual reviews. The Department of Education shall issue notices of concern, in writing, to the authorizer that must include descriptions of all performance concerns and establish a timeline by which the authorizer must correct any issues or deficiencies. In the case of a public or independent institution of higher learning authorizer repeatedly failing to meet one or more of the requirements contained in subsection (B) over a period of three years, the Department of Education may terminate a charter school authorizer's registration. The State Board of Education shall allow a public or independent institution of higher learning authorizer the opportunity to have a hearing before registration

termination. All appeals from the State Board of Education's decisions to terminate a public or independent institution of higher learning authorizer registration shall be made to the Administrative Law Court. If a public or independent institution of higher learning authorizer's registration is terminated, the Department of Education shall develop a streamlined transfer application for charter schools to apply to a new authorizer for the remainder of the charter school's contract term; however, if no new authorizer agrees to the transfer request, the charter school must close. The Department of Education shall create an authorizer closure protocol to be fully implemented within 180 days of the closure of the public or independent institution of higher learning affiliated with an authorizer, a timeline, and an application process for the transfer of any charter schools by a new authorizer. Operating charter schools shall not be required to resubmit a full application unless the new authorizer specifically identifies an area of concern. New charter schools under contract may be required to submit a full application by the new authorizer.

Charter school applications requirements

SECTION 4. Section 59-40-60(F) of the S.C. Code is amended to read:

(F) The charter school application, based on an application template with compliance guidelines developed by the Department of Education, must include:

(1) an executive summary, not to exceed two pages;

(2) the mission statement of the charter school, which must be consistent with the principles of the General Assembly's purposes pursuant to Section 59-40-20;

(3) the measurable goals, objectives, and academic performance standards to be achieved by the charter school, and a description of the charter school's admission policies and procedures;

(4) evidence that an adequate number of parents or legal guardians with students eligible to attend the proposed school pursuant to Section 59-40-50 support the formation of a charter school and justify the projected per pupil allocation in the application budget;

(5) a description of the charter school's educational program, including how it will meet or exceed the academic performance standards and expectations, including academic standards adopted by the State Board of Education and how the instructional design, learning environment, class size and structure, school calendar, scheduling flexibility, use of virtual instruction, curriculum, and teaching methods

enable each pupil to achieve these standards;

(6) a description of the charter school's plan for evaluating pupil achievement and progress toward accomplishment of the school's achievement standards in addition to state assessments, the timeline for meeting these standards, and the procedures for taking corrective action if that pupil achievement falls below the standards;

(7) evidence that the plan for the charter school is economically sound, a proposed budget to start the charter school and a proposed budget for the entire contractual term of the charter, a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the authorizer, is to be conducted;

(8) a description of the governance and operation of the charter school, including a detailed school start-up plan, resumes and background information on the charter committee members, the capacity and experience of the school leadership and management team, any involvement with the replication of existing successful public charter schools, any proposed management organization, and the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

(9) a description of how the charter school plans to conduct community outreach to ensure all members of the community are aware of the school and have an opportunity to enroll;

(10) a description of transportation services to be provided, if any;

(11) if available, a description of the school location by address, or, at a minimum, zip code, the school building, other facilities, and equipment and how they shall be obtained. If this information is not yet available, it shall be updated as soon as facilities are secured;

(12) an explanation of the employment relationship that shall exist between the proposed charter school, or its management organization, and the administration, faculty, and staff of the charter school, including a staffing chart aligned with the budget and student enrollment projections, and descriptions of evaluation procedures;

(13) a description of a reasonable grievance and termination procedure for teachers employed by the school or employed by the school's management organization, as required by this chapter, including notice and a hearing before the governing body of the charter school. The application must state whether or not the provisions of Article 5, Chapter 25, Title 59 apply to the employment and dismissal of teachers at the charter school;

(14) a description of student rights and responsibilities, including attendance, behavior and discipline standards, and a reasonable hearing

procedure, including notice and a hearing before the board of directors of the charter school before expulsion;

(15) an assumption of liability by the charter school for the activities of the charter school and an agreement that the charter school must indemnify and hold harmless the authorizer, its servants, agents, and employees, from any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from injury to persons or property or otherwise which arises out of the act, failure to act, employment practices, or negligence of the charter school, its agents and employees, in connection with or arising out of the activity of the charter school;

(16) a description of the types and amounts of insurance coverage to be obtained by the charter school;

(17) a copy of any proposed management organization contracts contemplated by the charter school. The contract must include a term sheet that sets forth the length of the contract, the roles and responsibilities of the governing board of the charter school, the staff of the charter school, the staff of the management organization, the scope of services and resources to be provided by the management organization, the performance evaluation measures and timelines, the compensation structure, including clear identification of all fees to be paid to the management organization, the methods of contract oversight and enforcement, the conditions of renewal and termination of the contract and assurances that the governing board of the charter school, at all times, maintains independent fiduciary oversight and authority over the school budget and ultimate responsibility for the school's performance. The contract shall not allow profit-sharing with the authorizer or any affiliated entity;

(18) evidence the applicant has filed the appropriate documents to be organized as a nonprofit corporation under South Carolina law;

(19) a statement of assurances for the applicant to execute affirming the applicant understands and agrees to perform the essential responsibilities and obligations of a charter school;

(20) in the case of a proposed charter school using a virtual learning model as its primary mode of delivering instruction, the application must include information regarding the following requirements to be performed by the charter school's board:

(a) The requirement that the charter school's board offer a student orientation and notify the parent or guardian of each enrolled student of the requirement to participate, and that each student complete the orientation before participating in any instructional activity.

(b) The requirement that the board adopt a policy addressing a

student's failure to participate in instructional opportunities. The policy must provide that a student is subject to consequences, which may include disenrollment, if both of the following conditions are met:

(i) after the student's parent or guardian receives written notice, the student fails to comply with the policy within a reasonable period specified by the school; and

(ii) intervention strategies outlined in the policy fail to result in the student's consistent participation in instructional activities.

(c) The requirement that the policy adopted pursuant to subitem (b) provides, if a student is disenrolled pursuant to this policy, the school shall:

(i) notify the parent or guardian in writing of the obligation to enroll the student in a school in accordance with state law;

(ii) initiate the transfer of the student to the district of residence;

(iii) request that the parent or guardian provide the name of the school, and, if applicable, the district in which the student will enroll; and

(iv) coordinate directly with the receiving school or district to transfer student records and any other documentation necessary to support appropriate educational placement.

(d) For purposes of this item "instructional opportunities" means classroom-based or nonclassroom-based activities a student is expected to complete, participate in, or attend during a school day including, but not limited to:

(i) logging into online curriculum or programs;

(ii) completing offline activities;

(iii) completing assignments associated with a program, curriculum, or course;

(iv) testing;

(v) participating in face-to-face meetings with school staff or service providers;

(vi) participating in telephone or video conferences with school staff or service providers; and

(vii) engaging in other documented communications with school staff or service providers related to curriculum or programs.

(H) Prior to November 1, 2026, the Department of Education shall develop a separate application for replication to encourage creation of additional charter schools that fulfill the purpose and mission of this chapter. The application for replication must focus on submission of data and information to demonstrate the prior record of the existing school and how such record will be repeated at the replicated school. No school

that has received an overall rating of less than "Average" on the South Carolina School Report Card at any time during the preceding three years shall be eligible to apply for replication. An existing charter school that seeks to expand operations to a location situated more than one mile from its original campus shall apply for replication in accordance with this section This provision does not apply to a charter school that is relocating its entire operations from one facility to another.

Charter school virtual instruction requirements

SECTION 5. Section 59-40-65 of the S.C. Code is amended to read:

Section 59-40-65. (A) As used in this section:

(1) "Online, virtual, or computer instruction" means delivery of academic instruction over the internet using electronic devices to students who are not required to be at a specific physical location to receive instruction.

(2) "Synchronous instruction" means virtual instruction in which the instructor is able to interact with students in real time and during a scheduled time period when the instructor and student both must be online for the student to be counted as present.

(3) "Asynchronous instruction" means virtual instruction in which the instructor is not able to interact with students in real time and may include recorded lessons or lectures and other on-demand instruction when the teacher and student are not required to be online at the same specified time.

(B) If the governing body of a charter school offers as part of its curriculum a program of virtual instruction, information pursuant to Section 59-40-60(F)(20) shall be included in the application and the governing body shall be required to:

(1) provide each student enrolled in the program with a course or courses of online or computer instruction approved by the charter school's authorizer that must meet or exceed the South Carolina content and grade-specific standards. Students enrolled in the program of online or computer instruction must receive all instructional materials required for the student's program;

(2) ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules, and policies of the charter school;

(3) ensure that each course offered through the program is taught by a teacher meeting the requirements of Section 59-40-50;

(4) ensure that a parent or legal guardian of each student verifies the

number of hours of educational activities completed by the student each school year;

(5) adopt a plan by which it will provide:

(a) frequent, ongoing monitoring to ensure and verify that each student is participating in the program, including proctored assessment(s) each semester in core subjects graded or evaluated by the teacher, and at least bi-weekly parent-teacher conferences in person or by telephone;

(b) regular instructional opportunities in real time that are directly related to the school's curricular objectives including, but not limited to, meetings with teachers and educational field trips and outings;

(c) verification of ongoing student attendance in the program;

(d) verification of ongoing student progress and performance in each course as documented by ongoing assessments and examples of student coursework;

(6) administer to all students in a proctored setting all applicable assessments as required by the South Carolina Education Accountability Act.

(C) Nothing in this section shall prohibit a charter school that provides a program of online or computer instruction from reimbursing families of enrolled students for costs associated with their Internet connection for use in the program.

(D) A charter school shall provide no more than seventy-five percent of a student's core academic instruction in kindergarten through twelfth grade via an online or computer instruction program. The twenty-five percent of the student's core academic instruction may be met through the regular instructional opportunities outlined in subsection (A)(5)(b).

(E) Charter school students may enroll in the Department of Education's virtual education program pursuant to program requirements.

(F) Private or homeschool students choosing to take courses from a virtual charter school may not be provided instructional materials, or any other materials associated with receiving instruction through a program of online or computer instruction at the state's expense.

(G) Only students enrolled in the charter school as a full-time student shall be reported in the charter school's average daily membership to the Department of Education for the purposes of receiving state or federal funds. Private and homeschool students may not be included in the student weighted pupil units or average daily membership reported to the Department of Education for the purposes of receiving state or federal funds.

(H) A virtual school shall ensure the following:

(1) Students have daily access to teachers during the instructional day for live teaching, tutoring, conferencing, and intervention.

(2) Students are able to access synchronous instructional opportunities appropriate to grade level and course needs on each of the student's instructional days if necessary.

(3) Student attendance and participation may be demonstrated through a combination of participation in live sessions, completion of assigned coursework, communication with teachers, measurable academic progress, assessments, or other documented engagement measures.

(4) Asynchronous instruction may include recorded lessons, adaptive learning platforms, guided independent work, digital curriculum, and other teacher-assigned learning tasks.

Charter school applications to authorizers

SECTION 6. Section 59-40-70 of the S.C. Code is amended to read:

Section 59-40-70. (A)(1) An applicant shall submit a letter of intent at least ninety days before submitting an application to the authorizer or authorizers from which it is seeking authorization and within the same school year to which it intends to apply. A copy of the letter must also be submitted to the Department of Education.

(2) An applicant shall submit the application to the board of trustees or area commission from which it is seeking sponsorship and one copy to the Department of Education. In the case of the South Carolina Public Charter School District or a public or independent institution of higher learning authorizer, the applicant shall provide notice of the application to the local school board of trustees in which the charter school will be located for informational purposes only. The authorizer from which the applicant is seeking authorization may request clarifying information from the applicant. The Department of Education shall provide guidance on compliance to both the authorizer and applicants.

(3) The applicant shall notify the local delegation of a county in which a proposed charter school is to be located upon submission of a charter school application and also shall provide a copy of the charter school application upon request by a member of the local delegation.

(4) The Department of Education shall post for each application cycle a list of all applicants including the name of the proposed charter school, the name of the proposed authorizer, and the area in which the proposed charter school will be located.

(B)(1) The applicant shall present its application at a public hearing

and the authorizer from which the applicant is seeking authorization shall rule on the application for a charter school in a public hearing, upon reasonable public notice, no more than ninety days after receiving the application. If there is no ruling within ninety days, the application is considered conditionally approved pending correction by the applicant of any identified deficiencies in the application and submitted to the authorizer within thirty days of conditional approval. If the application is approved by the authorizer, the charter school may open at the beginning of the following year upon completion of a planning year. However, before a charter school may open, the charter school must meet the pre-opening conditions included in the charter contract and the Department of Education shall verify the accuracy of the financial data for the school within forty-five days after approval.

(2) At least ten business days prior to an applicant's public meeting, the authorizer must provide the applicant with written notice of their public meeting, which must contain the date, location, and time of the meeting. At least five business days prior to the public meeting, the authorizer must provide the applicant with a written evaluation report using the rubric aligned with the Department of Education application and any published authorizer evaluation criteria.

(3) At least two business days prior to an applicant's public meeting, the applicant must provide the authorizer with any rebuttal material the applicant intends to present at the meeting.

(C) A board of trustees or area commission shall deny an application only if the application does not meet the requirements specified in Section 59-40-50 or 59-40-60, or if, based on the totality of information provided by the applicant, the board of trustees or area commission determines that the applicant has failed to demonstrate a substantial likelihood that it has the capacity to establish a viable school. It shall provide, within ten days, a written explanation of the reasons for denial, citing specific standards related to provisions of Section 59-40-50 or 59-40-60 that the application violates. This written explanation immediately must be sent to the charter committee and filed with the State Board of Education.

(D) If the board of trustees or area commission from which the applicant is seeking authorization denies a charter school application, the charter applicant may appeal the denial to the Administrative Law Court pursuant to Section 59-40-90.

(E) If the board of trustees or area commission approves the application, it becomes the charter school's authorizer and shall sign the approved application. The authorizer shall submit a copy of the charter contract to the State Board of Education.

Charter school authorizer board ethics

SECTION 7. Section 59-40-75 of the S.C. Code is amended to read:

Section 59-40-75. (A) A member of the governing board of an authorizer or a charter school who is indicted in any court for any crime, or has waived the indictment if permitted by law, may be suspended by the Governor, who shall appoint another in his stead until he is acquitted or the charges are dismissed. In case of conviction, the office must be declared vacant by the Governor and the vacancy filled in the same manner as provided for full-term appointments.

(B) Notwithstanding another provision of law to the contrary, members of an authorizer or charter school governing board who wilfully commit or engage in an act of malfeasance, misfeasance, chronic unexcused absenteeism, conflicts of interest, misconduct, or persistent neglect of duty in office, or are deemed medically incompetent or medically incapacitated, must be subject to removal by the Governor upon any of the forgoing causes being made to appear to the satisfaction of the Governor. Before removing any such officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard. Vacancies occurring in the membership of any governing board as a result of removal pursuant to this subsection must be filled in the manner provided in the same manner as provided for full-term appointments.

(C) Whenever it appears to the satisfaction of the Governor that probable cause exists to charge a member of the governing board of an authorizer or a charter school who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, then the Governor shall direct his immediate prosecution by the proper officer.

(D)(1) An individual is prohibited from serving as a member of the governing board or employee of either a charter school or charter school authorizer if the individual or an immediate family member is a full or part owner or principal with an entity with whom the charter school or authorizer contracts, directly or indirectly, for professional services, management organization services, goods, or facilities or is an employee of the charter school authorizer.

(2) An individual is prohibited from serving as a member of the governing board of either a charter school or charter school authorizer if the individual or an immediate family member is a full or part owner, principal owner, or employee of a management organization.

(3) An individual is prohibited from serving as a board member of

a charter school or a charter school foundation if the individual or an immediate family member is a board member of the charter school's authorizer or the institution of higher learning.

(4) Members of the General Assembly and immediate family members are prohibited from serving as a board member for either an authorizer or a charter school and may not have any ownership in an entity that is established to operate or lease property to a charter school.

(E)(1) An individual is prohibited from employment by an authorizer of a charter school, if the individual or an immediate family member is employed in a position to exercise direct financial decision-making authority with a charter school authorized by the authorizer.

(2) For the purpose of this section, immediate family member means a child, a spouse, or an individual claimed by the individual as a dependent for income tax purposes.

(F) An individual may not serve simultaneously as a member of more than one governing board of either a charter school or a charter school authorizer after December 31, 2026.

Appeals of charter school authorizer final decisions

SECTION 8. Section 59-40-90 of the S.C. Code is amended to read:

Section 59-40-90. An appeal of any final decision made by an authorizer pursuant to this chapter must be made to the Administrative Law Court.

Charter durations, renewals, closures

SECTION 9. Section 59-40-110 of the S.C. Code is amended to read:

Section 59-40-110. (A) A charter must be approved or renewed for a period of ten school years; however, the charter only may be revoked or not renewed under the provisions of subsection (F) of this section. The authorizer annually shall evaluate the conditions outlined in subsection (F). The annual evaluation results must be used in making a determination for nonrenewal or revocation.

(B) Prior to the beginning of the second to last year of operation of a charter school, the authorizer may issue a charter school performance report and charter renewal application guidance to the school and the charter school board. The performance report shall summarize the performance record to date of the charter school, based on the data required by this chapter and the charter contract and taking into

consideration the percentage of at-risk students enrolled in the school, and shall provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may jeopardize its position in seeking renewal if not timely rectified. The charter school shall have forty-five days to respond to the performance report and submit any corrections or clarifications to the report.

(C) Prior to the beginning of the last year of operation of a charter school, the charter school may apply for renewal of the contract with the authorizer. The renewal application guidance shall, at a minimum, provide an opportunity for the charter school to:

(1) present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;

(2) describe improvements undertaken or planned for the school; and

(3) detail the plan for the next charter term for the school.

(D) The renewal application guidance shall include or refer explicitly to the criteria that will guide the renewal decisions of the authorizer.

(E) A charter renewal application must contain:

(1) a report on the progress of the charter school in achieving the goals, objectives, pupil achievement standards, and other terms of the initially approved charter application;

(2) a financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that allows comparison of these costs to other schools or other comparable organizations, in a format required by the State Board of Education; and

(3) any proposed material changes to the current charter or charter school contract to be implemented in the next ten-year charter term.

(F) A charter may be revoked or not renewed by the authorizer if it, using data that is accessible to the school, determines that the charter school:

(1) committed a material violation of the conditions, standards, performance expectations, or procedures provided for in the charter application or charter school contract, or both, and the charter school failed to cure the violation after written notice and a reasonable opportunity to cure;

(2) failed to meet the academic performance standards and expectations as defined in the charter application or charter school contract, or both;

(3) failed to maintain its books and records according to generally accepted accounting principles or failed to create an appropriate system of internal control, or both; or

(4) materially violated any provision of law from which the charter school was not specifically exempted and failed to cure the violation after written notice and a reasonable opportunity to cure.

(G) An authorizer summarily may revoke any charter school that is determined by the authorizer to pose an imminent threat of harm to the health or safety of students, or both, based on documented and clear and convincing data.

(H) Any charter school shall automatically and permanently close at the conclusion of the school year in which the school first becomes subject to automatic closure for receiving the lowest performance level rating as defined by the state accountability system for three consecutive years beginning with student achievement data from the 2013-2014 school year. The determination of closure is considered final. Automatic closure shall not apply to any charter school serving fifty percent or more students with disabilities or any charter school designated as an Alternative Education Campus (AEC) by its authorizer as outlined in Section 59-40-111.

(I) An authorizer must adopt a publicly accessible and transparent process should it intend to not renew or terminate a charter school. At a minimum, the authorizer must:

(1) at least ninety days before not renewing or terminating a charter school, notify in writing the charter school's governing body of the proposed action. The notification shall state the grounds for the proposed action in reasonable detail;

(2) provide the charter school with fifteen calendar days from the school's receipt of the notice in which to prepare a response, which shall include any supporting documentation, in the school's discretion;

(3) provide the charter school with an opportunity to submit documents and give testimony in a public hearing challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose between fifteen and thirty calendar days after the school submits its response pursuant to item (2), and at such hearing, the school must be permitted to record the proceedings and be allowed access to legal representation to call witnesses; and

(4) within five calendar days of the public hearing, require a final determination to be made and conveyed in writing to the charter school.

(J) The existence of another charter granting authority must not be grounds for the nonrenewal or revocation of a charter. Grounds for nonrenewal or revocation must be only those specified of this section.

(K) A charter school seeking renewal may submit a renewal application to another charter granting authority if the charter school has

not committed a material violation of the provisions specified in this section and the authorizer refuses to renew the charter. In such cases the charter school shall continue to receive local funding pursuant to Section 59-40-140(A). However, the charter school is not eligible to receive one hundred percent of the base student cost from the State. The charter school only is eligible to receive the percentage of the base student cost previously received as a school in its former district.

(L) A decision to revoke or not to renew a charter school may be appealed to the Administrative Law Court pursuant to the provisions of Section 59-40-90. Upon appeal to the Administrative Law Court, there is no automatic stay of the revocation or nonrenewal decision. Pending resolution of the appeal, the charter school also may move before the Administrative Law Court for imposition of a stay of the revocation or nonrenewal on the grounds that an unusual hardship to the charter school, its teachers, students, or both, will result from the execution of the authorizer's decision.

(M) Prior to any public charter school closure, the authorizer shall develop a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and net assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the authorizer. In the event of a public charter school closure for any reason, the authorizer shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

Alternative Education Campuses

SECTION 10. Section 59-40-111 of the S.C. Code is amended to read:

Section 59-40-111. (A) For purposes of this chapter, an Alternative Education Campus (AEC) is any charter school with an explicit mission and purpose as outlined in its charter to serve an enrolled student population with:

(1) severe limitations that preclude appropriate administration of the assessments administered pursuant to federal and state requirements;

(2) fifty percent or more of students having Individualized Education Programs (IEPs) in accordance with federal regulations or a demonstrated need for specific services or specialized instruction as defined in Section 59-40-50, and the school shall provide the needed

evidence-based specialized instruction, interventions, services, support, and accommodations based on the needs of the students; or

(3) eighty-five percent or more of enrolled students meeting the definition of a "high-risk" student including students who:

(a) have been adjudicated as juvenile delinquents or who are awaiting disposition of charges that may result in adjudication;

(b) have dropped out of school or who have not been continuously enrolled and regularly attending any school for at least one semester before enrolling in this school;

(c) have been expelled from school or who have engaged in behavior that would justify expulsion;

(d) have documented histories of personal drug or alcohol use or who have parents or guardians with documented dependencies on drugs or alcohol;

(e) have documented histories of personal street gang involvement or who have immediate family members with documented histories of street gang involvement;

(f) have documented histories of child abuse or neglect;

(g) have parents or guardians in prison or on parole or probation;

(h) have documented histories of domestic violence in the immediate family;

(i) have documented histories of repeated school suspensions;

(j) are under the age of twenty years who are parents or pregnant women;

(k) are homeless, as defined in the McKinney-Vento Homeless Assistance Act; or

(l) have a documented history of a serious psychiatric or behavioral disorder including, but not limited to, an eating disorder or a history of suicidal or self-injurious behaviors.

(B) Such schools must be classified as AECs by their authorizer.

(C) A high-poverty rating alone shall not qualify any charter school for status as an AEC.

(D) Charter school applicants seeking such a designation shall provide sufficient information in their charter application to allow the authorizer to make a determination as to whether that classification applies.

(E) Charter schools already in operation may seek AEC classification by petitioning their authorizer. A charter school that has received the lowest performance level rating as defined by the state accountability system in any of the three previous school years is ineligible to seek AEC classification.

(F) Charter schools receiving an AEC designation either before or after opening, shall be held to applicable state and federal accountability

standards along with the academic performance standards and expectations established by written agreement between the authorizer and the school that takes into account the school's specialized mission and student population with comparisons to any available nationally normed data with similar subsets of students and is included in their annual report in accordance with Section 59-40-140(H) and is included in the school report card compiled by the Education Oversight Committee.

(G) An authorizer shall review a charter school's AEC designation for compliance with subsection (A)(1) through (A)(3) annually before January first and report its findings to the Department of Education before February first. If a charter school does not meet the requirements, its AEC designation shall be designated "Under Review" for the following school year, and the school shall submit a compliance improvement plan to its authorizer. If the charter school does not meet the requirements for two consecutive school years, its AEC designation shall be revoked for the next two consecutive school years. A school may reapply for an AEC designation if the school demonstrates compliance with subsection (A)(1) through (A)(3).

Charter transfers among authorizers

SECTION 11. Section 59-40-115 of the S.C. Code is amended to read:

Section 59-40-115. (A) A charter school may voluntarily terminate its charter and contract with the authorizer before the expiration of the ten-year term of the contract by a majority vote of the charter school board, which constitutes a dissolution event of the corporation and the charter school.

(B) In order for a charter school to transfer its charter to another authorizer, its decision to do so must be voted upon during an open session of a public meeting of the charter school board in accordance with the South Carolina Freedom of Information Act and it must obtain the approval of its current authorizer and the proposed new authorizer pursuant to procedures in this section.

(1) A charter school shall submit a written request to the current authorizer and the proposed receiving authorizer to transfer its charter to a different authorizer before September first. The request must include documentation of the charter school board's affirmative vote to initiate the transfer process. The transfer must be effective on July first of the following year.

(2) The proposed new authorizer shall issue a written final decision

approving or denying the request to transfer before October thirty-first. The request to transfer may be denied by the proposed new authorizer for any reason; however, if the proposed authorizer determines the charter school's request to transfer is, to avoid accountability, prohibited by law or untimely, then the transfer must be denied. A copy of the final decision must be served on the charter school applying to transfer, the current authorizer, and the Department of Education before November fifth. The decision of the proposed new authorizer to deny the request is not appealable.

(3) If the proposed new authorizer approves the request to transfer, then the current authorizer shall issue a final decision approving or denying the request to transfer before December thirty-first. The authorizer must permit the charter school to submit materials or information to support its transfer request, all of which must be submitted at least five business days before the board meeting. A charter school who makes a written request at least five business days before the board meeting must be given an opportunity to appear and present information regarding their request. If an authorizer fails to comply with items (1) through (4), then the Department of Education may compel the authorizer to comply by withholding the authorizer's fees related to the charter school seeking to transfer until the authorizer complies.

(4) Items (1) through (3) must be conducted in the year in which the request was submitted following proper notice, public discussion, and a vote by the board during a public open session meeting held in accordance with the Freedom of Information Act.

(5) The current authorizer must deny a request to transfer to the proposed new authorizer if the current authorizer determines the charter school's request to transfer is to avoid accountability, prohibited by law, untimely, or other good cause to deny the transfer exists.

(6) Good cause to deny the charter school's transfer request includes, but is not limited to:

(a) violations of the charter, contract, or applicable law, that have not been resolved by the charter school;

(b) receipt of the lowest performance level rating under the state or federal accountability system during the past two academic years by the charter school seeking to transfer;

(c) more than one transfer request by the charter school within a ten-year period; or

(d) the charter school has operated less than two years with the current authorizer.

(7) The final decision of the current authorizer is appealable to the Administrative Law Court.

(8) A charter school renewal application shall not be subject to the provisions of this section and is deemed not to be a transfer request.

Dissolved charter assets ownership

SECTION 12. Section 59-40-120 of the S.C. Code is amended to read:

Section 59-40-120. Upon dissolution of a charter school, its assets may not inure to the benefit of any private person. Any assets obtained through restricted agreements with a donor through awards, grants, or gifts must be returned to that entity. All other assets become property of the State of South Carolina.

Charter school authorizer management and reporting

SECTION 13. Section 59-40-140 of the S.C. Code is amended to read:

Section 59-40-140. (A) A local school board of trustees sponsor shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues, divided by the previous year's weighted students, then increased by the Education Finance Act inflation factor, pursuant to Section 59-20-40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district. These amounts must be verified by the State Department of Education before the first disbursement of funds. All state and local funding must be distributed by the local school district to the charter school monthly beginning July first following approval of the charter school application and must continue to be disbursed to the charter school for the duration of its charter and for the duration of any subsequent renewals. After verification of student attendance on the fifth day of school at the beginning of each school year, the State Department of Education shall distribute funds to school districts with charter schools: (1) having approved incremental growth and expansion as provided in their charter application; or (2) for opening of new charter schools in the current fiscal year. These funds must be released to districts on behalf of their charter schools no later than fifteen days after receipt of verified enrollment. Districts shall provide this funding to eligible charters no later than thirty days after receipt from the Department of Education. Necessary adjustments due to enrollment changes must be made pursuant to the

Education Finance Act.

(B) The South Carolina Public Charter School District or public or independent institution of higher learning authorizers shall receive and distribute state funds to the charter school as provided by the General Assembly. Authorizers shall report annually before July first the method by which funds are provided to each school it authorizes.

(C) During the year of the charter school's operation, as received, and to the extent allowed by federal law, a authorizer shall distribute to the charter school federal funds which are allocated to the authorizer on the basis of the number of special characteristics of the students attending the charter school. These amounts must be verified by the Department of Education before the first disbursement of funds.

(D) Notwithstanding subsection (C), the proportionate share of state and federal resources generated by students or staff serving them must be directed to the authorizer. After receipt of federal or state categorical aid funds, authorizers shall, within ten business days, supply to the charter school the proportional share of each categorical fund for which the charter school qualifies. If the authorizer fails to do so, the Department of Education may fine the authorizer an amount equivalent to the withheld amounts. Fines imposed must be remitted to the charter school from which the amounts were withheld.

(E) All services centrally or otherwise provided by the authorizer including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries, and warehousing are subject to negotiation between a charter school and the authorizer and must be outlined in the contract required pursuant to Section 59-40-70(F), except as otherwise provided or required by law.

(F) All awards, grants, or gifts collected by a charter school must be retained by the charter school.

(G) The governing body of a charter school or an authorizer may accept gifts, donations, or grants of any kind made to the charter school or authorizer and to expend or use the gifts, donations, or grants in accordance with the conditions prescribed by the donor. A gift or donation must not be required for admission. However, a gift, donation, or grant must not be accepted by the governing board of either a charter school or the authorizer if subject to a condition contrary to law or contrary to the terms of the contract between the charter school and the governing body. All gifts, donations, or grants shall be coded pursuant to the Financial Accounting Handbook provided by the Department of Education, or as otherwise directed by the Department of Education, and must be reported to the sponsor in their annual audit report as required in Section 59-40-50(B)(3).

(H) A charter school shall report to its authorizer and the Department of Education any change to information provided under its application. In addition, a charter school shall report at least annually to its authorizer and the authorizer shall compile those reports into a single document which must be submitted to the department. The Department of Education shall develop a template to be used by charter schools for this annual report. The report shall provide all information required by the authorizer or the Department of Education and shall include, at a minimum:

(1) the number of students enrolled in the charter school from year to year;

(2) the success of students in achieving the specific educational goals for which the charter school was established;

(3) an analysis of achievement gaps among major groupings of students in both proficiency and growth;

(4) the identity and certification status of the teaching staff;

(5) the financial performance and sustainability of the authorizer's charter schools; and

(6) board performance and stewardship including compliance with applicable laws.

(I) The authorizer shall provide technical assistance to persons and groups preparing or revising charter applications at no expense.

(J) Charter schools may acquire by gift, devise, purchase, lease, sublease, installment purchase agreement, land contract, option, or by any other means provided by law or otherwise, and hold and own in its own name buildings or other property for school purposes and interests in it which are necessary or convenient to fulfill its purposes. Charter schools may not hold property for any other purpose.

(K) Charter schools are exempt from state and local taxation, except the sales tax, on their earnings and property whether owned or leased. Instruments of conveyance to or from a charter school are exempt from all types of taxation of local or state taxes and transfer fees.

(L) Charter schools may contract with a management organization for financial, accounting, and treasury services including balanced budget credits or budget deficit protection credits applied to the school's operating budget. A management organization may recover these credits only within the fiscal year when the credits are issued. At the conclusion of a fiscal year, any remaining balanced budget credits or budget deficit protection credits are not recoverable by the management organization and shall not be recorded as a liability in a charter school's financial audit.

(M) Notwithstanding the above provisions of this section, this

subsection applies to converted charter schools that converted into a charter school after the effective date of this act. For purposes of computing the funding for any year to be provided a converted charter school under the provisions of this section, the computations required shall be made as provided in this section based on the previous year's revenues, expenditures, and other applicable factors pertaining to that particular converted charter school, and also then shall be made as provided in this section for the year immediately preceding the previous year based on the revenues, expenditures, and other applicable factors for that year pertaining to that particular converted charter school. The funding of the converted charter school for the initial year shall be the average of the weighted per pupil unit funding computed for these two prior years, and funding for the converted charter school after the initial year shall be provided by the school district in the same manner as regular public schools in the district.

Charter school formations and operations

SECTION 14. Section 59-40-150 of the S.C. Code is amended to read:

Section 59-40-150. (A) The Department of Education shall disseminate information to the public, directly and through authorizers, on how to form and operate a charter school and how to utilize the offerings of a charter school.

(B) The Department of Education shall develop the charter school application, compliance guidance, and evaluation rubric for all charter applicant groups to submit to an authorizer for charter approval. The Department of Education shall provide guidance and technical assistance regarding charter applications and the application process to authorizers and applicant groups.

(C) The Department of Education shall annually make revisions, with stakeholder feedback, to the application and publish it to its website before November first annually.

(D) At least annually, the Department of Education shall provide upon request a directory of all charter schools authorized under this chapter with information concerning the educational goals of each charter school, the success of each charter school in meeting its educational goals, and procedures to apply for admission to each charter school.

(E) The Department of Education shall fulfill all duties of the State Education Agency (SEA) for each authorizer and shall provide technical assistance, oversight, and guidance to authorizers for compliance with LEA responsibilities to the same extent as other LEAs in this State.

Sanctions issued by the Department of Education against an authorizer may be appealed to the Administrative Law Court and must be stayed pending resolution of the appeal.

(F) The Department of Education shall annually review the policies, procedures, and performance of each authorizer for compliance with the provisions of this chapter, state regulations, and other state and federal law.

(G) No later than February 1, 2027, the Department of Education shall develop and implement a process to accept and evaluate applications for institutions of higher learning that were not authorizers before January 1, 2026. The application to become an institution of higher learning authorizer shall include, at minimum, the academic, governance, and financial performance of the institution of higher education, including its accreditation status, a financial plan to include proposed budgets of the authorizer, evidence of need for the authorizer in light of needs of the State, and measurable goal objectives, and academic performance standards to be achieved by the charter schools to be authorized. The State Board of Education shall promulgate regulations to include the requirements developed by the Department of Education. All institutions of higher learning authorizers operating prior to January 1, 2026, shall not be required to apply but must sign the statement of assurances affirming the authorizer understands and agrees to perform the essential responsibilities and obligations of an authorizer and LEA. The Department of Education shall consider the information submitted in the application and make a recommendation to the State Board of Education on whether an application should be approved, denied, or approved with conditions based on the demonstrated capacity of the applicant to fulfill the obligations of an authorizer under this chapter. The State Board of Education shall make the final decision regarding an authorizer's application. Additionally, the State Board of Education may deny an application if the preponderance of available evidence supports a finding by the Department of Education that approving the application will encourage the transfer of poor performing charter schools to the new authorizer for purposes of escaping, delaying, or reducing accountability.

(H) The Department of Education shall bear the cost of complying with this section.

Charter school trustee training and removal

SECTION 15. Section 59-40-155 of the S.C. Code is amended to read:

Section 59-40-155. (A) Within one year of taking office, all persons elected or appointed as members of a charter school board of trustees or a charter school authorizer board of trustees after July 1, 2026, shall complete successfully an orientation program. The program must include specific instruction on board member duties for compliance with this chapter, to include policy development, personnel, instructional programs, school finance, school law, state ethics laws, the South Carolina Freedom of Information Act, and community relations. The orientation must be provided at no charge by the Department of Education or entity approved by the department.

(B) Within ninety days of employment, an administrator employed by the charter school, who does not possess any previous charter school leadership experience, shall complete successfully an orientation program in the powers, duties, and responsibilities of a charter school administrator including, but not limited to, topics on personnel, instructional programs, school finance, school law including charter school law, board relations, South Carolina ethics, conflicts of interest, and community relations. The orientation must be provided at no charge by the Department of Education or an association approved by the department.

(C) Authorizers may require members of a charter school board of trustees to complete governance training programs as specified and agreed upon in a charter school contract.

(D) In addition to the orientation program provided by the Department of Education, each authorizer shall develop and implement an annual training program specifically designed for members of charter school governing boards. After the first year of taking office, a charter school board member must attend the annual training provided by the authorizer. The training program shall include information on laws, regulations, and fiduciary responsibilities that uniquely apply to charter schools and charter school authorizers. The Department of Education shall develop procedures for ensuring compliance with this section by both charter school board members and authorizers.

(E) Members of any charter school board of trustees or authorizer board of trustees shall be subject to the provisions of Section 59-19-60.

Regulations and guidelines, grandfathering, penalties for violations

SECTION 16. Section 59-40-180 of the S.C. Code is amended to read:

Section 59-40-180. (A) The State Board of Education shall promulgate regulations and develop guidelines necessary to implement the provisions of this chapter, including standards to determine compliance with this chapter and an application process for authorizers and charter schools to include a timeline for submission of applications that will allow for final decisions to be issued consistent with budget and funding needs. An authorizer registered pursuant to this chapter before January 1, 2026, is not considered a new authorizer subject to the application process provided in this chapter.

(B) Any authorizer that engages in wilful or knowing conduct in violation of this act shall be subject to a reduction of up to ten percent of state funding.

South Carolina Public Charter School District board

SECTION 17. Section 59-40-230(A)(1)(d)(ii) of the S.C. Code is amended to read:

(ii) South Carolina Manufacturers and Commerce;

Code commissioner directive

SECTION 18. The Code Commissioner is directed to change all references in Title 59 of the South Carolina Code of Laws from the "Charter School Sponsor," "Sponsor(s)," and "School Sponsor(s)" to the "Charter School Authorizer," "Authorizer(s)," and "School Authorizer(s)," as appropriate.

Time effective

SECTION 19. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 124

(R141, S463)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 50-21-128 SO AS TO PROHIBIT SWIMMING WITHIN FIFTY FEET OF A PUBLIC BOAT LANDING OR RAMP MAINTAINED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY IF APPROPRIATELY MARKED.

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

Swimming near a public boat landing or ramp prohibited

SECTION 1. Article 1, Chapter 21, Title 50 of the S.C. Code is amended by adding:

Section 50-21-128. It is unlawful for a person to swim within fifty feet of a public boat landing or ramp maintained by the South Carolina Public Service Authority, if the landing or ramp is clearly marked with signage prohibiting swimming.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 125

(R144, S585)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SAFEGUARDING AMERICAN FAMILIES EVERYWHERE (SAFE) ACT" BY AMENDING SECTION 56-3-115, RELATING TO DEAF OR HARD OF HEARING NOTATIONS ADDED TO MOTOR VEHICLE REGISTRATIONS, SO AS TO PROVIDE THE NOTATION "SAFE" MAY BE ADDED TO MOTOR VEHICLE REGISTRATIONS TO INDICATE OWNERS OF VEHICLES OR OTHER PERSONS HAVE BEEN DIAGNOSED WITH CERTAIN DISABILITIES, AND TO MAKE TECHNICAL CHANGES; BY AMENDING SECTION 56-3-1910, RELATING TO LICENSE PLATES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE DEFINITION OF THE TERM "HANDICAPPED" TO INCLUDE PERSONS WHO HAVE AUTISM; BY AMENDING SECTION 56-3-14950, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES REFLECTIVE OF MILITARY CAMPAIGN MEDALS, SO AS TO PROVIDE FOR THE ISSUANCE OF "OPERATION INHERENT RESOLVE" SPECIAL LICENSE PLATES; AND BY AMENDING SECTION 56-3-14970, RELATING TO THE ISSUANCE OF MILITARY SERVICE SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE ISSUANCE OF "ARMED FORCES SURVIVING SPOUSE" SPECIAL LICENSE PLATES.

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

"Safeguarding American Families Everywhere (SAFE) Act"

SECTION 1. This act may be cited as the "Safeguarding American Families Everywhere (SAFE) Act."

Safeguarding American Families Everywhere

SECTION 2. Section 56-3-115 of the S.C. Code is amended to read:

Section 56-3-115. (A) The registered owner or co-owner of a private passenger carrying automobile may voluntarily disclose to the department that he or his child or ward has been diagnosed with certain

disabilities or disorders. Upon presenting an original certificate from a licensed physician as defined in Section 40-47-20 and other documentation determined necessary by the department, the department may add the notation "SAFE" to the vehicle registration to indicate that the person has been diagnosed with any of the following disabilities or disorders:

(1) deaf or hard of hearing. The application for a registration notation pursuant to this subsection must include an original certificate from a licensed physician as defined in Section 40-47-20, or a licensed audiologist as defined in Section 40-67-20, that certifies that the registered owner or his child or ward has a permanent, uncorrectable hearing loss of forty decibels or more in one or both ears;

(2) autism;

(3) attention deficit hyperactivity disorder;

(4) Down syndrome;

(5) Alzheimer's disease;

(6) traumatic brain injury;

(7) post-traumatic stress disorder;

(8) diabetes;

(9) an autoimmune disorder;

(10) blindness; or

(11) any other mentally or physically limiting disorder.

(B) The "SAFE" notation must only appear when law enforcement runs a check on the vehicle's license plate through the department's online interface to alert the officer that the driver or a passenger may have a disability or disorder contained in subsection (A). The department may not include in the vehicle registration personal identifying information of, or any diagnosis of, a person for whom a diagnosis is indicated.

(C) The department must allow a motor vehicle owner or co-owner to update a motor vehicle registration to include or remove the "SAFE" notation at any time. The child or ward may remove himself as a designee of the "SAFE" notation upon attaining the age of eighteen and submitting documentation determined necessary by the department.

(D) No cause of action may arise nor may liability be imposed against any person, government entity, or government entity officer, agent, or employee arising from any action taken by any person in reliance upon information indicated on a person's vehicle registration when the registered owner or co-owner or his child or ward, a licensed physician, or a licensed audiologist provided the information on the forms required pursuant to this section.

Handicapped defined

SECTION 3. Section 56-3-1910(A) of the S.C. Code is amended to read:

(A) As used in this article, "handicapped" means a person who has one or more of the following conditions:

(1) an inability to ordinarily walk one hundred feet nonstop without aggravating an existing medical condition, including the increase of pain;

(2) an inability to ordinarily walk without the use of, or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(3) a restriction by lung disease to the extent that the person's forced expiratory volume for one second when measured by spirometry is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(4) requires use of portable oxygen;

(5) a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards established by the American Heart Association. If the person's status improves to a higher level, for example as a result of bypass surgery or transplantation, he no longer meets this criteria;

(6) a substantial limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition, for example, coordination problems and muscle spasticity due to conditions that include Parkinson's disease, cerebral palsy, or multiple sclerosis;

(7) blindness; or

(8) autism if the condition causes significant safety or mobility risks in parking environments.

Operation Inherent Resolve special license plates

SECTION 4.A. Section 56-3-14950(A) of the S.C. Code is amended to read:

(A) The department may issue the following special license plates reflective of campaign medals for private passenger vehicles and motorcycles to active service members or prior service members who participated in the following military campaigns:

(1) World War II Veteran

(2) Pearl Harbor Survivor

(3) Normandy Invasion Survivor
(4) Korean War
(5) Vietnam War
(6) Operation Desert Shield/Desert Storm
(7) Operation Iraqi Freedom
(8) Operation Enduring Freedom
(9) Operation Inherent Resolve.

B. This SECTION takes effect six months after approval of the license plate design.

Armed Forces Surviving Spouse special license plates

SECTION 5.A. Section 56-3-14970(A) of the S.C. Code is amended to read:

(A) The department may issue the following special license plates reflective of military service for private passenger vehicles and motorcycles to active or prior service members associated with the following military components or designations:

(1) Veteran or Veteran wheelchair if the registrant qualifies for handicapped parking pursuant to Section 56-3-1910(H)

(2) Female Veteran or Female Veteran wheelchair if the registrant qualifies for handicapped parking pursuant to Section 56-3-1910(H)

(3) Combat-Related Disabled Veteran - the registrant must have a combat-related disability as evidenced by a letter from the U.S. Department of Veterans Affairs defining a combat and operations-related disability

(4) Army
(5) Marine Corps
(6) Navy
(7) Air Force
(8) Coast Guard
(9) US Space Force
(10) National Guard- Army
(11) National Guard- Air
(12) National Guard- Retired
(13) US Military Reserve- Army
(14) US Military Reserve- Marine Corps
(15) US Military Reserve- Navy
(16) US Military Reserve- Air Force
(17) US Military Reserve- Coast Guard

(18) US Armed Forces- Retired
(19) State Guard
(20) Armed Forces Surviving Spouse - available to the surviving spouse of a military veteran.

B. This SECTION takes effect six months after approval of the license plate design.

Time effective

SECTION 6. This act takes effect one year after approval by the Governor.
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Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 126

(R147, S697)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS TO TRANSFER THE SOUTH CAROLINA 211 NETWORK TO THE DEPARTMENT OF CONSUMER AFFAIRS; TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING PART 7 TO CHAPTER 6, TITLE 37, SO AS TO ESTABLISH THE SOUTH CAROLINA 211 NETWORK WITHIN THE DEPARTMENT OF CONSUMER AFFAIRS, TO SET FORTH THE REQUIREMENTS AND DUTIES OF THE 211 LEAD ENTITY, AND TO SET FORTH SELECTION CRITERIA FOR APPROVED 211 SERVICE PROVIDERS; AND BY AMENDING SECTION 1-11-770, RELATING TO THE SOUTH CAROLINA 211 NETWORK, SO AS TO MAKE CONFORMING CHANGES.

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

South Carolina 211 Network transfer

SECTION 1. Effective July 1, 2026, the South Carolina 211 Network, created within the Budget and Control Board pursuant to Section 1-11-770 by Act 339 of 2002, is transferred to the Department of Consumer Affairs.

211 Network

SECTION 2. Chapter 6, Title 37 of the S.C. Code is amended by adding:

Part 7

211

Section 37-6-710. (A) As used in this section:

(1) "211" means the abbreviated dialing code assigned by the Federal Communications Commission for consumer access to community information and referral services.

(2) "211 services" means information and referral services provided through the use of 2-1-1 and intended to promote and provide access to health and human services and to aid in disaster response and recovery.

(3) "Approved 211 service provider" means a public or nonprofit agency or other organization designated by the lead entity to provide 211 services.

(4) "Lead entity" means a South Carolina 501(c)(3) nonprofit agency or organization designated by the department to manage the use of the 211 dialing code for the purposes of providing the public access to information about services provided by government, nonprofit, or other designated organizations to ensure the health and well-being of South Carolina residents and to aid in disaster response and recovery.

Section 37-6-720. (A) Subject to appropriations, the department is authorized to implement the statewide South Carolina 211 Network, which must serve as the single point of coordination for information and referral for health and human services. The objectives for the South Carolina 211 Network are to:

(1) provide comprehensive and cost-effective access to health and human services information;

(2) improve access to accurate information by simplifying and enhancing state and local health and human services information and

referral systems and by fostering collaboration among information and referral systems;

(3) electronically connect local information and referral systems to each other, to service providers, and to consumers of information and referral services;

(4) establish and promote standards for data collection and for distributing information among state and local organizations;

(5) promote the use of a common dialing access code and the visibility and public awareness of the availability of information and referral services;

(6) provide a management and administrative structure to support the South Carolina 211 Network and establish technical assistance, training, and support programs for information and referral-service programs;

(7) test methods for integrating information and referral services with local and state health and human services programs and for consolidating and streamlining eligibility and case-management processes;

(8) provide access to standardized, comprehensive data to assist in identifying gaps and needs in health and human services programs; and

(9) provide a unified systems plan with a developed platform, taxonomy, and standards for data management and access.

Section 37-6-730. (A)(1) The department shall contract with the state's established 211 lead entity for the continuation of services required by this section.

(2) The lead entity shall:

(a) implement, study, support, coordinate, and evaluate a statewide 211 system;

(b) establish standards consistent with prevailing national standards established for providing information about and referrals to human services agencies to 211 callers. The standards shall prescribe the technology or manner of delivering 211 calls and shall not exceed any requirements for 211 systems set by the Federal Communications Commission. The standards shall be consistent with the Americans with Disabilities Act, ensuring accessibility for users of Teletypewriters for the Deaf (TTY);

(c) develop and maintain a statewide resources database for the 211 system that meets prevailing national standards for information and referral systems databases and that are integrated with databases maintained by approved 211 providers;

(d) provide periodic programmatic and fiscal reports to the

department. The initial report shall be submitted on or before December 31, 2026. Thereafter, the lead entity shall provide a report to the department on or before March first each year for the prior calendar year's activities. The report must include, at a minimum, the following:

(i) call volume and interactions. The total number of inquiries, including calls, chats, texts, or web inquiries, along with trends in monthly, quarterly, and annual call volumes, and average response times for handling inquiries;

(ii) caller demographics. The demographic information of callers, including age, gender, and location, and any other relevant identifiers, highlighting any notable shifts or patterns in demographic data over time;

(iii) reasons for contact. A breakdown of inquiries by category or type of referral request, including the demand for, and need for, human services;

(iv) referrals made and service outcomes. The total number of referrals made, specifying the programs or services to which clients were referred;

(v) service referral gaps. The total number of requests for services or programs for which referral to an existing service provider is not able to be made, including description of services requested; and

(vi) trends and comparisons. Year-over-year trends of the data outlined in subitems (i) through (v).

(3) The Department of Consumer Affairs shall report annually to the Governor and the General Assembly on the number of individuals by region and county of the State using the system and the type of inquiries made.

(B) The department shall seek the assistance and guidance of the Public Service Commission and the Federal Communications Commission in resolving any disputes arising over jurisdiction related to 211 numbers.

(C) The procurement of services necessary to implement the 211 Network shall be exempt from the entirety of the South Carolina Procurement Code and all of its attendant regulations.

Section 37-6-740. (A) Only a service provider approved by the lead entity may provide 211 telephone services. The lead entity shall approve 211 service providers after considering all of the following:

(1) the ability of the proposed 211 service provider to meet the prevailing national 211 standards and receive and retain accreditation;

(2) the financial stability and health of the proposed 211 service provider;

(3) the community support for the proposed 211 service provider and the relationships with other information and referral services;

(4) ability of the proposed 211 service provider to demonstrate that programs, policies, and procedures are in place to adequately provide for the confidentiality, integrity, and availability of the information systems;

(5) ability of the proposed 211 service provider to comply with all applicable state and federal laws, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and

(6) any other criteria as the lead entity and department deems appropriate.

(B) A lead entity may remove an approved 211 service provider for failure to meet or otherwise maintain minimum qualifications or for failure to perform activities required in this section or its contract with the lead entity.

South Carolina 211 Network transfer

SECTION 3. Section 1-11-770 of the S.C. Code is amended to read:

Section 1-11-770. The South Carolina 211 Network program authorized by this section is transferred to the Department of Consumer Affairs and is established thereto as set forth in Section 37-6-710.

Time effective

SECTION 4. This act takes effect on July 1, 2026.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 127

(R159, S868)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-335 SO AS TO DESIGNATE JUNE FIRST OF EACH YEAR AS "GOLD SHIELD DAY" TO HONOR FIRST RESPONDERS WHO HAVE BEEN KILLED IN THE LINE OF DUTY AND THE SACRIFICE OF THEIR SURVIVING FAMILIES.

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

Declaration

SECTION 1. The General Assembly declares that the sacrifices made by first responders killed in the line of duty, and by their surviving families, deserve formal and enduring recognition by the State of South Carolina.

Gold Shield Day

SECTION 2. Chapter 3, Title 53 of the S.C. Code is amended by adding:

Section 53-3-335. June first of each year is designated as "Gold Shield Day" in honor of first responders who have been killed in the line of duty, and the surviving spouses, children, and families who bear the lasting impact of that sacrifice. State agencies, political subdivisions, and public institutions are encouraged to recognize Gold Shield Day through appropriate ceremonies, proclamations, or educational activities.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 128

(R161, S894)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-63-74, RELATING TO THE ELECTRONIC FILING AND TRANSMISSION OF DEATH CERTIFICATES, SO AS TO MAKE CERTAIN CHANGES REGARDING TIMELY ELECTRONIC FILING WITH THE BUREAU OF VITAL STATISTICS.

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

Death certificates, electronic filing

SECTION 1. Section 44-63-74 of the S.C. Code is amended to read:

Section 44-63-74. (A)(1) Notwithstanding any other provision of law, death certificates must be electronically filed with the Bureau of Vital Statistics as prescribed by the State Registrar of Vital Statistics within five days after a Burial Removal Transit Permit (BRTP) is issued or upon the funeral director assuming the physical in-person custody of the decedent, whichever is later, unless the funeral director, after a good faith effort, is unable to collect the personal data of the decedent required in subsection (A)(2), in which case the funeral director must immediately inform the bureau of the reason for the delay. In the event that a five-day period terminates on a weekend or a federal or state holiday, then the death certificate must be electronically filed at the end of the next business day. As prescribed by law, the Bureau of Vital Statistics shall notify the State Election Commission of the decedent's death who shall subsequently notify the County Board of Voter Registration and Elections in which the decedent was a resident of the decedent's death for purposes of removing the decedent from the voter roll.

(2) The funeral director or other person acting as the funeral director who first assumes custody of a dead body shall file a death certificate. He also shall obtain:

(a) the personal data of the decedent from the next of kin or the best qualified person or source available; and

(b) the medical certification of cause of death as provided in department regulations.

(3) Medical certifications of cause of death must be completed and returned to the funeral home director within forty-eight hours after

receipt of notice of the death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when an inquiry is required by a coroner or medical examiner. If the cause of death cannot be determined within forty-eight hours after death, the medical certification must be entered as pending, and the physician, medical examiner, or coroner shall submit a supplemental report to the state registrar on a form furnished by or approved by him as soon as practicable. The supplemental report shall be made a part of the death certificate. If the forty-eight hour period terminates on a weekend, federal holiday, or state holiday, the physician must file the certification by the end of the next business day. In the absence of this physician or with his approval, the certificate may be completed by his associate physician, the chief medical officer of the institution in which the death occurred, or by the pathologist who performed an autopsy upon the decedent.

(4) Death certificates must be transmitted electronically between the funeral home, or funeral home director, and the physician, coroner, or medical examiner certifying the cause of death in order to document the death certificate information prescribed by this chapter. Required signatures on death certificates must be provided by electronic signature. An individual who acts, without compensation, as a funeral director on behalf of a deceased family member or friend, is exempt from the requirement to file electronically but must comply with the requirements of item (2) or (3), as applicable.

(5)(a) A physician who fails to certify the cause of death within forty-eight hours, without good cause shown, may be assessed an administrative penalty for violating item (3). The department shall notify the Board of Medical Examiners if a penalty is assessed. Each day after the initial forty-eight hour period shall constitute an additional violation.

(b) A funeral home or funeral director who fails to file a death certificate or collect data or collect medical certification of cause of death as required in items (1), (2), or both, without good cause shown, may be assessed an administrative penalty for violating the respective item. However, the department must not assess a penalty against a funeral home or funeral director for the delay or inability to collect personal data of the decedent pursuant to item (2)(a). The department shall notify the Board of Funeral Services if a penalty is assessed. Each day after the initial five day period in item (1) shall constitute an additional violation of that item.

(c) A physician, funeral director, or funeral home that is required to file electronically pursuant to item (4) but who fails to file accordingly may be assessed an administrative penalty for violating item (4).

(d) The administrative penalties are:

(i) two hundred fifty dollars for a first violation or a warning letter;

(ii) five hundred dollars for a second violation; and

(iii) one thousand dollars for a third or subsequent violation.

(e) The department shall retain any administrative penalties collected pursuant to this subsection and must allocate all of these funds to the Bureau of Vital Statistics for its use.

(B) For purposes of this section, an electronic signature shall be as defined pursuant to the Uniform Electronic Transactions Act, Chapter 6, Title 26.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 129

(R168, H3022)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 43-21-130, RELATING TO THE LONG-TERM CARE COUNCIL, SO AS TO CORRECT REFERENCES TO CERTAIN AGENCIES WITH MEMBERSHIP ON THE COUNCIL; BY AMENDING SECTION 43-21-140, RELATING TO THE PURPOSE AND DUTIES OF COUNCIL, SO AS TO PROVIDE FOR THE SHARING OF DATA WITH MEMBER AGENCIES; AND FOR OTHER PURPOSES.

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

Long-Term Care Council

SECTION 1. Sections 43-21-130 through 43-21-140 of the S.C. Code are amended to read:

Section 43-21-130. (A) There is created the Long-Term Care Council (council) composed of the following voting members:

(1) the Governor or his designee;

(2) the Director of the Department of Social Services or their designee;

(3) the Director of the Department of Public Health or their designee;

(4) the Director of the Department of Behavioral Health and Developmental Disabilities Office of Mental Health or their designee;

(5) the Director of the Department of Behavioral Health and Developmental Disabilities Office of Intellectual and Developmental Disabilities or their designee;

(6) the Director of the Department on Aging or their designee;

(7) the Director of the Department of Health and Human Services or their designee;

(8) the Secretary of the Department of Veterans' Affairs or their designee;

(9) the Chairman of the Joint Legislative Committee on Aging, or their designee;

(10) one representative of each of the following groups appointed by the Governor annually:

(a) long-term care providers;

(b) long-term care consumers;

(c) persons in the insurance industry developing or marketing a long-term care product.

(B) Each director serving as a council member may authorize in writing a designee to vote on his behalf at two meetings a year. Members appointed by the Governor to represent private groups serve without compensation.

(C) The council shall meet at least quarterly, provide for its own officers, and make an annual report to the General Assembly before January second each year. This report must include new council recommendations.

Section 43-21-140. The council has no authority to direct or require any implementing action from any member agency. The council shall identify future policy issues in long-term care and may conduct research

and demonstration activities related to these issues. Through close coordination of each member agency's planning efforts, including sharing necessary data and information, the council shall develop recommendations for a statewide service delivery system for all health-impaired elderly or disabled persons, regardless of the persons' resources or source of payment. These recommendations must be updated annually as needed. The service delivery system must provide for:

(1) charges based on ability to pay for persons not eligible for Medicaid;

(2) coordination of community services;

(3) access to and receipt of an appropriate mix of long-term care services for all health-impaired elderly or disabled persons;

(4) case management; and

(5) discharge planning and services.

The council, through its member agencies, shall study and make recommendations concerning the costs and benefits of: adult day care centers, in-home and institutional respite care, adult foster homes, incentives for families to provide in-home care, such as cash assistance, tax credits or deductions, and home-delivered services to aid families caring for chronically impaired elderly relatives. The council shall work to establish and maintain a statewide access system for consumers to access long-term supports and services.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 130

(R169, H3034)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING "FARGO'S, HYCO'S, RICO'S, COBA'S, WICK'S, MIKKA'S, AND BUMI'S LAW" BY AMENDING ARTICLE 11 OF CHAPTER 3, TITLE 47, RELATING TO TAUNTING, TORMENTING, INJURING, OR KILLING POLICE DOGS OR HORSES, SO AS TO EXPAND THE CONDUCT THAT RESULTS IN A VIOLATION, INCREASE THE PENALTIES, REQUIRE RESTITUTION TO THE LAW ENFORCEMENT DEPARTMENT OR AGENCY, AND MAKE TECHNICAL CHANGES; AND BY AMENDING SECTION 42-7-90, RELATING TO EXPENDITURES FROM THE STATE ACCIDENT FUND, SO AS TO AUTHORIZE CERTAIN EXPENDITURES FROM THE FUND FOR THE PAYMENT OF AN AWARD FOR INJURY OR DEATH OF A SPECIFIC PATROL CANINE OR CANINE USED BY LAW ENFORCEMENT FOR TRACKING OR SPECIFIC DETECTION.

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

Citation

SECTION 1. This act may be cited as "Fargo's, Hyco's, Rico's, Coba's, Wick's, Mikka's, and Bumi's Law."

Teasing, maltreating, and injuring police dogs or horses prohibited

SECTION 2. Article 11, Chapter 3, Title 47 of the S.C. Code is amended to read:

Article 11

Teasing, Maltreating, and Injuring Police Dogs or Horses Prohibited

Section 47-3-610. (A) It is unlawful for a person to wilfully and maliciously taunt, torment, tease, beat, strike, or administer or subject a desensitizing drug, chemical, or substance to a dog or horse used by a law enforcement department or agency in the performance of the

functions or duties of the department or agency or when a dog is placed in a kennel off duty or a horse is placed in a stable off duty, or to interfere or meddle with a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or agency.

(B) A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Section 47-3-620. (A)(1) It is unlawful for a person to wilfully and maliciously torture, mutilate, injure, disable, poison, or kill a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or when a dog is placed in a kennel off duty or a horse is placed in a stable off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog or horse undue suffering and pain.

(2) It is unlawful for a person to wilfully and maliciously shoot into a vehicle or trailer while a police dog or horse is inside.

(B) A person who violates a provision of subsection (A)(1) is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than twenty thousand dollars, and imprisoned for not more than fifteen years. A person who violates a provision of subsection (A)(2) is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars, and imprisoned for not more than five years. In addition to any other penalty provided in this section, the court shall order a person convicted of a violation of this section to pay restitution to the law enforcement department or agency in an amount that would cover the full cost of restoring or replacing the animal that was injured or killed, including all related purchase, training, and veterinary expenses incurred as a result of the incident.

Section 47-3-630. Nothing in this article may be construed to deny a person the right to assert the legal defense of self-defense.

Section 47-3-640. A law enforcement officer, including an officer of the State Law Enforcement Division, who engages a police dog and the police dog bites a person, must maintain a report with a detailed account of the incident which must include the injured person’s race, gender, images of the bite, as well as the outcome of the case, all of which are subject to the provisions of Chapter 4, Title 30, the Freedom of Information Act.

State Accident Fund expenditures, canines

SECTION 3. Section 42-7-90 of the S.C. Code is amended to read:

Section 42-7-90. From the State Accident Fund the following expenditures are authorized:

(1) for the payment of any award under this article made by the commission in connection with accidental injury or death of any official or employee of the State, any county or municipality therein, any political subdivision thereof or any agency or institution of the State or a county, municipality, or political subdivision thereof participating hereunder; or

(2) any other expenses authorized by law or approved by the State Fiscal Accountability Authority.

(3) first responder line of duty death benefit.

(a) For the purposes of this item, the term "first responder" means:

(i) an emergency medical technician as defined in Section 44-61-20(12);

(ii) a law enforcement officer as defined in Section 23-23-10(E)(1);

(iii) a corrections officer as described in Section 23-1-145 or Section 24-1-280;

(iv) reserves as defined in Section 23-28-10(A);

(v) constables appointed pursuant to Section 23-1-60;

(vi) a fire department worker who serves on a paid or voluntary basis for a firefighting agency, fire department, or a volunteer fire department and who performs duties related to rescue, fire suppression, and public safety; or

(vii) a coroner as defined in Section 17-5-5(3) or a deputy coroner as defined in Section 17-5-5(5) who directly engages in examining, treating, or directing persons during an emergency.

(b) Upon receipt by the State Accident Fund of the satisfactory proof of death of a first responder as defined in subitem (a) whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the first responder's employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the first responder's wilful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid from the State Accident Fund to the designated beneficiary a one-time, lump sum benefit payment of seventy-five thousand dollars.

(c) The amount of the benefit provided for in subitem (b) is

increased to a total of one hundred fifty thousand dollars if the first responder is killed in the line of duty as defined above and the first responder's death is either:

(i) the result of an unlawful and intentional act of another person; or

(ii) the result of an accident that occurs:

(A) as a result of the first responder's response to fresh pursuit, defined as the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance;

(B) as a result of the first responder's response to what is reasonably believed to be an emergency;

(C) at the scene of a traffic accident to which the first responder has responded; or

(D) while the first responder is enforcing what is reasonably believed to be a traffic law or ordinance.

(d) Payments made pursuant to this item must be paid to the beneficiary designated for this benefit by the first responder in writing and filed with the State Accident Fund in a manner prescribed by the agency during the first responder's lifetime. If no designation is made, then the payment must be paid to the first responder's surviving spouse. If there is no surviving spouse, the payment must be paid to the first responder's surviving children in equal portions. If there is no surviving spouse or child, the benefit is payable to the first responder's surviving parents in equal portions. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then the sum must be paid to the first responder's estate. The payments required by this subsection are in addition to any other benefit set forth in this chapter or otherwise in law, including worker's compensation, but excluding first responder death benefit payments made to a member of a retirement system, and are exempt from the claims and demands of creditors of the first responder.

(e) Any benefits paid pursuant to this item are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

(f) Within thirty days after a written determination of the State Accident Fund regarding payment, a person or representative of the estate, as set out in subitem (d), may seek relief by requesting a contested case hearing before the Administrative Law Court in accordance with its rules. A hearing may be requested to contest any part of the decision made pursuant to this section.

(4) for the payment of an award for injury or death of a specific patrol canine or canine used by law enforcement for tracking or specific

detection, as described in Section 23-23-140.

(a) Upon receipt by the State Accident Fund of the satisfactory proof of death of a specific patrol canine or canine used by law enforcement for tracking or specific detection, whose death was a natural or proximate result of an injury in the actual performance of the canine's duty, there must be paid from the State Accident Fund to the law enforcement agency responsible for the care and the training of a new canine a one-time, lump sum benefit of fifteen thousand dollars.

(b) Upon receipt by the State Accident Fund of the satisfactory proof of injury of a specific patrol canine or canine used by law enforcement tracking or specific detection, whose injury or illness was a natural or proximate result of an injury in the actual performance of the canine's duty, there must be paid from the State Accident Fund to the law enforcement agency responsible for the care and treatment of the canine an amount to reimburse the agency for the costs of treatment and care for the canine.

Savings clause

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 131

(R170, H3049)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "UNIFORM CIVIL REMEDIES FOR UNAUTHORIZED DISCLOSURE OF INTIMATE IMAGES ACT" BY ADDING ARTICLE 3 TO CHAPTER 75, TITLE 15 SO AS TO DEFINE NECESSARY TERMS, CREATE A CIVIL ACTION FOR AN INDIVIDUAL WHO SUFFERS HARM FROM A PERSON'S INTENTIONAL OR THREATENED DISCLOSURE OF PRIVATE, INTIMATE IMAGES WITHOUT CONSENT, TO PROVIDE FOR THE RECOVERY OF CERTAIN DAMAGES, AND TO PROVIDE EXCEPTIONS TO LIABILITY.

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

Citation

SECTION 1. This act may be cited as the "Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act."

Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act

SECTION 2. Chapter 75, Title 15 of the S.C. Code is amended by adding:

Article 3

Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act

Section 15-75-310. For the purposes of this article:

(1) "Child" means an unemancipated individual who is less than eighteen years of age.

(2) "Consent" means affirmative, conscious, and voluntary authorization by an individual with legal capacity to give authorization.

(3) "Depicted individual" means the individual whose body is shown,

in whole or in part, in an intimate image.

(4) "Disclosure" means transfer, publication, or distribution to another person.

(5) "Harm" means physical harm, economic harm, and emotional distress whether or not accompanied by physical or economic harm.

(6) "Identifiable" means recognizable by a person other than the depicted individual:

(a) from an intimate image itself; or

(b) from an intimate image and identifying characteristic displayed in connection with the intimate image.

(7) "Identifying characteristic" means information that may be used to identify a depicted individual.

(8) "Individual" means a human being.

(9) "Intimate image" means:

(a) a photograph, film, video recording, or other similar medium, including any still or videographic image that is indistinguishable from an authentic visual depiction of the individual, and that is generated or substantially modified using machine learning techniques or any other computer-generated or machine-generated means to falsely depict an individual's appearance or conduct; and

(b) that shows:

(i) the uncovered genitals, pubic area, anus, or female post-pubescent nipple of a depicted individual; or

(ii) a depicted individual engaging in or being subjected to sexual conduct.

(10) "Parent" means an individual recognized as a parent under the laws of this State.

(11) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(12) "Private" means:

(a) created or obtained under circumstances in which the depicted individual had a reasonable expectation of privacy; or

(b) made accessible through theft, bribery, extortion, fraud, false pretenses, voyeurism, or exceeding authorized access to an account, message, file, device, resource, or property.

(13) "Sexual conduct" means any act including, but not limited to:

(a) masturbation;

(b) genital, anal, or oral sex;

(c) sexual penetration of, or with, an object;

(d) bestiality; or

(e) the transfer of semen onto a depicted individual.

Section 15-75-320. (A) Except as otherwise provided in Section 15-75-330, a depicted individual who is identifiable and who suffers harm from a person's intentional disclosure or threatened disclosure of an intimate image that was private without the depicted individual's consent has a cause of action against the person if the person knew or acted with reckless disregard for whether:

(1) the depicted individual did not consent to the disclosure;

(2) the intimate image was private; and

(3) the depicted individual was identifiable.

(B) The following conduct by a depicted individual does not establish, by itself, that the individual consented to the disclosure of the intimate image which is the subject of an action under this article or that the individual lacked a reasonable expectation of privacy:

(1) consent to creation of the image; or

(2) previous consensual disclosure of the image.

(C) A depicted individual who does not consent to the sexual conduct or uncovering of the part of the body in an intimate image of the individual retains a reasonable expectation of privacy even if the image was created when the individual was in a public place.

Section 15-75-330. (A) A person is not liable under this article if the person proves the disclosure of, or threat to disclose, an intimate image was:

(1) made in good faith:

(a) to law enforcement;

(b) for a legal proceeding; or

(c) for medical education or treatment.

(2) made in good faith in the reporting or investigation of:

(a) unlawful conduct; or

(b) unsolicited and unwelcome conduct.

(3) related to a matter of public concern or public interest; or

(4) reasonably intended to assist the depicted individual.

(B) Subject to this section, a defendant who is a parent, legal guardian, or individual with legal custody of a child is not liable under this article for a disclosure or threatened disclosure of an intimate image, as defined in this article, of the child.

(C) If a defendant asserts an exception to liability under subsection (B), the exception does not apply if the plaintiff proves the disclosure was:

(1) prohibited by law other than this article; or

(2) made for the purpose of sexual arousal, sexual gratification, humiliation, degradation, or monetary or commercial gain.

(D) Disclosure of, or threat to disclose, an intimate image is not a matter of public concern or public interest solely because the depicted individual is a public figure.

(E) A covered platform that is in compliance with the Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act of 2025, P.L. No. 119-12, is not liable under this article for a disclosure or threatened disclosure.

Section 15-75-340. In an action under this article, a plaintiff may file a motion to seal with the initial pleading or any other motion as necessary to protect the identity and privacy of the plaintiff. The court may make further orders as necessary to protect the identity and privacy of a plaintiff.

Section 15-75-350. (A) In an action under this article, a prevailing plaintiff may recover:

(1) the greater of:

(a) economic and noneconomic damages proximately caused by the defendant's disclosure or threatened disclosure, including damages for emotional distress, whether or not accompanied by other damages; or

(b) statutory damages not to exceed ten thousand dollars against each defendant found liable under this article for all disclosures and threatened disclosures by the defendant of which the plaintiff knew or reasonably should have known when filing the action or which became known during the pendency of the action. In determining the amount, if any, of statutory damages under this subsection, consideration shall be given to the age of the parties at the time of disclosure or threatened disclosure, the number of disclosures or threatened disclosures made by the defendant, the breadth of distribution of the image by the defendant, and other exacerbating or mitigating factors;

(2) an amount equal to any monetary gain made by the defendant from disclosure of the intimate image; and

(3) punitive damages as allowed under the law of this State.

(B) In an action under this article, the court may award a prevailing plaintiff:

(1) reasonable attorney's fees and costs; and

(2) additional relief, including injunctive relief.

(C) The provisions of this section do not affect a right or remedy otherwise available under the laws of this State.

Section 15-75-360. (A) An action under this article for:

(1) an unauthorized disclosure may not be brought later than three years from the date:

(a) the disclosure was discovered; or

(b) should have been discovered with the exercise of reasonable diligence.

(2) a threat to disclose may not be brought later than four years from the date of the threat to disclose.

(B) Except as otherwise provided in subsection (C), a civil action brought under the provisions of this article is subject to the limitations on civil actions provided in Section 15-3-530.

(C) In an action under Section 15-75-320(A) by a depicted individual who was a child on the date of the disclosure or threat to disclose, the time limit to commence a civil action specified in this section does not begin to run until the depicted individual attains the age of eighteen.

Section 15-75-370. (A) This article must be construed to be consistent with the Communications Decency Act of 1996, 47 U.S.C. Section 230.

(B) This article may not be construed to alter the law of this State on sovereign immunity.

Existing sections of chapter titled

SECTION 3. The existing sections of Chapter 75 are redesignated as Article 1 entitled "General Provisions."

Savings clause

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Severability clause

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

SECTION 6. This act takes effect upon approval by the Governor and applies to causes of action accruing on, or after, the effective date of this act.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 132

(R171, H3163)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 42-11-30, RELATING TO COMPENSABLE OCCUPATIONAL DISEASES FOR FIREFIGHTERS, SO AS TO INCLUDE STROKES AND TO REVISE PRESUMPTION ENTITLEMENT CRITERIA.

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

Occupational diseases, firefighters

SECTION 1. Section 42-11-30(A) of the S.C. Code is amended to read:

(A) Notwithstanding the provisions of this chapter, for purposes of the South Carolina Workers' Compensation Law, any impairment or injury to the health of a firefighter caused by heart disease, stroke, or respiratory disease resulting in total or partial disability or death is presumed to have arisen out of and in the course of employment, unless the contrary is shown by competent evidence, if the firefighter is at the time of such impairment or injury a bona fide member of a municipal, county, state, port authority, or fire control district fire department in this State. In order to be entitled to the presumption provided for in this section, any person becoming a member of a fire department after May 29, 1968, must be under the age of thirty-seven years and must have successfully passed a physical examination by a competent physician upon entering into such service or by July 1, 2012, a written report of which must have been made and filed before any alleged injury with the fire department, which examination failed to reveal any evidence of such condition or conditions, and the condition or conditions developed while actively engaged in fighting a fire, a technical rescue incident, or a firefighter training exercise that involves stressful or strenuous physical activity, or within twenty-four hours thereof. This presumption does not apply to clerical, administrative, or sedentary activities.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 133

(R172, H3259)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-77-128 SO AS TO PROHIBIT INSURERS OR AGENTS FROM CONSIDERING THE WORK-RELATED DRIVING RECORD OF A FIRST RESPONDER IN DETERMINING THE PREMIUM RATE FOR THE FIRST RESPONDER'S PERSONAL AUTOMOBILE INSURANCE POLICY.

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

Premium rates for first responders

SECTION 1. Article 3, Chapter 77, Title 38 of the S.C. Code is amended by adding:

Section 38-77-128. (A) In determining the premium rates for a personal automobile insurance policy of a first responder, it is unlawful to consider the work-related driving record of a first responder if he is found to be noncontributing on the collision report or involved in a collision when responding to an emergency call.

(B) The first responder must furnish a copy of the police incident report, investigative report, or Uniform Traffic Collision report regarding the crash in a timely manner to the insurance agent or insurer.

(C) For purposes of this section, "first responder" means a law enforcement officer or firefighter employed by local, state, or federal government. An emergency medical technician, paramedic, volunteer law enforcement officer or firefighter engaged by local, state, or federal government also is considered a first responder.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 134

(R173, H3285)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-23-57 SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS ARE REQUIRED TO COMPLETE CONTINUING LAW ENFORCEMENT EDUCATION CREDITS IN AUTISM SPECTRUM DISORDER; AND BY AMENDING SECTION 44-61-80, RELATING TO EMERGENCY MEDICAL TECHNICIAN CERTIFICATION, SO AS TO PROVIDE THE EMERGENCY MEDICAL TECHNICIAN TRAINING PROGRAM MUST INCLUDE COURSES IN AUTISM SPECTRUM DISORDER.

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

Continuing law enforcement education credits

SECTION 1. Chapter 23, Title 23 of the S.C. Code is amended by adding:

Section 23-23-57. A law enforcement officer certified in this State is required to complete Continuing Law Enforcement Education Credits (CLEEC) in autism spectrum disorder. The number of required annual CLEEC hours shall be determined by the council.

Autism spectrum disorder training courses

SECTION 2. Section 44-61-80(B) of the S.C. Code is amended to read:

(B) The department shall develop and approve educational standards for the necessary classification of emergency medical technicians and approve the training program for the necessary classifications of emergency medical technicians. The training program must include courses in autism spectrum disorder for each classification.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 135

(R174, H3453)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-111-20, RELATING TO FREE TUITION FOR CERTAIN VETERANS' CHILDREN, SO AS TO PROVIDE THAT CERTAIN VETERANS' CHILDREN QUALIFY FOR FREE TUITION IF THEY MEET CERTAIN CRITERIA.

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

Veterans' children tuition assistance

SECTION 1. Section 59-111-20 of the S.C. Code is amended to read:

Section 59-111-20. (A) A child of a wartime veteran, upon application to and approval by the South Carolina Department of Veterans' Affairs, may be admitted to any state-supported college, university, or post high school technical education institution free of tuition so long as his work and conduct is satisfactory to the governing body of the institution and if one of the following is met:

(1) the veteran was a resident of this State at the time of entry into service and during service;

(2) the veteran has been a resident of this State for at least one year and still resides in this State;

(3) the veteran is deceased and resided in this State for one year before his death; or

(4) the veteran's child has been a resident of this State since birth.

(B) Additionally, the veteran must have served honorably in a branch of the military service of the United States during a war period, as those periods are defined by Section 101 of Title 38 of the United States Code and:

(1) was killed in action;

(2) died from other causes while in the service;

(3) died of disease or disability resulting from service;

(4) was a prisoner of war as defined by Congress or Presidential proclamation during such war period;

(5) is permanently and totally disabled, as determined by the Veterans Administration from any cause;

(6) has been awarded the Congressional Medal of Honor;

(7) is missing in action;

(8) the applicant is the child of a deceased veteran who qualified under items (4) and (5); or

(9) has been awarded the Purple Heart for wounds received in combat.

(C) The provisions of this section apply to a child of a veteran who meets the residency requirements of Chapter 112 of this title, is twenty-six years of age or younger, and is pursuing any type of undergraduate degree.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 136

(R175, H3474)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-23-1610, RELATING TO DEFINITIONS APPLICABLE TO THE TRANSPORTATION NETWORK COMPANY ACT, SO AS TO REVISE THE DEFINITION OF "PERSONAL VEHICLE"; AND BY AMENDING SECTION 58-23-1610, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF "PREARRANGED RIDE."

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

Personal vehicle definition

SECTION 1. Section 58-23-1610(2) of the S.C. Code is amended to read:

(2)(a) "Personal vehicle" means a vehicle that is used by a transportation network company driver in connection with providing a prearranged ride and is:

(i) owned, leased, or otherwise authorized for use by the transportation network company driver; and

(ii) not a taxi or charter bus.

(b) A personal vehicle may be, but is not required to be, registered or licensed as a charter limousine with the South Carolina Public Service Commission or as a limousine or other for-hire vehicle by the governing body of a county or city.

Prearranged ride definition

SECTION 2. Section 58-23-1610(9) of the S.C. Code is amended to read:

(9) "Prearranged ride" means the provision of transportation by a transportation network company driver to a transportation network company rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle.

A prearranged ride does not include shared expense carpool or vanpool arrangements, or transportation provided using a taxi. A prearranged ride does not include services provided pursuant to Articles 1 through 15, Chapter 23, Title 58 or arranging nonemergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the State or a managed care organization.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 137

(R178, H3557)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-11-15, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN GENERAL ELECTIONS, SO AS TO SHORTEN THE CANDIDATE FILING PERIOD, TO PROVIDE FILING FEES FOR CANDIDATES SEEKING NOMINATION BY POLITICAL PARTY PRIMARY OR CONVENTION, TO ALLOW POLITICAL PARTIES TO CHARGE CANDIDATES A CERTIFICATION FEE, AND TO PROVIDE PROCEDURES FOR A STATE OR COUNTY COMMITTEE TO ALLOW ENTRY OF OTHER CANDIDATES IN CERTAIN CIRCUMSTANCES AFTER A CANDIDATE HAS DIED OR WITHDRAWN; BY AMENDING SECTION 7-11-210, RELATING TO THE FILING OF PARTY PLEDGES BY CANDIDATES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 7-13-40, RELATING TO THE CONDUCT OF PARTY PRIMARIES, SO AS TO DELETE LANGUAGE REGARDING THE TRANSMISSION AND USE OF CANDIDATE FILING FEES; AND BY AMENDING SECTION 7-13-190, RELATING TO SPECIAL ELECTIONS TO FILL

VACANCIES IN OFFICE, SO AS TO AMEND THE APPLICABLE DATES FOR CANDIDATE FILING AND THE CONDUCT OF SPECIAL PRIMARIES, SPECIAL RUNOFF PRIMARIES, AND SPECIAL ELECTIONS.

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

Candidate filing dates and fees

SECTION 1.A. Section 7-11-15 of the S.C. Code is amended to read:

Section 7-11-15. (A) In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy and party pledge and submit any filing fees between noon on March sixteenth and noon on March twenty-fifth as provided in this section. If March sixteenth is on a Saturday or Sunday, then the time for filing begins at noon on the next business day. If March twenty-fifth is on a Saturday or Sunday, then the time for filing extends to noon on the next business day. For purposes of this section and Section 7-13-45, "business day" means a day that is not a Saturday, Sunday, or legal holiday.

(1) Except as otherwise provided in this section, candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy, and party pledge and submit any filing fees with the State Election Commission.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy and party pledge and submit any filing fees with the State Election Commission or county board of voter registration and elections in the county of their residence. The state executive committees must certify candidates pursuant to Section 7-13-40.

(3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy and party pledge and submit any filing fees with the county board of voter registration and elections in the county of their residence.

(B) All candidates seeking nomination by political party primary or political party convention for a general election or special election must pay a filing fee equal to one percent of the total salary for the term of the applicable office, or one hundred dollars, whichever is greater. The filing fees for the candidates, except filing fees for candidates for municipal

office, must be transmitted by the respective political parties to the State Election Commission and placed by its executive director in an account designated for use in conducting elections. A lieutenant governor candidate is not required to pay a filing fee.

(C) Political parties may charge a certification fee of up to one hundred dollars to candidates seeking nomination for a general election. To implement a certification fee, a political party's state executive committee must notify the Executive Director of the State Election Commission of its decision to charge the fee, and the amount of the fee, no later than December first of the year preceding a general election. A certification fee must be submitted with the filing fee and retained by the applicable political party. A lieutenant governor candidate is not required to pay a certification fee.

(D) Except as provided in this section, the State Election Commission and county boards of voter registration and elections must provide a copy of all statements of intention of candidacy, the party pledge, receipt, and filing fees to the appropriate political party executive committee within two days following the deadline for filing. If the second day falls on Saturday, Sunday, or a legal holiday, the statement of intention of candidacy, party pledge, and filing fee must be filed by noon the following day that is not a Saturday, Sunday, or legal holiday. A candidate's name may not appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate's statement of intention of candidacy and party pledge has not been filed with the county board of voter registration and elections or State Election Commission, as the case may be, as well as any filing fee, by the deadline and (2) the candidate has not been certified by the appropriate political party as required by Sections 7-13-40 and 7-13-350, as applicable. The candidate's name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy. An error or omission by a person seeking to qualify as a candidate pursuant to this section who is not directly related to a constitutional or statutory qualification for that office must be construed in a manner that favors the person's access to the ballot.

(E) The statement of intention of candidacy required in this section and in Section 7-13-190(B) must be on a form designed and provided by the State Election Commission. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. The candidate or his agent must file a signed statement of intention of candidacy and the election

commission with whom it is filed must stamp the statement with the date and time received, keep the original statement, provide a copy to the candidate, and provide a copy to the appropriate political party executive committee.

(F) The candidate or his agent must file a signed party pledge, as required pursuant to Section 7-11-210, and the election commission with which it is filed must stamp the party pledge with the date and time received, provide a copy to the candidate, and provide a copy to the appropriate political party executive committee.

(G) The election commission with which the filing fee is filed must issue a receipt for the filing fee, stamp the receipt with the date and time the filing fee was received, provide a copy to the candidate or his agent, and provide a copy to the appropriate political executive party. The filing fee must be made payable to the appropriate political party.

(H) If, after the closing of the time for filing the documents required pursuant to this section, there are not more than two candidates for any one office and one or more of the candidates dies or withdraws, then the state or county committee, as applicable, may afford an opportunity for the entry of other candidates for the office involved, provided the Executive Director of the State Election Commission confirms there is sufficient time for other candidates to be placed on the ballot.

(1) In order for a state or county committee to allow entry of other candidates for the office, the committee must:

(a) hold a public hearing within forty-eight hours of the death or withdrawal of the candidate or candidates; and

(b) publicly vote to allow reopening of the time to file for the office.

(2) The additional filing period for the office shall consist of three business days following the vote authorizing reopening of the time to file.

(3) Any withdrawal must be in writing to the director of the county board of voter registration and elections in which the candidate filed, or to the Executive Director of the State Election Commission if the candidate filed with the State Election Commission.

(I) The county chairman of a political party and the chairman of the state executive committee of a political party may designate a person to observe the filings made at the election commission pursuant to this section.

(J) The provisions of this section do not apply to nonpartisan school trustee elections in a school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local

law provisions conflict, the local law provisions control.

B. This SECTION takes effect on January 1, 2027.

Party pledge

SECTION 2.A. Section 7-11-210 of the S.C. Code is amended to read:

Section 7-11-210. (A) Every candidate for selection as a nominee of any political party for any state office, United States Senator, member of Congress, or solicitor, to be voted for in any party primary election or political party convention shall file, pursuant to Section 7-11-15, a party pledge in the following form, the blanks being properly filled in and the party pledge signed by the candidate: "I hereby file my notice as a candidate for the nomination as _____ in the primary election or convention to be held on _____ . I affiliate with the _____ Party, and I hereby pledge myself to abide by the results of the primary or convention. I shall not authorize my name to be placed on the general election ballot by petition and will not offer or campaign as a write-in candidate for this office or any other office for which the party has a nominee. I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge by offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in the party primary election, unless the nominee for the office has become deceased or otherwise disqualified for election in the ensuing general election. I hereby affirm that I meet, or will meet by the time of the general or special election, or as otherwise required by law, the qualifications for this office".

(B) Every candidate for selection in a primary election as the nominee of any political party for member of the Senate, member of the House of Representatives, and all county and township offices shall file, pursuant to Section 7-11-15, a like party pledge.

(C) The party pledge required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and the signature of the candidate must be signed in the presence of an individual authorized by the election commission director. Any party pledge of any candidate signed by an agent on behalf of a candidate shall not be valid.

(D) In the event that a person who was defeated as a candidate for nomination to an office in a party's primary election shall thereafter offer or campaign as a candidate against any nominee for election to any office in the ensuing general election, the state chairman of the party which

held the primary (if the office involved is one voted for in the general election by the electors of more than one county), or the county chairman of the party which held the primary (in the case of all other offices), shall forthwith institute an action in a court of competent jurisdiction for an order enjoining the person from so offering or campaigning in the general election, and the court is hereby empowered upon proof of these facts to issue an order.

B. This SECTION takes effect on January 1, 2027.

Party primaries

SECTION 3.A. Section 7-13-15 of the S.C. Code is amended to read:

Section 7-13-15. (A) This section does not apply to municipal primaries.

(B) Except as provided in subsection (A) or unless otherwise specifically provided for by statute or ordinance, the following primaries must be conducted by the State Election Commission and the county boards of voter registration and elections on the second Tuesday in June of each general election year:

(1) primaries for federal offices, excluding a presidential preference primary for the Office of President of the United States as provided pursuant to Section 7-11-20(B); and

(2) primaries for:

(a) state offices;

(b) offices including more than one county;

(c) countywide and less than countywide offices, specifically including, but not limited to, all school boards and school trustees; and

(d) special purpose district offices, which include, but are not limited to, water, sewer, fire, soil conservation, and other similar district offices.

B. This SECTION takes effect on January 1, 2027.

Certification of candidates

SECTION 4.A. Section 7-13-40 of the S.C. Code is amended to read:

Section 7-13-40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county

boards of voter registration and elections on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county board of voter registration and elections whichever is responsible under law for preparing the ballot, not later than twelve o'clock noon on April fifth, or if April fifth falls on a Saturday or Sunday, not later than twelve o'clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. A political party must not certify any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate has filed, and such candidate's name shall not be placed on a primary ballot.

B. This SECTION takes effect on January 1, 2027.

Special elections

SECTION 5.A. Section 7-13-190 of the S.C. Code is amended to read:

Section 7-13-190. (A) Except as otherwise provided in this code as to specific offices, whenever a vacancy occurs in office by reason of death, resignation, or removal and the vacancy in office is one which is filled by a special election to complete the term of office, this section applies.

(B)(1) In partisan elections, whether seeking nomination by political party primary or political party convention, filing by these candidates shall open for the office at twelve o'clock noon on the third Friday after the vacancy occurs for a period to close seven days later at twelve o'clock noon. If the filing period closes on a legal holiday, then the filing period is extended until noon on the next weekday that is not a legal holiday. If seeking nomination by petition, the petitions must be submitted not later than twelve o'clock noon, sixty days prior to the election. Verification of these petitions must be made not later than twelve o'clock noon forty-five days prior to the election. If seeking

nomination by political party primary or political party convention, filing with the appropriate official is the same as provided in Section 7-11-15 and if seeking nomination by petition, filing with the appropriate official is the same as provided in Section 7-11-70.

(2) A primary must be held on the first eligible date provided in subsection (D) that is on or following the eleventh Tuesday after the vacancy occurs. A runoff primary, if necessary, must be held two weeks after the primary. A special election must be held on the first eligible date provided in subsection (D) that is following the date of the primary.

(3) If there are more than twenty Tuesdays after a vacancy occurs in the office of House of Representatives of the Congress of the United States to the date provided for an eligible special election in subsection (D), or if there are more than thirty-five days from the eleventh Tuesday after a vacancy occurs in the office of State Senate or State House of Representatives to the date provided for an eligible primary in subsection (D), then the schedule to fill a vacancy in one of those offices must be in accordance with the following:

(a) a primary must be held on the eleventh Tuesday after the vacancy occurs;

(b) a runoff primary, if necessary, must be held two weeks after the primary;

(c) a special election must be held on the twentieth Tuesday after the vacancy occurs; and

(d) if the date for a primary, runoff primary, or special election conflicts with the holding of a statewide primary, statewide general election, or presidential preference primary then the Governor, President of the Senate, or Speaker of the House of Representatives, as applicable, may establish a schedule to fill a vacancy in a manner that does not conflict with the holding of a statewide primary, statewide general election, or presidential preference primary.

(C) If the office is not one for which there are partisan elections, then the filing must be opened at noon on the third Friday after the vacancy occurs for a period to close seven days later at noon. If the filing period closes on a legal holiday, then the filing period is extended until noon on the next weekday that is not a legal holiday. The filing must be made to the same entity to which the nonpartisan officeholders would normally file for office in a general election year. The election must be set for the first eligible date provided in subsection (D) that is on or following the eleventh Tuesday after the vacancy occurs.

(D) A special election for any office, a primary for a special election, or for any matter for which a special election is called, unless otherwise provided in this section, must only be held on one of the following dates:

(1) the fourth Tuesday in January;

(2) the first Tuesday after the first Monday in April;

(3) the second Tuesday in June in even-numbered years only and for only primaries for special elections;

(4) the fourth Tuesday in August; and

(5) the first Tuesday after the first Monday in November for only elections other than primaries for special elections.

(E) If the date for a primary for a special election, runoff primary, or special election falls on a legal holiday, then the primary, runoff primary, or special election, as applicable, must be set for the next succeeding Tuesday that is not a legal holiday.

(F) If the date for a special election to fill an unexpired term of office is one hundred days or less from the date a general election is to be held for the office, then no special election or primary must be held for the office. The provision of this subsection is not applicable to unexpired terms in the office of House of Representatives of the Congress of the United States.

B. This SECTION takes effect on July 1, 2026, and is applicable to vacancies created on and after July 1, 2026.

Special election

SECTION 6. Notwithstanding another provision of law, a special election required to fill a vacancy created on March 17, 2026, must be held on June 9, 2026.

Severability clause

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

SECTION 8. Except as otherwise provided in this act, this act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 138

(R181, H3650)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-1-60, RELATING TO OFFENSES DEFINED AS VIOLENT CRIMES, SO AS TO INCLUDE THE OFFENSE OF DISCHARGING FIREARMS AT OR INTO A DWELLING HOUSE, OTHER BUILDING, STRUCTURE, ENCLOSURE, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE, DEVICE, OR EQUIPMENT; AND BY AMENDING SECTION 16-23-440, RELATING TO DISCHARGING FIREARMS INTO A DWELLING HOUSE, OTHER BUILDING, STRUCTURE, ENCLOSURE, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE, DEVICE, OR EQUIPMENT, SO AS TO CREATE A TIERED PENALTY STRUCTURE.

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

Violent crimes defined

SECTION 1. Section 16-1-60 of the S.C. Code is amended to read:

Section 16-1-60. For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16-3-10); attempted murder (Section 16-3-29); assault and battery by mob, first degree, resulting in death (Section 16-3-210(B)), criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653);

criminal sexual conduct with minors, first, second, and third degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-3-620); assault and battery of a high and aggravated nature (Section 16-3-600(B)); kidnapping (Section 16-3-910); trafficking in persons (Section 16-3-2020); voluntary manslaughter (Section 16-3-50); armed robbery (Section 16-11-330(A)); attempted armed robbery (Section 16-11-330(B)); carjacking (Section 16-3-1075); drug trafficking as defined in Section 44-53-370(e) or trafficking cocaine base as defined in Section 44-53-375(C); manufacturing or trafficking methamphetamine as defined in Section 44-53-375; arson in the first degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); burglary in the first degree (Section 16-11-311); burglary in the second degree (Section 16-11-312(B)); engaging a child for a sexual performance (Section 16-3-810); homicide by child abuse (Section 16-3-85(A)(1)); aiding and abetting homicide by child abuse (Section 16-3-85(A)(2)); inflicting great bodily injury upon a child (Section 16-3-95(A)); allowing great bodily injury to be inflicted upon a child (Section 16-3-95(B)); domestic violence of a high and aggravated nature (Section 16-25-65); domestic violence in the first degree (Section 16-25-20(B)); abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43-35-85(E)); taking of a hostage by an inmate (Section 24-13-450); detonating a destructive device upon the capitol grounds resulting in death with malice (Section 10-11-325(B)(1)); spousal sexual battery (Section 16-3-615); producing, directing, or promoting sexual performance by a child (Section 16-3-820); sexual exploitation of a minor first degree (Section 16-15-395); sexual exploitation of a minor second degree (Section 16-15-405); promoting prostitution of a minor (Section 16-15-415); participating in prostitution of a minor (Section 16-15-425); aggravated voyeurism (Section 16-17-470(C)); discharging firearms at or into a dwelling house, other building, structure, enclosure, vehicle, aircraft, watercraft, or other conveyance, device, or equipment (Section 16-23-440); detonating a destructive device resulting in death with malice (Section 16-23-720(A)(1)); detonating a destructive device resulting in death without malice (Section 16-23-720(A)(2)); boating under the influence resulting in death (Section 50-21-113(A)(2)); vessel operator's failure to render assistance resulting in death (Section 50-21-130(A)(3)); damaging an airport facility or removing equipment resulting in death (Section 55-1-30(3)); failure to stop when signaled by a law enforcement vehicle resulting in death (Section 56-5-750(C)(2));

interference with traffic-control devices, railroad signs, or signals resulting in death (Section 56-5-1030(B)(3)); hit and run resulting in death (Section 56-5-1210(A)(3)); felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (Section 56-5-2945(A)(2)); putting destructive or injurious materials on a highway resulting in death (Section 57-7-20(D)); obstruction of a railroad resulting in death (Section 58-17-4090); accessory before the fact to commit any of the above offenses (Section 16-1-40); and attempt to commit any of the above offenses (Section 16-1-80). Only those offenses specifically enumerated in this section are considered violent offenses.

Discharging firearms into certain structures, offenses revised

SECTION 2. Section 16-23-440 of the S.C. Code is amended to read:

Section 16-23-440. (A) It is unlawful for a person to knowingly, unlawfully and deliberately or with a reckless disregard for life discharge or cause to be discharged firearms at or into a dwelling house, other building, structure, or enclosure regularly occupied by persons unless it is in defense of that person's own property or the life of himself or another as provided in Title 16, Chapter 11, Article 6. A person need not have a specific intent to strike a dwelling house, other building, structure, or enclosure regularly occupied by persons to be guilty under this section. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction, must be fined not more than:

(1) twenty thousand dollars and imprisoned not more than ten years; and

(2) fifty thousand dollars and imprisoned not more than fifteen years when any occupant is struck or bodily injury occurs as a proximate cause of the discharge of a firearm.

(B) It is unlawful for a person to knowingly, unlawfully and deliberately or with a reckless disregard for life discharge or cause to be discharged firearms at or into any vehicle, aircraft, watercraft, or other conveyance, device, or equipment while it is occupied unless it is in defense of that person's own property or the life of himself or another as provided in Title 16, Chapter 11, Article 6. A person need not have a specific intent to strike a vehicle, aircraft, watercraft, or other conveyance, device, or equipment while it is occupied by persons to be guilty under this section. For purposes of this section an unmanned aerial vehicle shall not constitute an aircraft. A person who violates the provisions of this subsection is guilty of a felony and, upon conviction,

must be fined not more than:

(1) twenty thousand dollars and imprisoned not more than ten years; and

(2) fifty thousand dollars and imprisoned not more than fifteen years when any occupant is struck or bodily injury occurs as a proximate cause of the discharge of a firearm.

(C) A person who discharges or causes to be discharged a firearm in a criminally negligent manner while in preparation for, engaged in the act of, or returning from hunting, in violation of Section 50-1-85, cannot be charged with a violation of this section. Nothing however herein prohibits the charging of a violation under any other applicable section.

Savings clause

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 139

(R182, H3731)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 2 OF ACT 201 OF 2024 RELATING TO THE SUNSET PROVISION CONCERNING THE AUTHORITY OF SPECIAL PURPOSE DISTRICTS TO OWN, DISPOSE, ACQUIRE, PURCHASE, HOLD, USE, LEASE, CONVEY, SELL, TRANSFER, OR OTHERWISE DISPOSE OF PROPERTY.

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

Repeal

SECTION 1. Section 2 of Act 201 of 2024 is repealed.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 140

(R183, H3841)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-43-220, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES, PROPERTY RECEIVING THE FOUR PERCENT ASSESSMENT RATIO SHALL CONTINUE AT FOUR PERCENT WHEN THE OWNER DIES; AND BY ADDING SECTION 12-37-460 SO AS TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES PROPERTY TAX EXEMPTIONS SHALL CONTINUE TO APPLY WHEN THE OWNER DIES.

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

Assessment rate for decedent's estate

SECTION 1. Section 12-43-220(c) of the S.C. Code is amended by adding:

(9) Notwithstanding any other provision of law, when an owner receiving the special assessment rate pursuant to this item (c) dies, the property shall continue to receive the special assessment rate until the decedent's estate is closed, upon the recording of a deed or deed of distribution out of the estate, or after December thirty-first of the year following the date of death, whichever occurs first. This subitem does not apply if the property is rented for more than seventy-two days in or following the calendar year of the decedent's death or if a change of use occurs.

Exemptions for decedents estate

SECTION 2. Article 3, Chapter 37, Title 12 of the S.C. Code is amended by adding:

Section 12-37-460. Notwithstanding any other provision of law, when an owner of real property dies, the property shall continue to receive any property tax exemption it was receiving at the time of death until the decedent's estate is closed, upon the recording of a deed or deed of distribution out of the estate, or after December thirty-first of the year

following the date of death, whichever occurs first. This section does not apply if the property becomes ineligible for the exemption for a reason other than the death.

Time effective

SECTION 3. This act takes effect upon approval by the Governor and applies to property tax years beginning after 2025.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 141

(R184, H3842)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-45-285 SO AS TO PROVIDE PHYSICAL THERAPISTS MAY CERTIFY TEMPORARY DISABILITIES OF INDIVIDUALS ON INITIAL APPLICATIONS FOR TEMPORARY DISABILITY PLACARDS ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES; AND BY ADDING SECTION 56-3-1960, RELATING TO TEMPORARY AND PERMANENT PARKING PLACARDS ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE ADVANCED PRACTICE REGISTERED NURSES, PHYSICIAN ASSISTANTS, AND PHYSICAL THERAPISTS MAY CERTIFY INDIVIDUALS AS BEING DISABLED FOR PURPOSES OF OBTAINING DISABLED PLACARDS, AND TO PROVIDE SUCH CERTIFICATIONS BY PHYSICAL THERAPISTS ONLY QUALIFY INDIVIDUALS TO RECEIVE TEMPORARY PLACARDS.

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

Temporary authorizations by physical therapists

SECTION 1. Article 1, Chapter 45, Title 40 of the S.C. Code is amended by adding:

Section 40-45-285. A physical therapist may certify that an individual has a temporary disability on the initial application for a temporary disability placard. Physical therapists may not certify the renewal of temporary placards.

Authorizations by physical therapists and other medical professionals

SECTION 2. Section 56-3-1960 (A) and (B) of the S.C. Code is amended to read:

(A) A person who is "handicapped" as defined in Section 56-3-1910 may apply to the department for issuance of a temporary or permanent placard. A person may be issued a temporary placard if the condition causing his handicap is expected to last for at least four months. No applicant may be denied a placard if the applicant follows the procedures established by the department and if the application is accompanied by a certificate from a licensed physician, APRN, PA, or physical therapist that certifies that the individual is handicapped and whether the handicap is temporary or permanent, provided that physical therapists may only certify that an individual qualifies for a temporary placard. The placards must indicate that the person is qualified to use reserved handicapped parking spaces. Applications for placards must be processed through and issued by the department's headquarters. Only one placard may be issued to an applicant. The certification procedure shall adhere to the requirements set forth in Section 56-3-1910. In conjunction with the issuance of a placard, applicants also must be issued a placard registration certificate that must be carried at all times in the vehicle driven by or transporting the handicapped individual. The certificate will display the name of the individual to which the placard was issued. A placard only can be displayed on a vehicle driven by or transporting the disabled individual whose name appears on the placard registration certificate. The department shall charge a fee of one dollar for a placard. An agency, organization, or facility that transports a disabled or handicapped person may receive a placard for each vehicle registered upon proper application and the payment of the appropriate fees.

(B) The placards authorized by this section also may be issued for a

vehicle of special design and equipment designed to transport a disabled person who is certified as meeting the requirements of this section for a vehicle used by an agency, organization, or facility that is designed to transport a handicapped or disabled person if the vehicle is titled in the name of the agency, organization, or facility. Proof that the agency, organization, or facility transports a handicapped or disabled person must be in a manner prescribed by the department. A certificate from a licensed physician, APRN, PA, or physical therapist is not required to apply for placards issued to an agency, organization, or facility. At the time of qualification, applicants qualifying for a placard under this section also must be issued a placard registration certificate that must be carried at all times in the vehicle transporting handicapped or disabled individuals. The certificate will display the name of the agency, organization, or facility to which the placard was issued.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 142

(R185, H3863)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA STEM OPPORTUNITY ACT" BY ADDING ARTICLE 17 TO CHAPTER 1, TITLE 13 SO AS TO ESTABLISH THE SOUTH CAROLINA SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) COALITION, THE SOUTH CAROLINA SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) EDUCATION FUND, AND THE SC STEM COALITION ADVISORY COUNCIL, AND TO PROVIDE THEIR RESPECTIVE PURPOSES AND FUNCTIONS, AMONG OTHER THINGS.

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

Citation

SECTION 1. This act may be cited as the "South Carolina STEM Opportunity Act."

Science, Technology, Engineering, and Mathematics (STEM) Coalition

SECTION 2. Chapter 1, Title 13 of the S.C. Code is amended by adding:

Article 17

Science, Technology, Engineering, and Mathematics (STEM) Coalition

Section 13-1-2210. The South Carolina Science, Technology, Engineering, and Mathematics (STEM) Coalition (Coalition) is established from the existing South Carolina's Coalition for Mathematics & Science (SCCMS) and S2TEM Centers SC. The purpose of the coalition is to build public/private partnerships among state agencies, state-funded entities, not for profits, private businesses, entities, organizations, and industries with the goal of building a technology-ready STEM workforce and ensuring South Carolina students are prepared for STEM career opportunities within this State.

Section 13-1-2220. (A) There is created in the State Treasury the "South Carolina Science, Technology, Engineering, and Mathematics (STEM) Education Fund" (Fund). The fund is separate and distinct from the general fund of the State and all other funds. The fund shall consist of appropriations and donations, contributions, bequests, or other gifts. Earnings and interest on the fund must be credited to it and any balance in this fund at the end of the fiscal year carries forward in the fund in the succeeding fiscal year.

(B) Monies in the fund must be expended solely to support the programs and priorities of the State in the advancement of science, technology, engineering, and mathematics for the purposes provided in this article.

(C) The coalition may accept funds from other public entities and may accept private donations, contributions, bequests, or other gifts. Such monies not designated for specific purposes must be deposited into the

fund. Grants or gifts designated for specific purposes within the coalition's scope of work may be managed by Clemson University or the Clemson University Foundation.

Section 13-1-2230. (A) There is created the "SC STEM Coalition Advisory Council" (advisory council) whose purpose is to:

(1) approve all expenditures from the STEM Education Fund;

(2) identify appropriate outcomes and measures of the coalition's impact;

(3) ensure equitable, statewide application of coalition resources;

(4) identify opportunities aligned with the mission of the coalition; and

(5) promote activities of the coalition among peer organizations, both within and outside this State.

(B)(1) The advisory council consists of eleven members consisting of:

(a) the Executive Director of the Department of Employment and Workforce or his designee, who shall serve as chair of the advisory council;

(b) the State Superintendent of Education or his designee, who shall serve conterminously with the appointing superintendent;

(c) one STEM educator appointed by the State Superintendent of Education who shall serve conterminously with the appointing superintendent;

(d) one member appointed by the Speaker of the House of Representatives who shall serve a term of four years or until his successor is appointed and qualifies;

(e) one member appointed by the President of the Senate who shall serve a term of four years or until his successor is appointed and qualifies;

(f) two members appointed by the Governor to represent STEM-related business and industry in this State who shall serve terms of four years and until their successors are appointed and qualify;

(g) one member appointed by the President of the Technical College System to represent the public technical colleges in this State, who shall serve a term of four years and until his successor is appointed and qualifies;

(h) one member appointed by the President of the Commission on Higher Education to represent public higher education institutions in this State not otherwise represented pursuant to subitems (g),(i), or (j) of this subsection, who shall serve a term of four years and until his successor is appointed and qualifies;

(i) one member appointed by the President of the University of

South Carolina to represent the eight public institutions of the USC system, who shall serve a term of four years and until his successor is appointed and qualifies; and

(j) one member appointed by the President of Clemson University to represent the university as the host site of the coalition, who shall serve a term of four years and until his successor is appointed and qualifies.

(2) Initial appointments must be made before August 1, 2026, at which time the chair of the Department of Employment and Workforce Coordinating Council for Workforce Development or designee shall call the first meeting.

(3) A member of the advisory council may not receive compensation for service but may receive the usual mileage, subsistence, and per diem as provided by law for members of state boards, committees, and commissions. Vacancies must be filled in the manner of original appointment and, in the case of members appointed pursuant to item (1)(e) and (f), for the unexpired portion of the term and until successors are appointed and qualify.

Section 13-1-2240. The coalition, subject to the availability of funds in the STEM Education Fund or other funds managed by Clemson University or the Clemson University Foundation for the specific purposes within the coalition's scope of work, shall:

(1) be administered by a director approved by the advisory council and hired through Clemson University, which has historically supported the SCCMS and the S2TEM Centers;

(2) provide a coordination point for STEM education programs in K-12 and higher education throughout South Carolina;

(3) promote STEM education statewide in coordination with business and industry in support of the long-term economic prosperity of South Carolinians;

(4) ensure the development of a South Carolina STEM workforce with better access to competitive employment opportunities and recognize the diverse pathways through which women and men may enter STEM fields including the consideration of nontraditional academic experiences, community-based learning, and career technical education;

(5) collaborate with institutions of higher education to expand STEM opportunities in the State for high quality professional development for STEM educators with special emphasis on improving student learning outcomes in mathematics;

(6) collaborate in the research and development of tools and best practices in STEM education with K-12 schools, institutions of higher

education, state and federal agencies, business/industry partners, and other entities as appropriate;

(7) facilitate participation in interscholastic, STEM-related competitions;

(8) promote STEM teaching as a career opportunity;

(9) annually identify and provide seed funding to school-based pilot STEM programs equitably distributed across the State;

(10) annually advocate for an SC STEM Education Month and an SC STEM Education Day at the State Capitol and associated activities to promote STEM education;

(11) annually promote and support a SC STEM Educator of the Year award and regional finalists for the award;

(12) promote public awareness of STEM career opportunities through regional festivals and other community engagement strategies;

(13) assist public school districts in developing and implementing a comprehensive merit-based plan to give all public school students equal access to STEM programs;

(14) promote business and industry involvement in the actions and activities of the coalition;

(15) develop and maintain a statewide database of STEM education assets;

(16) perform gap analysis and assessments to identify industry and business needs and the resulting requirements for teacher professional development activities and initiatives;

(17) support high quality professional learning focused on career readiness and talent development and provide other assistance for educators and students;

(18) engage business and industry in support of STEM activities for schools to enhance career readiness;

(19) develop and maintain statewide, regional, and national partnerships with not-for-profit, STEM missioned entities to promote STEM learning and career opportunities in underserved communities;

(20) create STEM career development programs to include leadership training, mentorship programs, and work-life balance initiatives to encourage male and female students in STEM fields;

(21) foster the development of all female and male students in an environment that minimizes bias and harassment and encourages the merit-based development of all women and men; and

(22) annually before July first report appropriate outcomes and measures of the impact of the coalition to these entities:

(a) the Office of the Governor through the Department of Employment and Workforce;

(b) the State Superintendent of Education;
(c) the General Assembly through the Senate Education Committee and the House Education and Public Works Committee;
(d) the Education Oversight Committee; and
(e) the advisory council.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 143

(R186, H3872)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HUNTING HERITAGE PROTECTION ACT" BY ADDING SECTION 50-11-2250 SO AS TO PROHIBIT DECISIONS BY THE DEPARTMENT THAT WOULD RESULT IN ANY NET LOSS OF DEPARTMENT-MANAGED LAND FOR HUNTING.

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

Citation

SECTION 1. This act may be cited as the "Hunting Heritage Protection Act."

No net loss of land acreage for hunting and fishing

SECTION 2. Article 10, Chapter 11, Title 50 of the S.C. Code is amended by adding:

Section 50-11-2250. (A) To the greatest practical extent, decisions by the department must not result in any net loss of land acreage available for hunting opportunities on wildlife management areas owned by the department.

(B) Annually, on or before July first, the department must submit to the Senate Fish, Game and Forestry Committee and the House Agricultural, Natural Resources and Environmental Affairs Committee a report providing:

(1) the acreage available for hunting opportunities on wildlife management areas owned by the department; and

(2) efforts by the department to offset the loss of hunting opportunities, if any, on wildlife management areas owned by the department.

Time effective

SECTION 3. This act takes effect on January 1, 2027.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 144

(R188, H3949)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-614 SO AS TO DESIGNATE "DUM SPIRO SPERO" TRANSLATED AS "WHILE I BREATHE, I HOPE" AS THE OFFICIAL CHORAL ANTHEM OF THE STATE.

Whereas, the lyrics of the song "While I Breathe, I Hope" are "From the blue of coastal waters to the green of mountainsides. We stand as sons and daughters of those who bled and died to defend our common interest so we might live and breathe. We take this freedom given and build upon their dreams. Dum spiro spero, while I breathe, I hope. Hope enough for all who dwell here under Carolina skies. Hope for tomorrow that begins

with us today, and will last for generations for all who chose to stay." Now, therefore,

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

Official choral anthem

SECTION 1. Article 9, Chapter 1, Title 1 of the S.C. Code is amended by adding:

Section 1-1-614. "Dum Spiro Spero" translated as "While I Breathe, I Hope" is the official choral anthem of the State.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 145

(R191, H4188)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-5-590, RELATING TO DISPOSITION OF REMAINS OF UNIDENTIFIABLE DEAD BODIES BY CORONERS, SO AS TO PROVIDE CIRCUMSTANCES FOR WHEN A BODY IS UNIDENTIFIABLE AND WHEN A BODY IS UNCLAIMED, AND TO AUTHORIZE CORONERS TO CREMATE SUCH REMAINS THIRTY DAYS FROM THE DATE OF DISCOVERY.

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

Coroners, disposition of unidentifiable or unclaimed remains

SECTION 1. Section 17-5-590 of the S.C. Code is amended to read:

Section 17-5-590. (A) For purposes of this section:

(1) a body is unidentifiable if the dead person's identity is unknown or cannot be established after all available methods have been exhausted; and

(2) a body is unclaimed if:

(a) a person cannot be located to take custody of the body; or

(b) there is a person to take custody of the body, but that person cannot or will not assume financial responsibility for disposition of the body.

(B) If the body of a dead person is unidentifiable or unclaimed, the remains may be cremated thirty days from the date of death or date of discovery. The coroner or medical examiner may have the remains buried or interred in a cemetery in the county in which the remains were found.

(C) If a coroner has possession of human remains that have been identified and the deceased person has been determined to be an unclaimed veteran, then the coroner must release the remains to a funeral home, funeral establishment, or mortuary for disposition pursuant to the provisions of Chapter 12, Title 25.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 146

(R192, H4189)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 1-3-240, 1-5-40, 1-11-20, 1-23-600, 1-25-60, 2-13-240, 3-5-40, 3-5-50, 3-5-60, 3-5-70, 3-5-80, 3-5-90, 3-5-100, 3-5-110, 3-5-120, 3-5-130, 3-5-140, 3-5-150, 3-5-160, 3-5-170, 3-5-180, 3-5-190, 3-5-320, 3-5-330, 3-5-340, 3-5-350, 3-5-360, 4-12-30, 4-29-67, 4-33-10, 4-33-20, 4-33-30, 5-31-2010, 6-1-150, 6-11-285, 6-11-290, 6-11-1210, 6-11-1230, 6-11-1430, 6-15-30, 6-19-30, 6-19-35, 6-19-40, 6-21-400, 7-5-186, 7-5-310, 10-5-270, 10-9-10, 10-9-20, 10-9-30, 10-9-35, 10-9-40, 10-9-110, 10-9-200, 10-9-260, 10-9-320, 11-11-170, 11-11-230, 11-37-200, 11-58-70, 11-58-80, 12-6-3370, 12-6-3420, 12-6-3550, 12-6-3775, 12-23-810, 12-23-815, 12-28-2355, 12-37-220, 12-44-30, 13-1-380, 13-2-10, 13-7-10, 13-7-20, 13-7-30, 13-7-40, 13-7-45, 13-7-60, 13-7-70, 13-7-90, 13-7-120, 13-7-160, 14-1-201, 14-7-1610, 14-7-1630, 14-23-1150, 15-74-40, 16-3-740, 16-3-2050, 16-17-500, 16-17-650, 16-25-320, 20-1-240, 20-1-320, 20-1-330, 20-1-340, 20-1-350, 20-1-720, 20-3-230, 20-3-235, 23-1-230, 23-3-535, 23-3-810, 25-11-70, 25-11-75, 27-16-90, 27-31-100, 30-2-30, 30-2-320, 31-13-30, 32-8-305, 33-36-1315, 37-11-20, 37-11-50, 38-7-20, 38-55-530, 38-70-60, 38-71-46, 38-71-145, 38-71-1520, 38-78-10, 39-23-20, 39-23-30, 39-23-40, 39-23-50, 39-23-60, 39-23-70, 39-23-100, 39-23-110, 39-23-120, 39-23-130, 40-7-60, 40-7-230, 40-10-230, 40-13-60, 40-13-110, 40-15-85, 40-15-102, 40-15-110, 40-23-10, 40-23-20, 40-23-110, 40-23-280, 40-23-300, 40-23-305, 40-23-310, 40-25-20, 40-25-170, 40-33-20, 40-33-30, 40-35-10, 40-35-20, 40-43-72, 40-43-83, 40-43-86, 40-43-87, 40-43-190, 40-43-195, 40-43-200, 40-45-300, 40-47-31, 40-47-32, 40-47-34, 40-61-20, 40-69-255, 40-71-10, 40-71-20, 40-81-20, 40-84-120, 41-27-280, 43-5-24, 43-5-910, 43-5-1185, 43-21-120, 43-21-130, 43-25-30, 43-33-350, 43-35-10, 43-35-15, 43-35-25, 43-35-35, 43-35-220, 43-35-310, 43-35-520, 43-35-560, 44-1-60, 44-1-70, 44-1-80, 44-1-90, 44-1-100, 44-1-110, 44-1-130, 44-1-140, 44-1-151, 44-1-152, 44-1-165, 44-1-170, 44-1-180, 44-1-190, 44-1-200, 44-1-210, 44-1-215, 44-1-220, 44-1-230, 44-1-280, 44-1-300, 44-1-310, 44-1-315, 44-2-20, 44-2-40, 44-2-60, 44-2-130, 44-2-150, 44-3-10, 44 3-150, 44-4-130, 44-4-300, 44-4-310, 44-4-320, 44-4-330, 44-4-340, 44-4-500, 44-4-510, 44-4-520, 44-4-530, 44-4-540, 44-4-550, 44-4-560, 44-4-570, 44-5-20, 44-6-5, 44-6-150, 44-6-170, 44-6-400, 44-7-77, 44-7-80, 44-7-90, 44-7-130, 44-7-150, 44-7-180, 44-7-190,

44-7-200, 44-7-210, 44-7-220, 44-7-225, 44-7-230, 44-7-240, 44-7-250, 44-7-260, 44-7-320, 44-7-325, 44-7-370, 44-7-392, 44-7-510, 44-7-1420, 44-7-1440, 44-7-1490, 44-7-1590, 44-7-1660, 44-7-1690, 44-7-2420, 44-7-2430, 44-7-2940, 44-7-3430, 44-7-3460, 44-8-10, 44-8-20, 44-8-60, 44-9-70, 44-20-270, 44-29-10, 44-29-15, 44-29-20, 44-29-30, 44-29-40, 44-29-50, 44-29-60, 44-29-70, 44-29-80, 44-29-90, 44-29-100, 44-29-110, 44-29-115, 44-29-120, 44-29-130, 44-29-135, 44-29-136, 44-29-140, 44-29-145, 44-29-146, 44-29-150, 44-29-160, 44-29-170, 44-29-180, 44-29-185, 44-29-190, 44-29-195, 44-29-200, 44-29-210, 44-29-230, 44-29-240, 44-29-250, 44-30-20, 44-30-90, 44-31-10, 44-31-20, 44-31-30, 44-31-105, 44-31-110, 44-31-610, 44-32-10, 44-32-20, 44-32-120, 44-33-10, 44-33-310, 44-34-10, 44-34-20, 44-34-100, 44-35-10, 44-35-20, 44-35-30, 44-35-40, 44-35-50, 44-35-60, 44-35-70, 44-35-80, 44-35-90, 44-35-100, 44-36-20, 44-36-30, 44-36-50, 44-36-320, 44-36-520, 44-37-20, 44-37-30, 44-37-40, 44-37-50, 44-37-70, 44-38-30, 44-38-380, 44-38-630, 44-39-20, 44-40-30, 44-40-60, 44-41-10, 44-41-60, 44-41-340, 44-44-20, 44-44-30, 44-44-40, 44-49-40, 44-52-10, 44-53-10, 44-53-50, 44-53-110, 44-53-160, 44-53-280, 44-53-290, 44-53-310, 44-53-320, 44-53-360, 44-53-362, 44-53-375, 44-53-430, 44-53-480, 44-53-490, 44-53-500, 44-53-630, 44-53-620, 44-53-710, 44-53-720, 44-53-730, 44-53-740, 44-53-750, 44-53-930, 44-53-1320, 44-53-1630, 44-53-1640, 44-55-20, 44-55-30, 44-55-40, 44-55-45, 44-55-50, 44-55-60, 44-55-70, 44-55-120, 44-55-210, 44-55-220, 44-55-230, 44-55-240, 44-55-250, 44-55-260, 44-55-270, 44-55-275, 44-55-280, 44-55-290, 44-55-410, 44-55-420, 44-55-430, 44-55-440, 44-55-450, 44-55-460, 44-55-610, 44-55-620, 44-55-630, 44-55-640, 44-55-650, 44-55-660, 44-55-670, 44-55-680, 44-55-690, 44-55-700, 44-55-820, 44-55-822, 44-55-825, 44-55-827, 44-55-830, 44-55-860, 44-55-1310, 44-55-2320, 44-55-2360, 44-55-2390, 44-56-20, 44-56-30, 44-56-60, 44-56-100, 44-56-130, 44-56-160, 44-56-200, 44-56-210, 44-56-405, 44-56-410, 44-56-420, 44-56-495, 44-56-840, 44-59-10, 44-59-30, 44-61-20, 44-61-30, 44-61-40, 44-61-50, 44-61-60, 44-61-70, 44-61-80, 44-61-130, 44-61-310, 44-61-320, 44-61-340, 44-61-350, 44-61-510, 44-61-520, 44-61-530, 44-61-540, 44-61-630, 44-61-650, 44-63-10, 44-63-20, 44-63-30, 44-63-80, 44-63-86, 44-63-110, 44-63-161, 44-63-163, 44-69-20, 44-69-30, 44-69-50, 44-70-20, 44-71-20, 44-71-70, 44-74-50, 44-74-60, 44-78-15, 44-78-65, 44-80-10, 44-81-30, 44-87-10, 44-89-30, 44-89-90, 44-93-20, 44-93-160, 44-96-40, 44-96-60, 44-96-85, 44-96-100, 44-96-120, 44-96-165, 44-96-170, 44-96-250, 44-96-440, 44-96-450, 44-99-10, 44-99-30, 44-99-50, 44-113-20, 44-115-80, 44-115-130, 44-117-50, 44-122-50,

44-125-20, 44-128-20, 44-128-50, 44-130-20, 44-130-70, 44-139-40, 44-139-50, 45-4-30, 45-4-70, 46-1-130, 46-1-140, 46-3-240, 46-7-100, 46-7-110, 46-9-120, 46-13-110, 46-13-150, 46-45-10, 46-45-60, 46-45-80, 46-49-60, 46-51-20, 46-57-20, 46-57-50, 47-1-80, 47-3-420, 47-4-150, 47-5-20, 47-9-60, 47-17-40, 47-17-120, 47-17-130, 47-17-140, 47-17-320, 47-19-35, 47-20-165, 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-110, 48-1-280, 48-2-20, 48-2-60, 48-2-70, 48-2-80, 48-2-320, 48-2-330, 48-2-340, 48-3-10, 48-3-140, 48-5-20, 48-6-50, 48-6-60, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-34-40, 48-39-10, 48-39-35, 48-39-45, 48-39-50, 48-39-250, 48-39-270, 48-39-280, 48-39-290, 48-39-320, 48-39-345, 48-40-20, 48-40-40, 48-40-50, 48-40-60, 48-40-70, 48-43-10, 48-43-30, 48-43-40, 48-43-50, 48-43-60, 48-43-100, 48-43-390, 48-43-510, 48-43-520, 48-43-570, 48-46-30, 48-46-40, 48-46-50, 48-46-80, 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 48-62-30, 49-1-15, 49-1-16, 49-1-18, 49-3-60, 49-4-20, 49-4-80, 49-4-170, 49-5-30, 49-5-60, 49-6-10, 49-6-30, 49-11-120, 49-11-170, 49-11-260, 49-23-60, 50-5-35, 50-5-360, 50-5-910, 50-5-955, 50-5-965, 50-5-997, 50-11-90, 50-15-430, 50-16-30, 50-19-1935, 50-21-30, 54-6-10, 55-1-100, 56-1-221, 56-3-9800, 56-5-170, 56-5-2720, 56-35-50, 56-35-60, 56-35-80, 58-27-255, 58-33-140, 59-1-380, 59-1-450, 59-31-330, 59-32-10, 59-32-30, 59-36-20, 59-47-10, 59-63-75, 59-63-95, 59-111-720, 59-123-125, 59-152-60, 61-4-220, 61-4-1515, 61-4-1750, 61-6-1610, 61-6-2410, 62-1-302, 63-1-50, 63-7-1210, 63-9-730, 63-9-910, 63-11-1720, 63-11-1930, 63-11-2240, 63-11-2290, 63-13-80, 63-13-180, AND 63-17-70, ALL RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO MAKE CONFORMING CHANGES TO THE RESTRUCTURING PROVIDED BY ACT 60 OF 2023; AND BY REPEALING SECTIONS 44-1-30, 44-1-40, 44-1-50, 44-3-110, 44-3-120, 44-3-130, 44-3-140, 44-7-310, 44-11-30, 44-11-40, 44-55-1320, 44-55-1330, 44-55-1350, 44-55-1360, 59-111-510, 59-111-520, 59-111-530, 59-111-540, 59-111-550, 59-111-560, 59-111-570, AND 59-111-580 ALL RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

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

Removal of officers by Governor

SECTION 1. Section 1-3-240(C)(1)(i) of the S.C. Code is amended to read:

(i) Reserved;

State boards and commissions

SECTION 2. Section 1-5-40(A)(43) of the S.C. Code is amended to read:

(43) Reserved

Transfer of offices

SECTION 3. Section 1-11-20(D) of the S.C. Code is amended to read:

(D) The regulation of minerals and mineral interests on public land, and the regulation of Geothermal Resources as provided in Chapter 9, Title 10 is transferred to, and incorporated into, the Department of Environmental Services.

Contested case hearings

SECTION 4. Section 1-23-600(H)(1) of the S.C. Code is amended to read:

(1) This subsection applies to timely filed requests for a contested case hearing pursuant to this section of decisions by departments governed by a board or commission authorized to exercise sovereignty of the State.

State Interagency Planning and Evaluation Advisory Committee

SECTION 5. Section 1-25-60(A)(1)(b) of the S.C. Code is amended to read:

(b) Department of Public Health

Distribution of S.C. Code

SECTION 6.A. Section 2-13-240(a)(67) of the S.C. Code is amended to read:

(67) Department of Public Health, five;

B. Section 2-13-240(a)(88) of the S.C. Code is amended to read:

(88) Department of Natural Resources, four;
(89) Department of Environmental Services, five.

Waterways

SECTION 7. Sections 3-5-40 through 3-5-190 of the S.C. Code are amended to read:

Section 3-5-40. If the title to any part of the lands, including submerged lands, property or property rights, required by the United States Government for the construction and maintenance of the aforesaid intracoastal waterway from Winyah Bay, South Carolina, to the State boundary line in the Savannah River and any changes, modifications or extensions thereto and any tributaries thereof, and the Ashley River and Shipyard River projects shall be in any private person, firm or corporation, telephone or telegraph company or other public service corporation or shall have been donated or condemned for public or public service purposes by any political subdivision of this State or any public service corporation, the Department of Environmental Services may, acting for and in behalf of the State, secure the above described rights of way and spoil disposal areas for such intracoastal waterway and all its tributaries and for the Ashley River and Shipyard River projects upon, across and through such lands, including submerged lands, or any part thereof, including oyster beds, telephone and telegraph lines, railroad lines, property of other public service corporations and other property and property rights, by purchase, donation or otherwise, through agreement with the owner when possible. And when any such easement or property is thus acquired the Governor and the Secretary of State shall execute a deed for it to the United States.

Section 3-5-50. If for any reason the Department of Environmental Services is unable to secure any rights of way and spoil disposal area upon, across, or through any such land, including submerged lands,

property, or rights, by voluntary agreement with the owner, the Department of Environmental Services, acting for and in behalf of the State may condemn it.

Section 3-5-60. If the United States Government shall so determine, it may condemn and use all lands, including submerged lands, property and property rights which may be needed for the purposes set forth in Section 3-5-40 under the authority of the United States Government and according to the provisions existing in the Federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn such lands, including submerged lands, property and property rights, the Department of Environmental Services may pay all expenses of such condemnation proceedings and any award that may be made thereunder out of any monies appropriated for such purposes.

Section 3-5-70. In such condemnation proceedings the uses for which such easements or property are condemned are hereby declared to be for a purpose paramount to all other public uses and the fact that any portion of it has previously been condemned by a railroad company, canal company, telephone or telegraph company or other public service corporation or by any political subdivision of the State for public uses or has been conveyed by any person for any such public uses shall in no way affect the right of the State or of the United States Government to condemn such lands, property and property rights as herein provided.

Section 3-5-80. For the purpose of determining the lands, easements and property necessary for the uses herein set out, the Department of Environmental Services or the United States Government, or the agents of either, may enter upon any lands along the general line of the rights of way for the purposes of locating definitely the specific lines of such rights of way and the land required for such purposes and there shall be no claim against the State or the United States for such acts as may be done in making such surveys.

Section 3-5-90. Neither this article, nor any part thereof, nor any grant or deed made under the authority hereof shall operate to divest the State of jurisdiction over any lands and all civil or criminal process issued under the authority of any laws of this State may be executed in or on any part of the lands or premises devoted to the use of the intracoastal waterway or to any use incidental thereto to the same effect as if this article had not been enacted and as if such grant or deed had not

been executed.

Section 3-5-100. If any of the lands or property, the use of which is acquired for the rights of way and spoil disposal areas has been leased by the South Carolina Department of Natural Resources to any person for the cultivation and gathering of oysters, the Department of Natural Resources shall substitute for the leased areas lying within the rights-of-way and spoil disposal areas other equal areas lying without the rights of way and spoil disposal areas that also are suitable for the cultivation and gathering of oysters. The Department of Environmental Services may reimburse the person for any direct actual losses resulting from the transfer of leased oyster beds. If for any reason the Department of Natural Resources is unable to reach an agreement with the owner of the leased oyster beds, the Department of Environmental Services, acting for the State, may condemn the rights and property of the lessees in the leased areas.

Section 3-5-110. All persons engaged in the cultivation of oysters on oyster beds held either in fee simple or in leasehold beyond the limits of the areas to be acquired for said waterway project from Winyah Bay to the state boundary line in the Savannah River shall be entitled to compensation for damages done to such oyster beds or the oysters therein by reason of dredging operations in the construction of said waterway, such compensation to be paid by the persons engaged in the dredging operations and not by the State.

Section 3-5-120. If and when any such oyster beds or oysters growing therein shall have been damaged by muddy water or by other effects of such dredging operations any person holding such oyster beds in fee simple or in leasehold or owning the oysters growing therein or any person engaged in the prosecution of the work of constructing the waterway shall be privileged to apply to the Department of Environmental Services to survey such oyster beds and oysters and to determine the extent and amount of such damage. Upon any such application, the Department of Environmental Services shall proceed promptly to survey the damage done to such oyster beds and oysters and to determine the identity of the person causing such damage and the identity of the owner in fee or in leasehold of such oyster beds and oysters suffering such damage. The Department of Environmental Services may subpoena witnesses to assist in the determination of such facts. The Department of Environmental Services must afford the owner of the alleged damaged oyster beds and oysters and the person alleged

to have caused the damage an opportunity to be heard.

Section 3-5-130. Staff of the Division of Coastal Management of the Department of Environmental Services shall make a determination of the amount of actual damage.

Section 3-5-140. If the person in whose favor or the person against whom such determination is made shall be dissatisfied therewith, such person may apply to an administrative law judge to review the determination. An appeal from the decision of the administrative law judge may be taken to the court of common pleas for the county in which the oyster beds lie. The court shall review the award in the same manner as reports of a master in equity are reviewed by the court and the determination of the amount of the award by the court of common pleas shall be final.

Before a review shall be granted to the person against whom the award is made, such person shall pay to the person in whose favor the award is made, one half of the amount of the said award, and shall file with the said clerk of court a bond conditioned for the payment of the remaining half of the award or so much thereof as may be finally awarded, such bond to be approved by the clerk of court of the county in which the oyster beds lie as to form, surety and amount.

The final award shall be entered on record in the office of the clerk of court of common pleas for the county in which the oyster beds lie and when so entered shall have the force and effect of a judgment. The amount of the award shall be limited to the direct actual damage suffered by the person owning in fee or in leasehold the oyster beds and the oysters growing therein.

Section 3-5-150. Upon the filing with the clerk of court of any such award there shall be added thereto as a part thereof the costs of the survey held to determine the damage resulting in such award. Such costs shall be repaid to the Department of Environmental Services by the person against whom the award is given. If it shall be finally determined that no damage has been done the cost of the survey shall be paid by the person requesting the survey.

Section 3-5-160. The Department of Environmental Services shall account for all monies recovered under the provisions of Sections 3-5-110 to 3-5-150 to the State Treasurer.

Section 3-5-170. Should any person cultivating oysters upon an area leased from the State outside of the limits to be acquired for said waterway project from Winyah Bay to the state boundary line in the Savannah River elect, in lieu of claiming damages which might be done to such oysters by dredging operations, to transfer such cultivated oysters to a different leased area and the person whose dredging operations in the construction of said intracoastal waterway either shall have damaged or might damage such oysters agrees to pay the expenses of such removal, the South Carolina Department of Natural Resources may substitute for such leased areas other equal areas suitable for the cultivation and gathering of oysters in a location not subject to damage by dredging operation.

Section 3-5-180. The remedies herein given with respect to oysters lying beyond the limits of the areas to be acquired for said waterway project such rights of way shall be exclusive.

Section 3-5-190. Any person, his heirs, executors, administrators, successors or assigns, who may be compensated for damage to oysters during the construction or maintenance of said intracoastal waterway and its tributaries and the Ashley River and Shipyard River projects, whether by the Department of Environmental Services, the contractor engaged on the work or the United States, shall be estopped from making further claim for damage to oysters in or upon the same area on account of dredging operations during maintenance or further improvement of the waterway and its tributaries or Ashley River or Shipyard River.

Waterways

SECTION 8. Sections 3-5-320 through 3-5-360 of the S.C. Code are amended to read:

Section 3-5-320. If the title to any part of the lands required by the United States Government for the construction of the aforesaid inland waterway from the North Carolina-South Carolina State line at Little River to Winyah Bay shall be in any private person, company, firm or corporation, railroad company, canal company, telephone or telegraph company or other public service corporation or shall have been donated or condemned for any such use by any political subdivision of this State, the Department of Environmental Services may, acting for and in behalf of the State, secure a right of way of the width aforesaid for such inland waterway upon, across and through such lands or any part thereof by

purchase, donation or otherwise, through agreement with the owner when possible, and when any such property is thus acquired the Governor and the Secretary of State shall execute a deed for it to the United States.

Section 3-5-330. If for any reason the Department of Environmental Services is unable to secure the rights of way upon, across, or through the property by voluntary agreement with the owner, the Department of Environmental Services acting for the State, may condemn the right of way. The Governor and the Secretary of State shall promptly execute a deed for the condemned property to the United States.

Section 3-5-340. If the United States Government shall so determine, it may condemn and use all lands and property which may be needed for the purposes set forth in Section 3-5-310 under the authority of the United States Government and according to the provisions existing in the Federal statutes for condemning lands and property for the use of the United States Government. In case the United States Government shall so condemn such lands and property, the Department of Environmental Services may pay all expenses of the condemnation proceedings and any award that may be made thereunder out of any moneys appropriated or which may be appropriated for such purposes.

Section 3-5-350. In such condemnation proceedings the uses for which such land or property is condemned are hereby declared to be for a purpose paramount to all other public uses and the fact that any portion thereof has theretofore been condemned by a railroad company, canal company, telephone or telegraph company or other public service corporation or by any political subdivision of the State for public uses or has been conveyed by any person for any such public uses shall in no way affect the right of the State or the United States Government to condemn such lands and property as herein provided.

Section 3-5-360. For the purpose of determining the lands and property necessary for the uses herein set out the Department of Environmental Services or the United States Government, or the agents of either, may enter upon any lands along the general line of said right of way and make such surveys and do such other acts as in their judgment may be necessary for the purpose of definitely locating the specific lines of said right of way and the lands required for said purposes and there shall be no claim against the State or the United States for such acts as

may be done in making such surveys.

County fee program

SECTION 9. Section 4-12-30(B)(3) of the S.C. Code is amended to read:

(3) The minimum level of investment in the project must be at least two and one-half million dollars and must be invested within the time period provided in subsection (C)(2). If a county has an average annual unemployment rate of at least twice the state average during the last twenty-four months based on data available on the most recent November first, the minimum level of investment is one million dollars. The department shall designate these reduced investment counties by December thirty-first of each year using data from the South Carolina Department of Employment and Workforce and the United States Department of Commerce. The designations are effective for a sponsor whose inducement agreement is signed in the calendar year following the county designation. Investments may include amounts expended by a sponsor as a nonresponsible party in a voluntary cleanup contract on the property at a project pursuant to Article 7, Chapter 56 of Title 44, the Brownfields Voluntary Cleanup Program, if the Department of Environmental Services has issued a certificate of completion for the cleanup. If the amounts, under the Brownfields Voluntary Cleanup Program, equal at least one million dollars, the investment threshold requirement of this chapter is deemed to have been met.

County industrial development projects

SECTION 10. Section 4-29-67(B)(3) of the S.C. Code is amended to read:

(3) The minimum level of investment in the project must be at least forty-five million dollars and must be invested within the time period provided in subsection (C). If a county has an average annual unemployment rate of at least twice the state average during the last twenty-four months based on data available on the most recent November first, the minimum level of investment is one million dollars. The department shall designate these reduced investment counties by December thirty-first of each year using data from the South Carolina Department of Employment and Workforce and the United States Department of Commerce. The designations are effective for a sponsor

whose inducement agreement is signed in the calendar year following the county designation. Investments may include amounts expended by a sponsor or sponsor affiliate as a nonresponsible party in a voluntary cleanup contract on the property at the project pursuant to Article 7, Chapter 56, Title 44, the Brownfields Voluntary Cleanup Program, if the Department of Environmental Services certifies completion of the cleanup. If the amounts under the Brownfields Voluntary Cleanup Program equal at least one million dollars, the investment threshold requirement of this section is met.

County fairs

SECTION 11. Sections 4-33-10 through 4-33-30 of the S.C. Code are amended to read:

Section 4-33-10. The Commissioner of Agriculture, who is the authorized custodian of the State exhibit property, the Department of Public Health, and the Department of Environmental Services shall, whenever application is made to either or both by the officials of county fairs held in the State and upon the guarantee by such officials of all expenses connected with the undertaking, prepare and send to such fairs exhibits of such educational character as will be instructive and beneficial to the people attending the fairs.

Section 4-33-20. The Commissioner of Agriculture, the Department of Public Health, and the Department of Environmental Services shall send in charge of these exhibits demonstrators competent to explain fully to visitors at the fairs the educational value of such exhibits.

Section 4-33-30. The Commissioner of Agriculture, the Department of Public Health, and the Department of Environmental Services may detail necessary staff to this service, though they may be employed and paid for other purposes, and may expend such funds as may be at their command and as may be necessary to prepare and arrange the exhibits contemplated by Section 4-33-10.

Municipalities, sewer systems

SECTION 12. Section 5-31-2010 of the S.C. Code is amended to read:

Section 5-31-2010. The General Assembly takes note of the fact that incorporated cities and towns (municipalities) throughout the State have in many instances experienced considerable growth with the result that sewage collection and treatment facilities must be extended and enlarged in order to serve all of the persons residing within the corporate limits. Such extensions and enlargements are customarily paid from ad valorem taxes levied throughout the municipality and from sewer service charges. However, it appears that in some instances the cost of constructing all or a portion of such facilities can be more equitably distributed by assessing all or a portion of the cost of constructing sewer laterals against the properties facing thereon.

The General Assembly concludes that in order to facilitate the construction and operation of sewer systems by municipalities, all municipalities should be granted all of the powers set forth in this article.

In view of the foregoing, the General Assembly has determined to confirm in the governing body of each municipality the power: (1) To place into effect, revise, enforce, and collect a schedule of charges for its sewage collection service and (2) to adopt and enforce regulations requiring all properties to which sewer service is available to connect to the municipality's sewage collection facilities as now existing or hereafter improved; and to give the governing body of each municipality in addition to those powers already vested in them, the power: (a) To contract with any public or private agency operating a water system for the collection of such sewer charges; (b) to make regulations generally with respect to the discharge of sewage and the use of privies, septic tanks and any other type of sewage facilities; (c) to impose front-foot assessments against properties abutting the sewage collection laterals; and (d) to make unpaid sewer service charges a lien against the property served.

It is the legislative intent of this article that it shall be deemed complementary and supplementary to existing laws relating to any municipalities and to add to the powers, functions and duties committed to the several governing bodies thereof in order that all municipalities may fulfill their function of preserving the public health, and provide for all those who own, use or occupy dwellings, commercial buildings or other structures therein. In enacting this article, the General Assembly exercises its general police powers having found that such exercise was necessary for the maintenance and preservation of the health of the

inhabitants of the State. Nothing herein contained shall be construed to be in derogation of the powers of the Department of Environmental Services.

Derelict mobile homes

SECTION 13. Section 6-1-150(A)(1)(a)(ii) of the S.C. Code is amended to read:

(ii) not connected to a Department of Environmental Services approved wastewater disposal system; or

Civil penalties

SECTION 14. Section 6-11-285(E) and (F) of the S.C. Code is amended to read:

(E) All appeals from the decision of the hearing officer under the provisions of this section must be heard in the court of common pleas in the county in which the political subdivision is located.

Construction of article

SECTION 15. Section 6-11-290 of the S.C. Code is amended to read:

Section 6-11-290. This article being necessary for the public health, safety and welfare, it must be liberally construed to effectuate the purposes thereof. But all functions, powers and duties of the Department of Environmental Services must remain unaffected by this article.

Rural water districts, sewer systems

SECTION 16.A. Section 6-11-1210 of the S.C. Code is amended to read:

Section 6-11-1210. The General Assembly has from time to time created and established special purpose or public service districts throughout the State of South Carolina for the purpose, inter alia, of providing for the establishing of appropriate facilities for the collection, disposal or the treatment of sewage. Generally the cost of constructing such facilities has been defrayed from the proceeds of a districtwide ad valorem tax upon all property lying within the district involved. This method of financing such facilities was based upon the General

Assembly's conclusion that all properties within the district benefited by the proposed improvement in proportion to their assessed value. However, it appears that in some instances the cost of constructing all or a portion of such facilities can be more equitably distributed by assessing the cost of constructing sewer laterals against the properties facing thereon. In addition a sewer service charge is likewise proper in many instances.

The General Assembly concludes that in order to facilitate the construction and operation of sewer systems by special purpose or public service districts, all of such districts should be granted all of the powers set forth in this article.

In view of the foregoing, the General Assembly has determined to give the governing body of each such district, in addition to those powers already vested in them respectively, the power: (a) To place into effect, revise, enforce, and collect a schedule of charges for its sewage collection service; (b) to contract with any public or private agency operating a water system for the collection of such sewer charges; (c) to adopt and enforce regulations requiring all properties to which sewer service is available to connect to the district's sewage collection facilities as now existing or hereafter improved; (d) to make regulations generally with respect to the discharge of sewage and the use of privies, septic tanks and any other type of sewage facilities; (e) to impose front-foot assessments against properties abutting the sewage collection laterals; and (f) to make unpaid sewer service charges a lien against the property served.

It is the legislative intent of this article that it shall be deemed complementary and supplementary to existing laws relating to each such district and to add to the powers, functions and duties committed to the several governing bodies thereof in order that such districts may fulfill their function of preserving the public health and provide for all those who own, use or occupy dwellings, commercial buildings or other structures therein. In enacting this law, the General Assembly exercises its general police powers having found that such exercise was necessary for the maintenance and preservation of the health of the inhabitants of the State. Nothing herein contained shall be construed to be in derogation of the powers of the Department of Environmental Services.

B. Section 6-11-1230(4) before the lettered subitems of the S.C. Code is amended to read:

(4) To provide by resolution that the actual cost of the establishment and construction of a water distribution line or sewer lateral collection

line hereafter constructed by the commission and an extension of a line within the district, or so much of the actual cost as the commission considers appropriate, must be assessed subject to the provisions of the next paragraph upon the lots and parcels of land abutting directly on the lateral line or extension of a line according to the extent of the respective frontage on them, by an equal rate per foot of frontage; but the commission may provide, in the instance of corner lots, for an assessment considered to be equitable. If the area to be served is part of a development plan or zoned for residential use, then an assessment may be levied by the commission on a parcel or per unit basis rather than on a front-foot basis. As used in this section, "front-foot assessment" includes assessments levied on a parcel or per unit basis. The commission may provide in the resolution that the front-foot assessments to be levied in connection with the installations may be paid in equal installments covering a period of not exceeding twenty years. The deferred payments are payable annually within the period that county taxes are payable and late payments must be penalized to the same extent as in the case of county taxes.

The General Assembly does not intend through this article to permit assessments against abutting property where no benefit results to the property or where a benefit results only at some remote future time. Accordingly, no commission pursuant to this article may impose a front-foot assessment against any property unless the property is being used for or is devoted to commercial or residential purposes at the time of the assessment or unless, in the case of properties on which no buildings are situate, those properties have been platted, zoned, or otherwise developed as a part of a subdivision devoted to residential or commercial purposes. If any property pursuant to the provisions of this paragraph is exempt from front-foot assessment at the time the assessment is originally levied, is later converted to commercial, industrial, or residential purposes, or is later platted, zoned, or otherwise developed then at that time front-foot assessments may be levied against the property. No individual residential parcel may be assessed on the basis of more than two hundred fifty feet of frontage.

If, on the effective date of this paragraph, the area to be served is a residential subdivision that received conceptual approval under Regulation 61-57 for septic tank use and has five or more lots later denied permits for a septic tank system for which the Department of Environmental Services has developed standards, an assessment may be levied on the abutting parcels in the subdivision for the actual costs of sewer lateral collection lines in the subdivision and for transmission lines and associated infrastructure, including, but not limited to, trunk lines,

force mains, pump stations, and lift stations, to be constructed to connect the sewer lateral collection lines to other infrastructure of the district. The satisfaction of the preconditions to this subsection may be conclusively established by a letter or certificate of the department.

In connection with the imposition of such front-foot assessments:

Fire districts, emergency powers

SECTION 17. Section 6-11-1430 of the S.C. Code is amended to read:

Section 6-11-1430. The Fire Authority having jurisdiction may, within the means of its resources, evacuate or cause to be evacuated all persons within and adjacent to burning structures, open fires, dangerous gas leaks, flammable liquid spills, and transportation incidents.

The following are exempt from the provisions of this article: (1) Industrial processing and manufacturing plants which have a State Labor Department (OSHA) or Department of Environmental Services approved emergency evacuation plans; (2) Hospitals and similar type healthcare facilities which conduct surgery or administer care through the use of life support systems and which have approved emergency evacuation plans by the authority having jurisdiction; (3) The Forestry Commission in the carrying out of its forest fire protection duties and responsibilities as provided in Sections 48-23-90, 48-33-30, 48-33-40, and 48-33-70. The Fire Authority having jurisdiction does not have the power and authority to declare a state of emergency and order and compel an evacuation of the scope and magnitude that would be necessary during an actual or threatened enemy attack, sabotage, flood, storm, epidemic, earthquake, riot, or other public calamity.

Local governmental contracts, sewage disposal

SECTION 18. Section 6-15-30 of the S.C. Code is amended to read:

Section 6-15-30. Any contract made between governmental entities shall be executed on behalf of each contracting party, after it has been approved by resolution or other action taken by the governing body. Wherever any such contract shall be the basis for the issuance of revenue bonds or general obligation bonds by any of the contracting parties, such contract shall become a part of the transcript of proceedings incident to the issuance of such bonds and shall be filed in the manner prescribed by Section 11-15-10. Copies of all contracts made pursuant to this chapter shall also be filed with the Department of Environmental

Services.

Water and sewer authorities

SECTION 19.A. Section 6-19-30 of the S.C. Code is amended to read:

Section 6-19-30. The fund for such grants must be from either revenue-sharing trust funds or from general appropriations to the Department of Environmental Services, which shall administer the grants for intermission to public water supply authorities or districts, sewer authorities or districts, water and sewer authorities, rural community water or sewer systems, nonprofit corporations, or municipal sewer systems to which the grant is made. The Governor, with the advice and consent of the Senate, shall appoint an advisory committee composed of seven members, one from each congressional district of the State. In addition, an employee of the Department of Environmental Services, designated by the director thereof, shall serve ex officio as a member of the committee. The Governor may invite a director, or his representative, from an agency providing water and sewer funds to serve as an advisory nonvoting member to the committee. All members must be appointed for terms of three years. In the event of a vacancy a successor shall be appointed for the unexpired term in the manner of original appointment. The advisory committee shall meet as soon after its appointment as may be practicable and shall organize by electing a chairman, vice chairman, secretary, and such other officers as it may deem desirable. The advisory committee shall select the projects to be funded pursuant to Section 6-19-40. Funds also may be expended from gifts or grants from any source which are made available for the purpose of carrying out the provisions of this chapter. Appropriations made to the fund but not expended at the end of the fiscal year for which appropriated shall not revert to the general fund but shall accrue to the credit of the fund. Grants must be made only for water supply and waste water facilities projects on which construction was not commenced before April 1, 1974.

B. Section 6-19-35(2) of the S.C. Code is amended to read:

(2) The Department of Environmental Services may, upon approval of the advisory committee, by a memorandum of understanding entered into with other funding agencies, designate one of such agencies, including itself, to administer or supervise any portion of a project funded under this act.

C. Section 6-19-40(a) of the S.C. Code is amended to read:

(a) Application for a grant hereunder may be made to the advisory committee and accompanied by an application to the primary financial source and processed by the Department of Environmental Services. The Department of Environmental Services, on approval of the advisory committee, shall make the necessary rules and regulations for the consideration and processing of all state grant requests appropriated under this chapter, which shall generally conform to those used by Federal grant and loan agencies, which rules shall be filed in the office of the Secretary of State. The rules shall contain, but shall not be limited to the following criteria:

(1) Preliminary engineering costs study;

(2) Bonded indebtedness of the district, authority or community;

(3) Financial conditions of the district, authority or community;

(4) Costs per connection;

(5) Economic level in the district, area or community;

(6) Ratio of contracted users to potential users which shall not be less than sixty-seven percent;

(7) Conformity to overall State, regional or local plans;

(8) Operation and maintenance costs identified and proper replacement costs;

(9) Amount of connection charges and minimum user charges; and

(10) Sustaining costs of rural water and sewer systems.

Revenue Bond Act

SECTION 20. Section 6-21-400 of the S.C. Code is amended to read:

Section 6-21-400. Rates charged for services furnished by any system, project or combined system purchased, constructed, improved, enlarged, extended or repaired under the provisions of this chapter shall not be subject to supervision or regulation by any state bureau, board, commission or other like instrumentality or agency of the State and it shall not be necessary for any borrower operating under the provisions of this chapter to obtain any franchise or other permit from any state bureau, board, commission or other instrumentality of the State in order to construct, improve, enlarge, extend or repair any system, project or combined system named in this chapter. But the functions, powers and duties of the Department of Environmental Services shall remain unaffected by this chapter.

Voter registration database

SECTION 21. Section 7-5-186(B) of the S.C. Code is amended to read:

(B) State agencies including, but not limited to, the Department of Public Health's Office of Vital Statistics, Department of Motor Vehicles, Department of Employment and Workforce, and the Department of Corrections, shall provide information and data to the State Election Commission that the commission considers necessary in order to maintain the statewide voter registration database established pursuant to this section, except where prohibited by federal law or regulation. The State Election Commission shall ensure that any information or data provided to the State Election Commission, which is confidential in the possession of the entity providing the data, remains confidential while in the possession of the State Election Commission.

Voter registration agencies

SECTION 22. Section 7-5-310(B)(2) of the S.C. Code is amended to read:

(2) Department of Public Health - WIC program;

Public buildings, construction approval

SECTION 23. Section 10-5-270(A)(3) of the S.C. Code is amended to read:

(3) for healthcare facilities, to the Director, Division of Health Facilities Construction, Department of Public Health;

Mineral interests in public lands

SECTION 24. Sections 10-9-10 through 10-9-40 of the S.C. Code are amended to read:

Section 10-9-10. The Public Service Authority may, through its board of directors, make and execute leases of gas, oil, and other minerals and mineral rights, excluding phosphate and lime and phosphatic deposits, over and upon the lands and properties owned by said authority; and the Department of Environmental Services and the forfeited land commissions of the counties of this State may, with the approval of the

Attorney General, make and execute such leases over and upon the lands and waters of the State and of the counties under the ownership, management, or control of the department and commissions respectively.

Section 10-9-20. No such lease shall provide for a royalty of less than twelve and one-half per cent of production of oil and gas from the lease.

Section 10-9-30. Nothing contained in this article shall estop the State from enacting proper laws for the conservation of the oil, gas and other mineral resources of the State and all leases and contracts made under authority of this article shall be subject to such laws; provided, that the Department of Environmental Services may negotiate for leases of oil, gas, and other mineral rights upon all of the lands and waters of the State, including offshore marginal and submerged lands.

Section 10-9-35. In the event that the State of South Carolina is the recipient of revenues derived from offshore oil leases within the jurisdictional limits of the State such revenues shall be deposited with the State Treasurer in a special fund and shall be expended only by authorization of the General Assembly.

Funds so accumulated shall be expended only for the following purposes:

(1) to retire the bonded indebtedness incurred by South Carolina;

(2) for capital improvement expenditures.

Section 10-9-40. The authority conferred upon the Public Service Authority, the Department of Environmental Services, and the forfeited land commissions by this article shall be cumulative and in addition to the rights and powers heretofore vested by law in such authority, the Department of Environmental Services, and such commissions, respectively.

Mineral interests in public lands

SECTION 25.A. Section 10-9-110 of the S.C. Code is amended to read:

Section 10-9-110. The Department of Environmental Services shall be charged with the exclusive control and protection of the rights and interest of the State in the phosphate rocks and phosphatic deposits in the navigable streams and in the marshes thereof.

B. Section 10-9-200 of the S.C. Code is amended to read:

Section 10-9-200. The Department of Environmental Services, within twenty days after the grant of any license as aforesaid, shall notify the Comptroller General of the issuing of such license, with the name of the person to whom issued, the time of the license, and the location for which it was issued.

C. Section 10-9-260 of the S.C. Code is amended to read:

Section 10-9-260. Any person wilfully interfering with, molesting, or obstructing or attempting to interfere with, molest, or obstruct the State or the Department of Environmental Services or anyone by it authorized or licensed in the peaceable possession and occupation of any of the marshes, navigable streams, or waters of the State, including the Coosaw River phosphate territory, or who shall dig or mine or attempt to dig or mine any of the phosphate rock or phosphatic deposits of this State without a license so to do issued by the department shall be punished for each offense by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not less than one nor more than twelve months, or both, at the discretion of the court.

Geothermal resources

SECTION 26. Section 10-9-320 of the S.C. Code is amended to read:

Section 10-9-320. The Department of Environmental Services may lease development rights to geothermal resources underlying surface lands owned by the State. The department must promulgate regulations regarding the method of lease acquisition, lease terms, and conditions due the State under lease operations. The South Carolina Department of Natural Resources is designated as the exclusive agent for the department in selecting lands to be leased, administering the competitive

bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to geothermal resource leases as may be included herein as responsibilities of the department.

Tobacco settlement agreement

SECTION 27.A. Section 11-11-170(B)(1)(d) and (e) of the S.C. Code is amended to read:

(d) youth smoking cessation and prevention programs coordinated by the Department of Public Health and the Department of Alcohol and Other Drug Abuse Services;

(e) newborn infants hearing screening initiatives coordinated by the Department of Public Health;

B. Section 11-11-230(A) of the S.C. Code is amended to read:

(A) There is created in the State Treasury the Smoking Prevention and Cessation Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The trust fund must transfer five million dollars annually to the Department of Public Health to administer a statewide smoking prevention and cessation program. The funds must not be appropriated for any other purpose and the Department of Public Health may not use the funds for any purposes other than administering a statewide smoking prevention and cessation program.

Water Resources Coordinating Council

SECTION 28. Section 11-37-200(A) of the S.C. Code is amended to read:

(A) There is established by this section the Water Resources Coordinating Council which shall establish the priorities for all sewer, wastewater treatment, and water supply facility projects addressed in this chapter. The council shall consist of a representative of the Governor, the Director of the Department of Environmental Services, the Director of the South Carolina Department of Natural Resources, the Director of

the Rural Infrastructure Authority, the Secretary of Commerce, the Chairman of the Jobs Economic Development Authority, and the Chairman of the Joint Bond Review Committee. These representatives may designate a person to serve in their place on the council, and the Governor shall appoint the chairman from among the membership of the council for a one-year term. The council shall establish criteria for the review of applications for projects. Not less often than annually, the council shall determine its priorities for projects. The council after evaluating applications shall notify the authority of the priority projects. The South Carolina Jobs Economic Development Authority shall provide the staff to receive, research, investigate, and process applications for projects made to the coordinating council and assist in the formulating of priorities. Upon notification by the council, the authority shall proceed under the provisions of this chapter. The authority may consider applications for projects based upon the existence of a documented emergency consistent with regulations that may be promulgated by the authority. In determining which local governments are to receive grants, the local governments shall provide not less than a fifty percent match for any project. The authority may provide financing for the local matching funds on terms and conditions determined by the authority.

South Carolina Opioid Recovery Act

SECTION 29.A. Section 11-58-70(B)(4) of the S.C. Code is amended to read:

(4) the Governor shall appoint three members, the Speaker one member, and the President of the Senate one member from a list provided by the South Carolina Association of Counties, with at least one member selected from each of the South Carolina public health regions as defined by the South Carolina Department of Public Health; and

B. Section 11-58-80(F) of the S.C. Code is amended to read:

(F) The South Carolina Opioid Recovery Fund Board shall be considered "qualified personnel for the purpose of bona fide research or education" for the purpose of Section 44-53-1650, and the Department of Public Health shall enter into a written agreement with the board to enable the sharing of prescription information with appropriate redactions.

Tax credits

SECTION 30.A. Section 12-6-3370(D) of the S.C. Code is amended to read:

(D) To qualify for the credit the taxpayer must obtain a construction permit issued by the Department of Environmental Services or proof of exemption from permit requirements issued by the department, the Natural Resources Conservation Service, or a local Soil and Water Conservation District.

B. Section 12-6-3420(C)(2) of the S.C. Code is amended to read:

(2) A qualified private entity is an entity holding the required permits, certifications, and licenses from the Department of Environmental Services, the South Carolina Public Service Commission, and any other state agencies, departments, or commissions, from which approvals must be obtained in order to operate as a utility furnishing water supply services or sewage collection or treatment services, or both, to the public.

C. Section 12-6-3550(C), (D), (E), (F), (G), and (H) of the S.C. Code is amended to read:

(C) The taxpayer is allowed an additional ten percent of the total cleanup costs, not to exceed fifty thousand dollars, in the final year of clean up as evidenced by the Department of Environmental Services issuing a certificate of completion for that site.

(D) To be eligible for the tax credit the applicant must have entered into a nonresponsible party voluntary cleanup contract with the Department of Environmental Services (DES) pursuant to Section 44-56-750.

(E) To obtain the tax credit certificate, an applicant must annually file an application for certification, which must be received by DES by December thirty-first. The applicant shall provide all pertinent information requested on the tax credit application form including, at a minimum, the name and address of the applicant and the address and tracking identification of the eligible site. Along with the application form, the applicant shall submit the following:

(1) copies of contracts and documentation of contract negotiations, accounts, invoices, sales tickets, or other payment records for purchases, sales, leases, or other transactions involving the actual costs incurred for that taxable year related to site rehabilitation under the voluntary cleanup

contract; and

(2) proof that the documentation submitted pursuant to item (1) has been reviewed and verified by an independent certified public accountant who must attest to the accuracy and validity of the costs incurred and paid by conducting an independent review of the data presented by the applicant. A copy of the accountant's report must be submitted to DES with the tax credit application.

(F) If upon review of the tax credit application and any supplemental documentation submitted by each applicant, DES determines that the applicant has met all requirements for the tax credit, it shall issue a tax credit certificate before April first. The applicant shall pay the administrative costs of this review pursuant to the provisions of Section 44-56-750(D).

(G) DES may prescribe the necessary forms required to claim the credit under this section and to provide the administrative guidelines and procedures required to administer this section.

(H) DES may revoke or modify any written decision granting eligibility for partial tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive the credit under this section. DES shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the taxpayer shall notify the Department of Revenue of any change in tax credit claimed.

D.Section 12-6-3775(B)(1)(a)(iii) and (iv) of the S.C. Code is amended to read:

(iii) a list of related removal actions, as certified by the Department of Environmental Services;

(iv) land that is subject to a Voluntary Cleanup Contract with the Department of Health and Environmental Control as of December 31, 2017, or with the Department of Environmental Services, or to corrective action under the Federal Resource Conservation and Recovery Act of 1976; or

Hospital tax

SECTION 31.A. Section 12-23-810(A) of the S.C. Code is amended to read:

(A) Every hospital licensed as a general hospital by the Department of Public Health is subject to the payment of an excise, license, or privilege tax. Each hospital's tax must be based on the total expenditures of each hospital as a percentage of total hospital expenditures statewide.

B. Section 12-23-815 of the S.C. Code is amended to read:

Section 12-23-815. The Department of Revenue shall issue assessments for the tax provided by this article based on information provided by the Department of Public Health and the Revenue and Fiscal Affairs Office.

Environmental impact fee

SECTION 32. Section 12-28-2355(B) of the S.C. Code is amended to read:

(B) In addition to the inspection fee of one-fourth cent a gallon imposed pursuant to subsection (A), an environmental impact fee of one-half cent a gallon is imposed which must be used by the department for the purposes of carrying out the provisions of this chapter. This one-half cent a gallon environmental impact fee must be paid and collected in the same manner that the one-fourth cent a gallon inspection fee is paid and collected, except that the monies generated from these environmental impact fees must be transmitted by the Department of Revenue to the Department of Environmental Services which shall deposit the fees as provided in Section 44-2-40.

Tax exemptions

SECTION 33.A. Section 12-37-220(A)(8) of the S.C. Code is amended to read:

(8) all facilities or equipment of industrial plants which are designed for the elimination, mitigation, prevention, treatment, abatement, or control of water, air, or noise pollution, both internal and external, required by the state or federal government and used in the conduct of

their business. At the request of the Department of Revenue, the Department of Environmental Services shall investigate the property of any manufacturer or company, eligible for the exemption to determine the portion of the property that qualifies as pollution control property. Upon investigation of the property, the Department of Environmental Services shall furnish the Department of Revenue with a detailed listing of the property that qualifies as pollution control property. For equipment that serves a dual purpose of production and pollution control, the value eligible for the ad valorem exemption is the difference in cost between this equipment and equipment of similar production capacity or capability without the ability to control pollution. For the purposes of this item, twenty percent of the cost of any piece of machinery and equipment placed in service in a greige mill qualifies as internal air and noise pollution control property and is exempt from property taxes. "Greige mill" means all textile processes from opening through fabric formation before dyeing and finishing;

B. Section 12-37-220(B)(44) of the S.C. Code is amended to read:

(44) subject to the approval by resolution of the county governing body, property and improvements subject to a nonresponsible party voluntary cleanup contract for which a certificate of completion has been issued by the Department of Environmental Services pursuant to Article 7, Chapter 56, Title 44, the Brownfields Voluntary Cleanup Program, is exempt from ad valorem taxation in the same manner and to the same extent as the exemption allowed pursuant to subsection (A)(7) of this section. This exemption applies beginning with the taxable year in which the certificate of completion is issued;

Fee in lieu of tax

SECTION 34. Section 12-44-30(14) of the S.C. Code is amended to read:

(14) "Minimum investment" means an investment in the project of at least two and one-half million dollars within the investment period. If a county has an average annual unemployment rate of at least twice the state average during the last twenty-four month period based on data available on the most recent November first, the minimum investment is one million dollars. The department shall designate these reduced investment counties by December thirty-first of each year using data from the South Carolina Department of Employment and Workforce and

the United States Department of Commerce. The designations are effective for a sponsor whose fee agreement is signed in the calendar year following the county designation. For all purposes of this chapter, the minimum investment may include amounts expended by a sponsor or sponsor affiliate as a nonresponsible party in a voluntary cleanup contract on the property pursuant to Article 7, Chapter 56, Title 44, the Brownfields Voluntary Cleanup Program, if the Department of Environmental Services certifies completion of the cleanup. If the amounts under the Brownfields Voluntary Cleanup Program equal at least one million dollars, the investment threshold requirement of this chapter is deemed to have been met.

Recycling Market Development Advisory Council

SECTION 35. Section 13-1-380(E) of the S.C. Code is amended to read:

(E) The chairman shall be designated by the Secretary of Commerce and the advisory council shall select its own vice chairman. The advisory council shall adopt operating procedures and shall meet on the call of the chairman or of a majority of the members. Members shall promulgate regulations concerning meeting attendance. A majority of the members shall constitute a quorum to do business. The division shall provide the necessary staff and administrative facilities and services to the advisory council. The Department of Environmental Services shall provide technical assistance to the council at the request of the chairman or of the vice chairman, or by majority vote of the advisory council.

Authorized governmental agreements

SECTION 36. Section 13-2-10 of the S.C. Code is amended to read:

Section 13-2-10. Notwithstanding any other provision of law, the South Carolina Department of Social Services, the South Carolina Department of Public Health, the Department of Environmental Services, or any other state agency, are hereby authorized to enter into written agreements with any other state agency or interagency council, whether created by statute or executive order, to ensure that the purposes and function of comprehensive development programs can be more effectively and efficiently implemented.

Provided, however, that no agency shall commit any funds by contract unless previously appropriated by the General Assembly. Provided, that any state agency which is created by executive order, and exercising the

provisions of this section, shall contain at least four members of the legislature on its governing board, two of whom shall be selected from the membership of the Senate by the President of that body and two of whom shall be selected from the membership of the House of Representatives by the Speaker of that body.

Atomic Energy and Radiation Control Act

SECTION 37.A. Section 13-7-10(8), (11), and (12) of the S.C. Code is amended to read:

(8) "Emergency" means any condition existing outside the bounds of nuclear operating sites owned or licensed by a federal agency and any condition existing within or outside of the jurisdictional confines of a facility licensed by the Department of Environmental Services arising out of the handling or the transportation of by-product material, source material or special atomic energy materials, as hereinabove defined, and hereinafter referred to as radioactive material, which is endangering or could reasonably be expected to endanger the health and safety of the public, or to contaminate the environment.

(11) "Extended care maintenance fund" means the "escrow fund for perpetual care" that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post-closure observation period specified by the Department of Environmental Services, and for activities associated with closure of the site as provided for in Section 13-7-30(4).

(12) "Maintenance" means active maintenance activities as specified by the Department of Environmental Services including pumping and treatment of groundwater and the repair and replacement of disposal unit covers.

B. Section 13-7-20(3) of the S.C. Code is amended to read:

(3) Coordinate the atomic energy industrial development activities of the State, recognizing the regulatory authority of the Department of Environmental Services and the duties of other departments of state government.

C. Section 13-7-30(4) of the S.C. Code is amended to read:

(4) assume responsibility for extended custody and maintenance of

radioactive materials held for custodial purposes at any publicly or privately operated facility located within the State, in the event the parties operating these facilities abandon their responsibility, or when the license for the facility is ultimately transferred to an agency of the State, and whenever the federal government or any agency of the federal government has not assumed the responsibility.

In order to finance such extended custody and maintenance as the board may undertake, the board may collect fees from private or public parties holding radioactive materials for custodial purposes. These fees must be sufficient in each individual case to defray the estimated cost of the board's custodial management activities for that individual case. The fees collected for such custodial management activities shall also be sufficient to provide additional funds for the purchase of insurance which shall be purchased for the protection of the State and the general public for the period such radioactive material considering its isotope and curie content together with other factors may present a possible danger to the general public in the event of migration or dispersal of such radioactivity. All such fees, when received by the board, must be transmitted to the State Treasurer. The Treasurer must place the money in a special account, in the nature of a revolving trust fund, which may be designated "extended care maintenance fund," to be disbursed on authorization of the board. Monies in the extended care maintenance funds must be invested by the board in the manner as other state monies. However, any interest accruing as a result of investment must accrue to this extended care maintenance fund. Except as authorized in Section 48-46-40(B)(7)(b) and (D)(2), the extended care maintenance fund must be used exclusively for custodial, surveillance, and maintenance costs during the period of institutional control and during any post-closure and observation period specified by the Department of Environmental Services, and for activities associated with closure of the site. Funds from the extended care maintenance fund shall not be used for site closure activities or for custodial, surveillance, and maintenance performed during the postclosure observation period until all funds in the decommissioning trust account are exhausted.

D.Section 13-7-40(A) of the S.C. Code is amended to read:

(A) The Department of Environmental Services is designated as the agency of the State which is responsible for the control and regulation of radiation sources but, notwithstanding anything in this article, does not have the power to regulate, license, or control nuclear reactors of facilities or operations incident to them in duplication of an activity of

the federal government which has not been discontinued by agreement pursuant to Section 13-7-60.

E. Section 13-7-45(A)(1) of the S.C. Code is amended to read:

(1) The Department of Environmental Services shall promulgate regulations and establish a schedule for the collection of annual fees for the licensing, registration, and certification of users of the sources of ionizing radiation. The fees collected must be sufficient, in the judgment of the department, to protect the public health and safety and the environment and to recover the costs incurred by the department in regulating the use of ionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to the provisions of law.

F. Section 13-7-60(B) of the S.C. Code is amended to read:

(B) Any person who on the effective date of an agreement under subsection (A) of this section possesses a license issued by the federal government authorizing activities, the regulation of which is assumed by the State under such agreement, shall be deemed to possess a license issued under this article, which shall expire either ninety days after receipt from the Department of Environmental Services of a notice of expiration of such license, or upon the date of expiration specified in the federal license; whichever is earlier.

G.Section 13-7-70(1) of the S.C. Code is amended to read:

(1) The Department of Environmental Services shall adopt rules and regulations governing the transportation of radioactive materials in South Carolina which, in the judgment of the department, shall protect the public health and safety and protect the environment. Such rules and regulations shall include, but not be limited to, provisions for the use of signs designating radioactive material cargo; for the packing, marking, loading and handling of radioactive materials and the precautions necessary to determine whether the material which is offered for transport is in proper condition. Nothing in this section shall be deemed applicable to the transportation of radioactive waste which is regulated by Article 2 of this chapter.

H.Section 13-7-90 of the S.C. Code is amended to read:

Section 13-7-90. Any person who is practicing as an operator of sources of ionizing radiation on May 26, 1986, is exempt from the certification requirements promulgated by the Department of Environmental Services provided that such person applies for certification as an operator within sixty days of May 26, 1986.

South Carolina Radioactive Waste Transportation and Disposal Act

SECTION 38.A. Section 13-7-120(B) of the S.C. Code is amended to read:

(B) "Department" means the Department of Environmental Services, including personnel authorized to act on behalf of the department.

B. Section 13-7-160(B) of the S.C. Code is amended to read:

(B) Final regulations shall be promulgated by the department within one hundred twenty days from the effective date of the article and shall be subject to the procedures set forth in Chapter 23, Title 1 provided that the regulations at a minimum shall include, but not be limited to, provisions for the use of signs designating radioactive material cargo; for the packing, marking, loading and handling of radioactive materials and the precautions necessary to determine whether the material which is offered for transport is in proper condition, requiring the shippers to state the estimated date of arrival at the disposal facility, to identify the primary route within the State to give at least seventy-two hours written notice to the department prior to any transportation of radioactive waste into or within this State, and establishing a schedule of fees for permits, which fees shall be assessed annually.

In preparing its regulations, the Department of Environmental Services is authorized to distinguish as to the radioactive isotope and its curie strength so as to protect the general public.

Court fees

SECTION 39. Section 14-1-201(2) of the S.C. Code is amended to read:

(2) sixteen percent to the Department of Public Health for Emergency Medical Services - Aid to Counties, restricted.

State grand jury

SECTION 40.A. Section 14-7-1610(F) of the S.C. Code is amended to read:

(F) The General Assembly finds that there is a need to enhance the grand jury system to improve the ability of the State to detect and investigate knowing and wilful crimes which result in actual and substantial harm to the environment. These crimes include knowing and wilful offenses specified in Titles 13, 44, and 48, or any knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages including, but not limited to, the cost of remediation, are two million dollars or more, as certified by an independent environmental engineer who shall be contracted by the Department of Environmental Services.

(1) The General Assembly finds that the Department of Environmental Services possesses the expertise and knowledge to determine whether there has occurred an alleged environmental offense as defined in this article.

(2) The General Assembly finds that, because of its expertise and knowledge, the Department of Environmental Services must play a substantial role in the investigation of any such alleged environmental offense.

(3) The General Assembly finds that, while the Department of Environmental Services must not make prosecutorial decisions regarding such alleged environmental offense as defined in this article, the department must be integrally involved in the investigation of any such alleged environmental offense before and after the impaneling of a state grand jury pursuant to Section 14-7-1630.

(4) The General Assembly finds that it is in the public interest to avoid duplicative and overlapping prosecutions to the extent that the Attorney General considers possible. Therefore, the Attorney General shall consult with and advise the Environmental Protection and Enforcement Coordinating Subcommittee and cooperate with other state and federal prosecutorial authorities having jurisdiction over environmental enforcement in order to carry out the provisions of Sections 14-7-1630(A)(8) and 14-7-1630(C).

B.Section 14-7-1630(A)(12) and (C) of the S.C. Code is amended to read:

(12) a knowing and wilful crime involving actual and substantial harm to the water, ambient air, soil or land, or both soil and land. This crime includes a knowing and wilful violation of the Pollution Control Act, the Atomic Energy and Radiation Control Act, the State Underground Petroleum Environmental Response Bank Act, the State Safe Drinking Water Act, the Hazardous Waste Management Act, the Infectious Waste Management Act, the Solid Waste Policy and Management Act, the Erosion and Sediment Control Act, the South Carolina Mining Act, and the Coastal Zone Management Act, or a knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages, including, but not limited to, the cost of remediation, is two million dollars or more, as certified by an independent environmental engineer who must be contracted by the Department of Environmental Services. If the knowing and wilful crime is a violation of federal law, a conviction or an acquittal pursuant to federal law for the same act is a bar to the impaneling of a state grand jury pursuant to this section;

(C) In all investigations of crimes specified in subsection (A)(12), except in matters where the Department of Environmental Services or its officers or employees are the subjects of the investigation, the Director of the Department of Environmental Services must consult with and, after investigation, provide a formal written recommendation to the Attorney General and the Chief of the South Carolina Law Enforcement Division. The Attorney General and the Chief of the South Carolina Law Enforcement Division must consider the impaneling of a state grand jury necessary and the commissioner must sign a written recommendation before the Attorney General notifies the chief administrative judge pursuant to subsection (B).

(1) In the case of evidence brought to the attention of the Attorney General, the Chief of the South Carolina Law Enforcement Division, or the Department of Environmental Services by an employee or former employee of the alleged violating entity, there also must be separate, credible evidence of the violation in addition to the testimony or documents provided by the employee or former employee of the alleged violating entity.

(2) When an individual employee performs a criminal violation of the environmental laws that results in actual and substantial harm pursuant to subsection (A)(12) and which prompts an investigation authorized by this article, only the individual employee is subject to the investigation unless or until there is separate, credible evidence that the

individual's employer knew of, concealed, directed, or condoned the employee's action.

Probate judges

SECTION 41. Section 14-23-1150(b) of the S.C. Code is amended to read:

(b) to issue marriage licenses, in form as provided by the bureau of vital statistics of the Department of Public Health; to record, index, and dispose of copies of marriage certificates; and to issue certified copies of such licenses and certificates;

Liability exemptions, food donors

SECTION 42. Section 15-74-40 of the S.C. Code is amended to read:

Section 15-74-40. The provisions of this act shall not be deemed to in any manner restrict the authority of the Department of Agriculture to regulate or ban the use or consumption of distressed food donated, collected or received for charitable purposes but deemed unfit for human consumption, nor shall the exemption from liability provided for in this chapter in any manner affect the liability of a producer or processor of food products for defects existing in a food product prior to the time such product became "distressed food" as defined in Section 15-74-10.

HIV testing of offenders

SECTION 43. Section 16-3-740(C) and (E) of the S.C. Code is amended to read:

(C) The tests must be administered by the Department of Public Health–through the local county health department or the medical professional at the state or local detention facility where the offender is imprisoned or detained. The solicitor shall notify the following persons of the tests results:

(1) the victim or the legal guardian of a victim who is a minor or is a person with intellectual disability or mentally incapacitated;

(2) the victim's attorney;

(3) the offender and a juvenile offender's parent or guardian; and

(4) the offender's attorney.

The results of the tests shall be provided to the designated recipients

with the following disclaimer: "The tests were conducted in a medically approved manner, but tests cannot determine infection by Hepatitis B or HIV with absolute accuracy. Additionally, the testing does not determine exposure to, or infection by, other sexually transmitted diseases. Persons receiving the test results should continue to monitor their own health, seek retesting in approximately six months, and should consult a physician as appropriate."

The solicitor also shall provide to the state or local correctional facility where the offender is imprisoned or detained and the Department of Public Health the test results for HIV and Hepatitis B which indicate that the offender is infected with the disease. The state or local correctional facility where the offender is imprisoned or detained shall use this information solely for the purpose of providing medical treatment to the offender while the offender is imprisoned or detained. The State shall pay for the tests. If the offender is subsequently convicted or adjudicated delinquent, the offender or the parents of an adjudicated offender must reimburse the State for the costs of the tests unless the offender or the parents of the adjudicated offender are determined to be indigent.

If the tests given pursuant to this section indicate infection by Hepatitis B or HIV, the Department of Public Health shall be provided with all test results and must provide counseling to the offender regarding the disease, syndrome, or virus. The Department of Public Health must provide counseling for the victim, advise the victim of available medical treatment options, refer the victim to appropriate healthcare and support services, and, at the request of the victim or the legal guardian of a victim, test the victim for HIV and Hepatitis B and provide post-testing counseling to the victim.

(E) If, for any reason, the testing requested under subsection (B) has not been undertaken, upon request of the victim or the victim's legal guardian, the court shall order the offender to undergo testing for Hepatitis B and HIV following conviction or delinquency adjudication. The testing shall be administered by the Department of Public Health through the local county health department or the medical professional at the state or local detention facility where the offender is imprisoned or detained. The results shall be disclosed in accordance with the provisions of subsection (C).

State Plan for the Prevention of Trafficking in Persons

SECTION 44. Section 16-3-2050(B)(6) of the S.C. Code is amended to read:

(6) the Department of Public Health;

Tobacco prevention and game fowl breeder testing facilities

SECTION 45.A. Section 16-17-500 (F)(3) and (J)(2)(b) of the S.C. Code is amended to read:

(3) In lieu of the civil fine, the court may require a minor to successfully complete a Department of Public Health-approved smoking cessation or tobacco prevention program, a South Carolina Department of Alcohol and Other Drug Abuse Services tobacco prevention program, or to perform not more than five hours of community service for a charitable institution.

(b) a sign printed in letters and numbers at least one-half inch high that displays a toll-free number for assistance to callers in quitting smoking, as determined by the Department of Public Health.

B. Section 16-17-650(E) of the S.C. Code is amended to read:

(E) All game fowl breeders and game fowl breeder testing facilities must comply with the Department of Public Health and the State Veterinarian's regulations, policies, and procedures regarding avian influenza preparedness and testing. In the event of an avian influenza outbreak in South Carolina, all game fowl breeders and game fowl breeder testing facilities must allow the Department of Public Health and the State Veterinarian to conduct avian influenza testing of all game fowl.

Domestic violence advisory committee

SECTION 46. Section 16-25-320(A)(3) of the S.C. Code is amended to read:

(3) the Director of the South Carolina Department of Public Health, or a designee, who serves ex officio;

Marriage license

SECTION 47.A. Section 20-1-240(1) of the S.C. Code is amended to read:

(1) family planning information supplied to the issuing officials by the Department of Public Health; and

B. Sections 20-1-320 through 20-1-350 of the S.C. Code are amended to read:

Section 20-1-320. The Division of Vital Statistics of the Department of Public Health shall, for the purpose of uniformity, print and distribute necessary forms of marriage license and certificate to be used by all probate courts of this State in the issuance of marriage licenses.

Section 20-1-330. The officer issuing marriage license certificates shall issue them in triplicate, all of which shall be delivered to either of the contracting parties and the parties to whom they are delivered shall in turn deliver them to the minister or officer who performs the wedding ceremony. The minister or officer who performs the wedding ceremony shall fill them out as required by law and deliver one to the contracting parties, without additional charge, and the other two within fifteen days to the officer who issued the license certificates.

Section 20-1-340. The probate judge or clerk of court who issued any such license shall, upon the return of the two copies to him by the person who performs the wedding ceremony, record and index such certificate in a book kept for that purpose and send one copy to the Division of Vital Statistics of the Department of Public Health within fifteen days after the marriage license is returned to his offices. The judge of probate shall issue a certified copy of any such license and certificate to any person and he may charge the sum of fifty cents for so doing unless otherwise prohibited by law.

Section 20-1-350. The Department of Public Health shall properly file and index every marriage license and certificate and may provide a certified copy of any license and certificate upon application of proper parties except that upon request the Department of Social Services or its designee must be provided at no charge with a copy or certified copy of a license and certificate for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation.

South Carolina Family Respect Act

SECTION 48. Section 20-1-720(B)(4) of the S.C. Code is amended to read:

(4) the Department of Public Health to be included and mailed out with each certified birth certificate issued, as provided in Section 44-63-80;

Divorce decrees

SECTION 49. Sections 20-3-230 and 20-3-235 of the S.C. Code are amended to read:

Section 20-3-230. Whenever a divorce or annulment is decreed by a court having jurisdiction, the clerk of court shall, no later than thirty days following the filing of the final decree, send a report to the Registrar of the Division of Vital Statistics of the Department of Public Health showing such information as may be required on a certificate to be furnished by the Division of Vital Statistics of the Department of Public Health.

Section 20-3-235. A decree of divorce shall set forth the social security numbers, or the alien identification numbers assigned to resident aliens who do not have social security numbers, of the parties in the divorce. Filing the required form with the Department of Public Health complies with the requirements of this section.

First Responders Advisory Committee

SECTION 50. Section 23-1-230(A)(1)(f) of the S.C. Code is amended to read:

(f) the Director of the Emergency Medical Services Division of the Department of Public Health;

Sex offenders, places of residence

SECTION 51. Section 23-3-535(C)(4) and (5) of the S.C. Code is amended to read:

(4) resides in a jail, prison, detention facility, group home for persons under the age of twenty-one licensed by the Department of Social Services, residential treatment facility for persons under the age of twenty-one licensed by the Department of Public Health, or other holding facility, including a mental health facility;

(5) resides in a homeless shelter for no more than one year, a group home for persons under the age of twenty-one licensed by the Department of Social Services, or a residential treatment facility for persons under the age of twenty-one licensed by the Department of Public Health, and the site was purchased by the organization prior to the effective date of this act;

Vulnerable adult investigations

SECTION 52. Section 23-3-810 (B) and (F) of the S.C. Code is amended to read:

(B) In accordance with Article 1, Chapter 35, Title 43, the unit shall receive and coordinate the referral of all reports of alleged abuse, neglect, or exploitation of vulnerable adults in facilities operated or contracted for operation by the Department of Mental Health, the Department of Veterans' Affairs, or the Department of Disabilities and Special Needs. The unit shall establish a toll-free number, which must be operated twenty-four hours a day, seven days a week, to receive the reports.

(F) The South Carolina Law Enforcement Division may develop policies, procedures, and memorandum of agreement with other agencies to be used in fulfilling the requirements of this article. However, the South Carolina Law Enforcement Division must not delegate its responsibility to investigate criminal reports of alleged abuse, neglect, and exploitation to the agencies, facilities, or entities that operate or contract for the operation of the facilities. Nothing in this article precludes the Department of Mental Health, the Department of Veterans' Affairs, the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements.

Agent Orange Information and Assistance Program

SECTION 53.A. Section 25-11-70(A) of the S.C. Code is amended to read:

(A) The department shall assist the South Carolina Agent Orange Advisory Council and the Agent Orange Information and Assistance Program at the Department of Public Health in carrying out the purposes of Chapter 40, Title 44. The department shall:

(1) refer veterans to appropriate state and federal agencies or other available resources for treatment of adverse health conditions which may have resulted from possible exposure to chemical agents, including Agent Orange;

(2) assist veterans in filing compensation claims for disabilities that may have resulted from possible exposure to chemical agents, including Agent Orange;

(3) communicate the concerns of veterans related to exposure to chemical agents, including Agent Orange, to appropriate state and federal officials.

B. Section 25-11-75(B) of the S.C. Code is amended to read:

(B) Subject to the direction of the secretary, and in addition to other duties prescribed in this section, the claims representative appointed pursuant to this section may represent the department on the South Carolina Agent Orange Advisory Council and on the Hepatitis C Coalition established by the South Carolina Department of Public Health, assist the department in carrying out its duties in connection with the Agent Orange Information and Assistance program, represent the secretary in connection with functions relating to Vietnam veterans, and perform other duties as may be assigned by the secretary.

Catawba Indian Claims Settlement Act

SECTION 54. Section 27-16-90(G) of the S.C. Code is amended to read:

(G) Before the Tribe's comprehensive planning process, the South Carolina Department of Environmental Services shall consult with the Tribe about the location of future sewage treatment facilities that may serve the Primary and Secondary Expansion Zones in the manner described in the Settlement Agreement. The Tribe is responsible for the

design, construction, operation, and maintenance of its own sewage collection system and for the cost of constructing an extension line and tap to the transmission line. The Tribe also is subject to fees for use of the treatment system and transmission line and subject to all regulations imposed on users of the system. The Department of Environmental Services shall endeavor to ensure that the fees, charges, and rules are the same as those applied to municipal users of the system. If the Tribe is required to construct an extension line to connect with a transmission line, the Tribe may charge non-Reservation users along the extension line reasonable tap and user fees.

Horizontal Property Act

SECTION 55. Section 27-31-100(f) of the S.C. Code is amended to read:

(f) A description of the full legal rights and obligations, both currently existing and which may occur, of the apartment owner, the co-owners, and the person establishing the regime. The master deed of any horizontal property regime developed under the provisions of this chapter that contains any submerged land shall contain a notice of restriction stating that all activities on or over and all uses of the submerged land or other critical areas are subject to the jurisdiction of the Department of Environmental Services, including, but not limited to, the requirement that any activity or use must be authorized by the Department of Environmental Services. The notice shall further state that any owner is liable to the extent of his ownership for any damages to, any inappropriate or unpermitted uses of, and any duties or responsibilities concerning any submerged land, coastal waters, or any other critical area.

Family Privacy Protection Act

SECTION 56. Section 30-2-30(4) of the S.C. Code is amended to read:

(4) “Medical information” includes, but is not limited to, blood samples and test results obtained and kept by the Department of Public Health pursuant to Section 44-37-30.

Personal identifying information

SECTION 57. Section 30-2-320(4) of the S.C. Code is amended to read:

(4) on certified copies of vital records issued by the Director of the Department of Public Health as the state registrar, pursuant to Section 44-63-30 and authorized officials pursuant to Section 44-63-40. The state registrar may disclose personal identifying information other than social security number on an uncertified vital record;

State Housing Finance and Development Authority

SECTION 58. Section 31-13-30 of the S.C. Code is amended to read:

Section 31-13-30. The Governor shall appoint, with the advice and consent of the Senate, seven persons to be commissioners of the South Carolina State Housing Finance and Development Authority. The seven persons so appointed shall have experience in the fields of mortgage finance, banking, real estate, and home building. The Governor shall appoint a chairman from among the seven commissioners.

The commissioners must be appointed for terms of four years, except that all vacancies must be filled for the unexpired term. A commissioner shall hold office until his successor has been appointed and qualifies. A certificate of the appointment or reappointment of any commissioner must be filed in the office of the Secretary of State and in the office of the Authority, and the certificate is conclusive evidence of the due and proper appointment of the commissioner. The Governor or his designee and the Director of the Department of Public Health or his designee from administrative staff shall serve ex officio as commissioners of the Authority with the same powers as the other commissioners.

Cremation

SECTION 59. Section 32-8-305(17) of the S.C. Code is amended to read:

(17) “Department” means the South Carolina Department of Public Health.

Public service districts

SECTION 60. Section 33-36-1315(A) of the S.C. Code is amended to read:

(A) Corporations not-for-profit incorporated for the purposes of providing water service which, pursuant to the provisions of this chapter, serve a population of at least twenty thousand persons as shown in the most recent sanitary survey of the South Carolina Department of Environmental Services, and provide water service in two or more counties within the State, may determine, by resolution adopted by the board of directors of the corporation and subject to the additional conditions provided in this section, to become a public service district, a public body politic and corporate. The resolution shall make findings as to: (1) whether the corporation owns assets, including, but not limited to, reserves, that are not reasonably required to continue its operations following its conversion to a public service district and, if so, the amount of the assets; and (2) whether the assets of the corporation have appreciated in value over their original cost and, if so, the amount of the value appreciation. The procedures provided in this section are valid, complete, and sufficient to effect the conversion notwithstanding any contrary provisions of law or the corporation's organizational documents or bylaws.

Continuing care retirement communities

SECTION 61.A. Section 37-11-20(2) of the S.C. Code is amended to read:

(2) "Continuing care retirement community" means a community in which there is furnished, pursuant to a continuing care contract, to two or more persons not related to the administrator or owner of the facility within the third degree of consanguinity, board or lodging together with nursing, medical, or other health-related services, regardless of whether the services or lodging are provided at the same location or not. It does not include an institution operating solely as a nursing home or community residential care facility licensed by the South Carolina Department of Public Health.

B. Section 37-11-50(B)(4) of the S.C. Code is amended to read:

(4) the operator has complied with all requirements of the Department

of Public Health concerning the furnishing of nursing, medical, or other health-related services.

Insurance premium taxes

SECTION 62. Section 38-7-20(B)(3) of the S.C. Code is amended to read:

(3) one quarter of one percent must be transferred to the aid to emergency medical services regional councils within the Department of Public Health and used for grants to fund emergency medical technician and paramedic training; and

Insurance fraud

SECTION 63. Section 38-55-530(A) of the S.C. Code is amended to read:

(A) "Authorized agency" means any duly constituted criminal investigative department or agency of the United States or of this State; the Department of Insurance; the Department of Revenue; the Department of Public Safety; the Department of Motor Vehicles; the Workers' Compensation Commission; the State Accident Fund; the Second Injury Fund; the Department of Employment and Workforce; the Department of Consumer Affairs; the Human Affairs Commission; the Department of Public Health; the Department of Environmental Services; the Department of Social Services; the Department of Health and Human Services; the Department of Labor, Licensing and Regulation; all other state boards, commissions, and agencies; the Office of the Attorney General of South Carolina; or the prosecuting attorney of any judicial circuit, county, municipality, or political subdivision of this State or of the United States, and their respective employees or personnel acting in their official capacity.

Utilization reviews

SECTION 64. Section 38-70-60 of the S.C. Code is amended to read:

Section 38-70-60. The department, after consultation with payers, providers, utilization review agents, the Department of Public Health and other interested parties, shall promulgate regulations to implement and enforce the requirements of this chapter in accordance with the State

Administrative Procedures Act.

Health insurance

SECTION 65.A. Section 38-71-46(B) of the S.C. Code is amended to read:

(B) Services and payment for diabetes education programs shall conform to regulations of the Health Care Financing Administration, U.S. Department of Health and Human Services, pursuant to Section 4105 of the Balanced Budget Act of 1997. Diabetes outpatient self-management training and education shall be provided by a registered or licensed healthcare professional with certification in diabetes by the National Certification Board of Diabetes Educators, or other accredited program approved by the Diabetes Initiative of South Carolina, or by the Diabetes Control Program of the South Carolina Department of Public Health in order to meet the needs of rural communities wherein certified healthcare professionals providing this service are not available.

B. Section 38-71-145(E)(1) of the S.C. Code is amended to read:

(1) "Mammogram" means a radiological examination of the breast for purposes of detecting breast cancer when performed as a result of a physician referral or by a health testing service which utilizes radiological equipment approved by the Department of Environmental Services, which examination may be made with the following minimum frequency:

(a) once as a baseline mammogram for a female who is at least thirty-five years of age but less than forty years of age;

(b) once every two years for a female who is at least forty years of age but less than fifty years of age;

(c) once a year for a female who is at least fifty years of age; or

(d) in accordance with the most recent published guidelines of the American Cancer Society.

Emergency medical care

SECTION 66. Section 38-71-1520(3) of the S.C. Code is amended to read:

(3) "Emergency medical provider" means hospitals licensed by the

South Carolina Department of Public Health, hospital-based services, physicians licensed by the State Board of Medical Examiners, and oral surgeons and dentists licensed by the State Board of Dentistry who provide emergency medical care.

Insured service contracts, exceptions

SECTION 67. Section 38-78-10(B)(4) of the S.C. Code is amended to read:

(4) warranties, service contracts, or maintenance agreements offered by public utilities on their transmission devices to the extent they are regulated by the Public Service Commission or the Department of Environmental Services;

Drugs and devices

SECTION 68.A. Section 39-23-20(a) of the S.C. Code is amended to read:

(a) The "Director of the Department of Public Health" means the Director of Public Health or his designated agent.

B. Section 39-23-30(b) of the S.C. Code is amended to read:

(b) If it purports or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from or its quality or purity falls below the standard set forth in such compendium. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, except that whenever tests or methods of assay have not been prescribed in such compendium, or those prescribed under authority of the Federal act, or such tests or methods of assay as are prescribed are, in the judgment of the Director of the Department of Public Health, insufficient for the making of such determination, the director shall bring such fact to the attention of the appropriate body charged with the revision of such compendium, and if such body fails within a reasonable time to prescribe tests or methods of assay, which, in the judgment of the director, are sufficient for purposes of this paragraph, then the director shall promulgate regulations prescribing appropriate tests or methods of assay in accordance with which such determination as to strength, quality, or purity shall be made. No drug

defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standards is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

C.Section 39-23-40(b), (c), (d), (e), (f), (g), and (h) of the S.C. Code is amended to read:

(b) If in a package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that reasonable variations shall be permitted under regulations issued by the Director of the Department of Public Health or issued under the Federal act. Provided, further, that in the case of any drug subject to Section 39-23-50(b)(1), the label shall contain the name and place of business of the manufacturer of the finished dosage form and, if different, the name and place of business of the packer or distributor. For the purpose of this paragraph, the finished dosage form of a drug is that form of the drug which is, or is intended to be, dispensed or administered to the ultimate user upon prescription or as otherwise dispensed by the pharmacist.

(c) If any word, statement, or other information required by or under the authority of this chapter or the Federal Food, Drug, and Cosmetic Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphonmethane, or any chemical derivative of such substance, which derivative, after investigation, has been found to be, and designated as, habit forming, by regulations issued by the Director of the Department of Public Health

under this chapter, or by regulations issued pursuant to Section 502(d) of the Federal act, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning - May be habit forming."

(e)(1) If it is a drug, unless (A) its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula), (i) the established name (as defined in subparagraph (2)) of the drug, if such there be, and (ii) in case it is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein; provided, that the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this paragraph, shall apply only to prescription drugs; and (B) for any prescription drug the established name of such drug or ingredient, as the case may be, on such label (and on any labeling on which a name for such drug or ingredient is used) is printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient; and provided, that to the extent that compliance with the requirements of clause (A)(ii) or clause (B) of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Director of the Department of Public Health or under the Federal act.

(2) As used in this paragraph (e), the term "established name," with respect to a drug or ingredient thereof, means (A) the applicable official name designated pursuant to Section 508 of the Federal Food, Drug, and Cosmetic Act as amended, or (B) if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium, or (C) if neither clause (A) nor clause (B) of this subparagraph applies, then the common or usual name, if any, of such drug or of such ingredient; provided, further, that where clause (B) of this paragraph applies to an article recognized in the United States Pharmacopoeia and in the Homeopathic Pharmacopoeia under different official titles, the official title used in the United States Pharmacopoeia shall apply unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homeopathic Pharmacopoeia shall apply.

(f) Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; provided, that where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Director of the Department of Public Health shall promulgate regulations exempting such drug or device from such requirement; provided, further, that articles exempted under regulations issued under Section 502(f) of the Federal act shall also be exempt.

(g) If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein; provided, that the method of packing may be modified with the consent of the Director of the Department of Public Health or if consent is obtained under the Federal act. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging, and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia; provided, further, that, in the event of inconsistency between the requirements of this paragraph and those of paragraph (e) as to the name by which the drug or its ingredients shall be designated, the requirements of paragraph (e) shall prevail.

(h) If it has been found by the Director of the Department of Public Health or under the Federal act to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Director of the Department of Public Health or under the Federal act shall by regulations require as necessary for the protection of the public health. No such regulation shall be established for any drug recognized in an official compendium until the Director of the Department of Public Health shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

D.Section 39-23-50(a) of the S.C. Code is amended to read:

(a) The Director of the Department of Public Health is hereby directed to promulgate regulations exempting from any labeling or packaging

requirement of this chapter drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded, under the provisions of this chapter upon removal from such processing, labeling, or repacking establishment.

E. Section 39-23-50(b)(3) of the S.C. Code is amended to read:

(3) The Director of the Department of Public Health may by regulation remove drugs subject to Section 39-23-40(d) and Section 39-23-70 from the requirements of paragraph (1) of this subsection when such requirements are not necessary for the protection of the public health. Drugs removed from the prescription requirements of the Federal act by regulations issued thereunder may also by regulations issued by the Director of the Department of Public Health, be removed from the requirements of paragraph (1) of this subsection.

F. Section 39-23-60 of the S.C. Code is amended to read:

Section 39-23-60. In accordance with Federal standards, the Director of the Department of Public Health shall promulgate regulations providing for the listing of coal-tar colors which are harmless and suitable for use in drugs for purposes of coloring only and for the certification of batches of such colors, with or without harmless dilutents.

G.Section 39-23-70(b), (c), (d), (e), (f), (g), (h), and (i) of the S.C. Code is amended to read:

(b) Any person may file with the Director of the Department of Public Health an application with respect to any drug subject to the provisions of subsection (a). Such persons shall submit to the Director of the Department of Public Health as a part of the application (1) full reports of investigations which have been made to show whether or not such drug is safe for use; (2) a full list of the articles used as components of such drug; (3) a full statement of the composition of such drug; (4) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug; (5) such samples of such drug and of the articles used as components thereof as the Director of the Department of Public Health may require; and (6) specimens of the labeling proposed to be used for such drug.

(c) An application provided for in subsection (b) shall become effective on the one hundred eightieth day after the filing thereof, except that if the Director of the Department of Public Health finds, after due notice to the applicant and giving him an opportunity for a hearing, (1), that the drug is not safe or not effective for use under the conditions prescribed, recommended or suggested in the proposed labeling thereof; or (2) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drugs are inadequate to preserve its identity, strength, quality, and purity; or (3) based on a fair evaluation of all material facts, such labeling is false or misleading in any particular; the director shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

(d) If the Director of the Department of Public Health finds, after due notice to the applicant and giving the applicant an opportunity for a hearing, that (1) the investigations, reports of which are required to be submitted to the director pursuant to subsection (b), do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof; (2) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions; (3) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; or (4) upon the basis of the information submitted to the director as part of the application or upon the basis of any other information before the director with respect to such drug, the director has insufficient information to determine whether such drug is safe for use under such conditions, the director shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

(e) The effectiveness of an application with respect to any drug shall, after due notice and opportunity for hearing to the applicant, by order of the Director of the Department of Public Health be suspended if the director finds (1) that clinical experience, tests by new methods, or tests by methods not deemed reasonably applicable when such application became effective show that such drug is unsafe for use under conditions of use upon the basis of which the application became effective, or (2) that the application contains any untrue statement of a material fact. The order shall state the findings upon which it is based.

(f) An order refusing to permit an application with respect to any drug to become effective shall be revoked whenever the Director of the

Department of Public Health finds that the facts so require.

(g) Orders of the Director of the Department of Public Health issued under this section shall be served (1) in person by an officer or employee of the Department of Public Health designated by the director or (2) by mailing the order by registered mail addressed to the applicant or respondent at his last known address in the records of the director.

(h) An appeal may be taken by the applicant from an order of the Director of the Department of Public Health refusing to permit the application to become effective, or suspending the effectiveness of the application. Such appeal shall be taken by filing in the circuit court within any circuit wherein such applicant resides or has his principal place of business, within sixty days after the entry of such order, a written petition praying that the order of the director be set aside. A copy of such petition shall be forthwith served upon the director or upon any officer designated by him for that purpose, and thereupon the director shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm or set aside such order. No objection to the order of the director shall be considered by the court unless such objection shall have been argued before the director or unless there were reasonable grounds for failure so to do. The findings of the director as to the facts, if supported by substantial evidence, shall be conclusive. If any person shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the director, the court may order such additional evidence to be taken before the director and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The director may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified findings which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the setting aside of the original order. The judgment and decree of the court affirming or setting aside any such order of the director shall be final, subject to review as provided by statute. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court to the contrary, operate as a stay of the director's orders.

(i) The Director of the Department of Public Health shall promulgate regulations for exempting from the operation of this section drugs intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs.

H.Section 39-23-100(a), (b), (c), and (d) of the S.C. Code is amended to read:

(a) Any drug or device that is adulterated or misbranded when introduced into or while in intrastate commerce or while held for sale (whether or not the first sale) after shipment in intrastate commerce, or which may not, under the provisions of Section 39-23-50, be introduced into intrastate commerce, shall be liable to be proceeded against while in intrastate commerce or at any time thereafter, on libel of information and condemned in any circuit court of the State within the jurisdiction of which the article is found; provided, however, that no libel for condemnation shall be instituted under this chapter, for any alleged misbranding if there is pending in any court a libel for condemnation proceeding under this chapter based upon the same alleged misbranding, and not more than one such proceeding shall be instituted if no such proceeding is so pending, except that such limitations shall not apply (1) when such misbranding has been the basis of a prior judgment in favor of the State, in a criminal injunction, or libel for condemnation proceeding under this chapter, or (2) when the Director of the Department of Public Health has probable cause to believe from facts found, without hearings, by him or any officer or employee of the Department of Public Health that the misbranding is dangerous to health, or that the labeling of the misbranded article is fraudulent, or would be in a material respect misleading to injury or damage of the purchaser or consumer. In any case where the number of libel for condemnation proceedings is limited as above provided the proceeding pending or instituted shall, on application of the claimant, reasonably made, be removed for trial to any circuit agreed upon by stipulation between the parties, or, in case of failure to so stipulate within a reasonable time, the claimant may apply to the court of the circuit in which the seizure has been made, and such court (after giving the Attorney General or other attorney for the Department of Public Health reasonable notice and opportunity to be heard), shall by order, unless good cause to the contrary is shown, specify a circuit of reasonable proximity to the claimant’s principal place of business to which the case shall be removed for trial.

(b) The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this section, involving the same claimant and the same issues of adulteration or

misbranding, are pending in two or more jurisdictions, such pending proceedings, upon application of the claimant reasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (1) any circuit selected by the claimant where one of such proceedings is pending; or (2) a circuit agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the claimant may apply to the court of one such jurisdiction, and such court (after giving the Attorney General or other attorney for the Department of Public Health reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a circuit of reasonable proximity to the claimant's principal place of business, in which all pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

(c) The court at any time after seizure up to a reasonable time before trial shall by order allow any party to a condemnation proceeding, his attorney or agent, to obtain a representative sample of the article seized.

(d) Any drug or device condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the State of South Carolina; but such article shall not be sold under such decree contrary to the provisions of this chapter or the laws of the jurisdiction in which sold; provided, that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this chapter or the laws of any state or territory in which sold, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this chapter under the supervision of an officer or employee duly designated by the Director of the Department of Public Health, and the expenses of such supervision shall be paid by the person obtaining release of the article under bond. Any article condemned by reason of its being an article which may not, under Section 39-23-70, be introduced into intrastate commerce, shall be disposed of by destruction.

I. Sections 39-23-110 through 39-23-130 of the S.C. Code are amended to read:

Section 39-23-110. Before any violation of this chapter is reported by the Director of the Department of Public Health to the Attorney General for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

Section 39-23-120. Nothing in this chapter shall be construed as requiring the Director of the Department of Public Health to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

Section 39-23-130. The Director of the Department of Public Health may, upon service of written notice, embargo any drug, device, or other substance for a period not to exceed fifteen days if such drug, device, or substance is suspected of being adulterated or misbranded, the purpose of such embargo being to prevent the removal of such drug, device, or substance from the jurisdiction of the Director of the Department of Public Health until an investigation of such suspected adulteration or misbranding may be conducted.

Barbers

SECTION 69.A. Section 40-7-60 of the S.C. Code is amended to read:

Section 40-7-60. The board may adopt rules governing its proceedings as provided for in Section 40-1-60 and shall adopt a seal for the authentication of its orders and records. The board may promulgate regulations necessary to carry out the provisions of this chapter including, but not limited to, regulations for the sanitary management of barbershops and barber schools which must be approved by the Department of Public Health and which must be furnished by the board to the owner or manager of each barbershop or barber school in the State.

B.Section 40-7-230(A)(2) and (B)(2) of the S.C. Code is amended to read:

(2) has passed a physical examination prescribed by the Department of Public Health;

(2) has passed a physical examination prescribed by the Department of Public Health;

Fire sprinkler systems

SECTION 70. Section 40-10-230(5) and (7) of the S.C. Code is amended to read:

(5) an individual or entity who is certified by and has successfully passed the Department of Environmental Services (DES) approved backflow prevention assembly training seminar and who holds a current Tester Certification Certificate to test backflow prevention assemblies. The backflow test must be conducted in accordance with applicable NFPA Standards. DES's certified tester assumes full responsibility and liability when testing the backflow prevention assembly; the appropriate people must be notified including, but not limited to, the fire department, fire marshal, customer/owner, building official, or insurance company, when the backflow prevention assembly is shut down for testing; if repairs to the backflow prevention assembly are necessary, any such repair must be made by a DES certified backflow prevention assembly tester;

(7) an individual who installs, repairs, trouble shoots, provides diagnostic analysis, or provides services in any manner to a backflow prevention assembly if the individual has current certification from the Department of Environmental Services approved backflow assembly prevention training seminar and has completed some level of educational training or certification with backflow prevention assembly.

Cosmetologists

SECTION 71.A. Section 40-13-60 of the S.C. Code is amended to read:

Section 40-13-60. The board may adopt rules governing its proceedings and may promulgate regulations necessary to carry out the provisions of this chapter. Regulations relating to the sanitary

management of salons and schools must not be promulgated until approved by the Department of Public Health.

B. Section 40-13-110(A)(7) of the S.C. Code is amended to read:

(7) wilfully and continuously violated the reasonable regulations adopted by the board and approved by the Department of Public Health for the sanitary management and operation of salons and schools;

Dentistry

SECTION 72.A. Section 40-15-85(6) of the S.C. Code is amended to read:

(6) "General supervision" means that a licensed dentist or the South Carolina Department of Public Health's dentist has authorized the procedures to be performed but does not require that a dentist be present when the procedures are performed.

B. Section 40-15-102(D) and (E) of the S.C. Code is amended to read:

(D) A dentist authorizing treatment by a dental hygienist in school settings or nursing home settings is subject to the general supervision restrictions provided for in this section unless the dentist or dental hygienist is working in a public health setting with the Department of Public Health, as provided for in Section 40-15-110.

(E) A dentist billing for services for treatment provided by a dental hygienist in a public health setting with the Department of Public Health as provided for in Section 40-15-110, is the provider of services and is clinically responsible for the care and treatment of the patient.

C. Section 40-15-110(A)(10), (E), (F), and (G) of the S.C. Code is amended to read:

(10) a licensed dental hygienist employed within or contracted through the public health system from providing education and primary preventive care that is reversible. Primary preventive care and education are defined as promotion and protection of health to avoid the occurrence of disease through community, school, and individual measures or improvements in lifestyle. These services are to be performed under the direction of the Department of Public Health State Dental Coordinator or the department's designee but do not require that the director or a

licensed dentist be present when any public health dental program services are provided. Public health dental program services include oral screenings using a Department of Public Health approved screening system, oral prophylaxis, application of topical fluoride including varnish, and the application of dental sealants.

(E) The Department of Public Health shall target services in a public health setting to underserved populations. A public health setting is defined as a hospital, nursing home, long-term care facility, rural or community health clinic, health facility operated by federal, state, county, or local governments, hospice, an educational institution, a bona fide charitable institution, or a mobile delivery program operated in one of these settings under the direction of the Department of Public Health. Mobile delivery programs are defined as those that are not confined to a single building and can be transported from place to place.

(F) Dental assistants may perform oral screenings utilizing the Department of Public Health approved screening system in school and public health settings under direction of the Department of Public Health public health dental program.

(G) Dental assistants employed within or contracted through the public health system may assist in the delivery of public health dental program services as defined in this section. Program activities are performed under the direction of the Department of Public Health State Dental Coordinator or the department's designee but do not require that the coordinator be present when services are performed.

Environmental Certification Board

SECTION 73.A. Section 40-23-10(A) of the S.C. Code is amended to read:

(A) There is created the South Carolina Environmental Certification Board composed of nine members appointed by the Governor. Of the nine members, one must be a licensed public water treatment operator and one must be a licensed public water distribution system operator; two must be licensed wastewater operators, one of whom must be certified in the physical chemical specialty; one must be a licensed well driller; one must be a member of the public at large; one must be a representative from the Land, Water, and Conservation Division of the Department of Natural Resources; one must be a member of the Department of Environmental Services, designated by the Director of the Department of Environmental Services; and one must be a

representative from a technical education or other higher education institution actively involved in operator training.

B. Section 40-23-20(20)(c)(ii) and (iii) of the S.C. Code is amended to read:

(ii) the Department of Environmental Services determines that alternative water sources to achieve the equivalent level of public health protection provided by the applicable State Primary Drinking Water Regulations is provided for residential or similar uses for drinking or cooking; or

(iii) the Department of Environmental Services determines the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level or protection provided by the applicable State Primary Drinking Water Regulations.

C. Section 40-23-110(A)(15) of the S.C. Code is amended to read:

(15) has failed to timely abate or remediate deficient or substandard work after receiving notice of deficient or substandard work from regulating authorities including, but not limited to, the board, the department, or the Department of Environmental Services;

D. Section 40-23-280(C) of the S.C. Code is amended to read:

(C) After a hearing the board may initiate claims on the bond of any licensee for the cost of remediation or abatement of deficiencies or losses found to be the responsibility of the licensee. Claims are limited to actual damages and may not include attorney's fees or consequential or punitive damages. Claims may also be initiated upon the bond by the Department of Environmental Services for remediation of deficiencies or losses determined, in accordance with that agency's procedures, to be the responsibility of a licensee.

E. Section 40-23-300(A) of the S.C. Code is amended to read:

(A) A person employed as an operator of a public water treatment facility must hold a water treatment operator license issued by the board in the certification class required by this section. The required certification class must be determined based upon the treatment group of

the public water system treatment facility where the operator is employed, as established by the Department of Environmental Services pursuant to Section 44-55-40(K). The certification class required for each treatment group is as follows:

(1) Group I treatment facilities require operators with at least a Class “E” certification.

(2) Group II treatment facilities require operators with at least a Class “D” certification.

(3) Group III treatment facilities require operators with at least a Class “C” certification.

(4) Group IV treatment facilities require operators with at least a Class “C” certification.

(5) Group V treatment facilities require operators with at least a Class “B” certification.

(6) Group VI treatment facilities require operators with at least a Class “A” certification.

F. Section 40-23-305 of the S.C. Code is amended to read:

Section 40-23-305. A person employed as an operator of a public wastewater treatment plant must hold a wastewater treatment operator license issued by the board in the certification class required by this section and the regulations of the board. The required certification class must be determined by the treatment group of the public wastewater treatment plant where the operator is employed, as established by the Department of Environmental Services pursuant to Section 48-1-110. The board shall establish in regulations the certification class required for each treatment group of public wastewater treatment plants defined in Section 40-23-20.

G.Section 40-23-310(A) of the S.C. Code is amended to read:

(A) A person employed as an operator of a public water distribution system facility must hold a water distribution system operator license issued by the board in the certification class as required by this section. The required certification class must be determined based upon the distribution group of the public water distribution system facility where the operator is employed, as established by the Department of Environmental Services pursuant to Section 44-55-40(L). The certification class required for each distribution group is as follows:

(1) Group I distribution facilities do not require a certified operator.

(2) Group II distribution facilities require operators with at least a

Class “D” certification.

(3) Group III distribution facilities require operators with at least a Class “C” certification.

(4) Group IV distribution facilities require operators with at least a Class “B” certification.

(5) Group V distribution facilities require operators with at least a Class “A” certification.

Practice of specializing in hearing aids

SECTION 74.A. Section 40-25-20(1) of the S.C. Code is amended to read:

(1) “Department” means the Department of Public Health.

B. Section 40-25-170 of the S.C. Code is amended to read:

Section 40-25-170. The final order of the department in proceedings for the suspension or revocation of certificates of registration are subject to appeal pursuant to Section 44-1-60 and applicable law.

Nurses

SECTION 75.A. Section 40-33-20(62)(a) of the S.C. Code is amended to read:

(a) persons receiving Medicaid, Medicare, Department of Public Health healthcare, or free clinic care;

B. Section 40-33-30(D)(7) and (E) of the S.C. Code is amended to read:

(7) care given to maternity patients, in the performance of their duties by licensed midwives trained and supervised under the authority of the South Carolina Department of Public Health, so long as these midwives confine care to maternity patients only and do not claim to be licensed nurses or certified nurse-midwives;

(E) The South Carolina Department of Public Health may establish policies that authorize licensed registered nurses to provide healthcare under the direction of a physician licensed to practice medicine in this State and under the guidance of a registered pharmacist including, but

not limited to, the dispensing of drugs for the treatment of tuberculosis and sexually transmitted diseases, HIV/AIDS, maternal and child care, children with special healthcare needs, family planning, immunizations, and any other public health program. The original diagnosis and treatment as prescribed by the physician must be maintained on the individual patient's records. The provisions of this chapter must not be construed to require the employment of registered pharmacists at local health clinics for the guidance of registered nurses in the dispensing of drugs in accordance with these provisions.

Long-Term healthcare administrators

SECTION 76.A. Section 40-35-10(A)(5) of the S.C. Code is amended to read:

(5) one must be a voting member of the Long-Term Care Committee of the Health and Human Services Coordinating Council who must be nominated by election of the committee from among its voting members. If the Governor does not accept the nomination, an additional nominee must be selected in the same manner.

The Director of the Department of Public Health, or his designee, also shall serve as a nonvoting member on the board, ex officio.

An individual, group, or association may submit the names of qualified individuals to the Governor for his consideration in making these appointments.

A vacancy must be filled in the manner of the original appointment for the unexpired portion of the term. A member may not serve more than two consecutive full terms.

B. Section 40-35-20(3), (7), and (8) of the S.C. Code is amended to read:

(3) "Community residential care facility" or "CRCF" means a facility defined for licensing purposes under law or pursuant to regulations for community residential care facilities by the Department of Public Health, whether proprietary or nonprofit.

(7) "Habilitation center for persons with intellectual disability or persons with related conditions" means a facility which is licensed by the Department of Public Health and that serves four or more persons with intellectual disability or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room,

board, and active treatment for their intellectual disability or related conditions.

(8) "Nursing home" means an institution or facility defined for licensing purposes under law or pursuant to regulations for nursing homes promulgated by the Department of Public Health, whether proprietary or nonprofit including, but not limited to, nursing homes owned or administered by the State or a political subdivision of the State. The term does not include habilitation centers for persons with intellectual disability or persons with related conditions.

Pharmacy Practice Act

SECTION 77.A. Section 40-43-72(A)(1) of the S.C. Code is amended to read:

(1) "Narcotic treatment program" or "NTP" means a program licensed by the Department of Public Health that dispenses and administers methadone or other narcotic treatment medications.

B. Section 40-43-83(K) of the S.C. Code is amended to read:

(K) The Department of Public Health is exempt from the provisions of this section that require facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy and from the provisions of this section that require each pharmacy to have a pharmacist-in-charge; however, each health district in this State must have a permit to distribute or dispense prescription drugs.

C. Section 40-43-86(C)(4) of the S.C. Code is amended to read:

(4) Emergency medical services licensed by the Department of Public Health are exempt from permit fees and the provisions of this section requiring a consultant pharmacist to perform the duties set forth in this chapter at the permit holder's location, and the medical director or a consultant pharmacist may perform the duties of the consultant pharmacist pursuant to this chapter.

D. Section 40-43-86(FF) of the S.C. Code is amended to read:

(FF) The Department of Public Health and is exempt from the provisions of this section that prohibit a pharmacist from serving as a pharmacist-in-charge unless he is physically present in the pharmacy and

that prohibits a pharmacist from serving as a pharmacist-in-charge for more than one pharmacy at a time, so that one pharmacist-in-charge may be designated by the department to serve more than one health district.

E. Section 40-43-87(B) of the S.C. Code is amended to read:

(B) Revocation of the radioactive materials license from the Department of Environmental Services voids the pharmacy permit immediately and the permit must be returned to the board within ten days.

F. Section 40-43-190(B)(2)(d) of the S.C. Code is amended to read:

(d) report administration of all vaccinations to the South Carolina Immunization Registry in compliance with regulations established by the Department of Public Health as the department may require; provided, however, that the phase-in schedule provided in Regulation 60-120 for reporting vaccinations does not apply to vaccinations administered pursuant to this section;

G.Section 40-43-195(B)(3) and (F)(2) of the S.C. Code is amended to read:

(3) To the extent that a central fill pharmacy dispenses controlled substances, the central fill pharmacy must obtain a registration from the Department of Public Health, Bureau of Drug Control. Controlled substance prescriptions filled by a central fill pharmacy must comply with both state and federal statutes and regulations.

(2) Other responsibilities regarding proper handling of a prescription and delivery to a patient or a patient's agent pursuant to this chapter and the Department of Public Health, controlled substances laws and regulations.

H.Section 40-43-200(A) of the S.C. Code is amended to read:

(A) There is created a Joint Pharmacist Administered Vaccines Committee as a committee to the Board of Medical Examiners which consists of seven members. The committee is comprised of two physicians selected by the Board of Medical Examiners, two pharmacists selected by the Board of Pharmacy, and two advanced practice nurse practitioners selected by the Board of Nursing. One member of the

Department of Public Health designated by the director of the department also shall serve on the committee. Members of the committee may not be compensated for their service on the board and may not receive mileage, per diem, and subsistence as otherwise authorized by law for members of state boards, committees, and commissions.

Physical therapists

SECTION 78. Section 40-45-300(B) of the S.C. Code is amended to read:

(B) A physical therapist assistant shall function under the supervision of a licensed physical therapist. A person licensed under this chapter as a physical therapist assistant shall perform duties only after the initial evaluation of the patient is conducted by a licensed physical therapist. A patient plan of care may not be altered without the prior written, dated, and signed approval of a licensed physical therapist. A patient must be reevaluated and the plan of care must be reapproved by a physical therapist licensed in this State every eighth treatment day or every sixty calendar days, whichever comes first. The board may establish in regulation the number of physical therapist assistants a physical therapist may concurrently supervise except in hospitals licensed by the Department of Public Health which may determine their own staffing ratios.

Physicians

SECTION 79.A. Section 40-47-31(A) and (E) of the S.C. Code is amended to read:

(A) Limited licenses may be issued for postgraduate medical residency training or for employment with a state agency, as approved by the board. A limited license entitles the licensee to apply for individual controlled substance registration through the Department of Public Health. Each limited license is valid for one year or part of one year. Renewal may be considered upon approval of the board. A special limited license also may be issued to a physician licensed in another state for up to fourteen days not more than four times a year in order to authorize practice under supervision for training involving direct patient care or to explore potential employment relationships.

(E) A new application for a limited license for employment with a

state agency may not be authorized after January 1, 2001. A current holder of a limited license for employment with a state agency may renew his or her limited license if no change of agency has occurred. A change in agency may be approved upon presentation to the board of a copy of a contract in which the limited license holder has been offered a position within the South Carolina Department of Corrections, the South Carolina Department of Public Health, the South Carolina Department of Mental Health, or the South Carolina Department of Disabilities and Special Needs.

B. Section 40-47-32(E) of the S.C. Code is amended to read:

(E) The additional examination required pursuant to subsection (D) must be waived if the applicant is to practice in a position within the South Carolina Department of Corrections, the South Carolina Department of Public Health, the South Carolina Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation. A license issued pursuant to this waiver is immediately invalid if the individual leaves that position or acts outside the scope of employment within the department. A change in agency may be approved upon presentation to the board of a copy of a contract in which the individual has been offered a position within the South Carolina Department of Corrections, the South Carolina Department of Public Health, the South Carolina Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation.

C. Section 40-47-34(A) of the S.C. Code is amended to read:

(A) The board shall waive all application fees, examination fees, and annual reregistration fees for an applicant who applies for a special volunteer license and who otherwise meets permanent licensure requirements if the applicant documents, to the satisfaction of the board, that practice is to be exclusively and totally devoted to providing medical care to the needy and indigent in this State. To be eligible for the waiver of these fees, an applicant shall acknowledge that there is no expectation of payment or compensation for any medical services rendered, or compensation or payment to the applicant, either direct or indirect, monetary or in-kind, for the provision of medical services. A special volunteer license entitles the licensee to apply for individual controlled

substance registration through the Department of Public Health.

Environmental sanitarians

SECTION 80. Section 40-61-20 of the S.C. Code is amended to read:

Section 40-61-20. There is created the South Carolina State Board of Examiners for Registered Environmental Sanitarians composed of six members appointed by the Governor, one of whom is the Director of the Department of Environmental Services or his designee, three environmental sanitarians who are qualified by education and experience to be registered environmental sanitarians, and two public members who are not environmental sanitarians or do not have any pecuniary interests in any entity engaged in the business of environmental sanitarians. All members of the board must be residents of the State and serve for terms of four years and until their successors are appointed and qualify. Members of the board are eligible for reappointment but cannot serve more than two consecutive terms.

The board is responsible for examining applicants for registered environmental sanitarians, investigating complaints, and investigating and prosecuting violations of this chapter.

The board may promulgate regulations to carry out the provisions of this chapter.

The Governor may remove any member of the board who has been guilty of continued neglect of his duties or who is found to be incompetent, unprofessional, or dishonorable. No member must be removed without first giving him an opportunity to refute the charges filed against him. He must be given a copy of the charges at the time they are filed.

Vacancies on the board are filled in the same manner as the original appointment for the unexpired portion of the term.

Veterinarians

SECTION 81. Section 40-69-255 of the S.C. Code is amended to read:

Section 40-69-255. As part of the biennial continuing education required by the board or pursuant to law, including Regulation 120-6, South Carolina Code of State Regulations, a veterinarian authorized pursuant to state and federal law to prescribe controlled substances shall obtain a South Carolina Department of Public Health Controlled Substances Registration and complete at least two hours of continuing

education every two years related to approved procedures of prescribing and monitoring controlled substances listed in Schedules II, III, and IV of the schedules provided for in Sections 44-53-210, 44-53-230, and 44-53-250.

Professional committees

SECTION 82.A. Section 40-71-10(B) of the S.C. Code is amended to read:

(B) There is no monetary liability on the part of, and no cause of action for damages arising against, a member of an appointed committee which is formed to maintain professional standards of a state or local professional society as defined in this section or a committee appointed by the Department of Mental Health, or a committee appointed by the Department of Public Health to review patient medical and health records in order to study the causes of death and disease for any act or proceeding undertaken or performed within the scope of the functions of the committee if the committee member acts without malice, has made a reasonable effort to obtain the facts relating to the matter under consideration, and acts in the belief that the action taken by him is warranted by the facts known to him.

B. Section 40-71-20(B) and (C) of the S.C. Code is amended to read:

(B) Confidentiality provisions do not prevent committees appointed by the Department of Public Health from issuing reports containing solely nonidentifying data and information.

(C) Nothing in this section affects the duty of a facility or activity licensed by the Department of Public Health to report accidents or incidents pursuant to the department's regulations. Provided, however, anything reported pursuant to the department's regulations shall not be considered to waive any privilege or confidentiality provided in subsection (A).

State Athletic Commission

SECTION 83. Section 40-81-20(13) of the S.C. Code is amended to read:

(13) "Emergency medical technician" means a person who is certified by the Department of Public Health pursuant to the Emergency Medical

Services Act.

Sign language interpreters

SECTION 84. Section 40-84-120(2) of the S.C. Code is amended to read:

(2) hospitals and healthcare facilities regulated by the Department of Public Health under Title 44.

Employment and workforce

SECTION 85. Section 41-27-280 of the S.C. Code is amended to read:

Section 41-27-280. "Hospital" means an institution which has been licensed or approved by the South Carolina Department of Public Health as a hospital.

Public assistance

SECTION 86. Section 43-5-24 of the S.C. Code is amended to read:

Section 43-5-24. When an individual applies for assistance through the Aid to Families with Dependent Children Program, the Department of Social Services must provide the applicant with information on methods of contraception and family planning, excluding abortion counseling. The Department of Public Health shall provide a brochure or some similar information packet on contraceptive methods and family planning to the Department of Social Services which the Department of Social Services can easily reproduce and distribute. Abortion must not be included in the brochure or information packet provided by the Department of Public Health. If the applicant expresses an interest in scheduling an appointment with a local health department to obtain further information and counseling on contraceptive methods and family planning, the Department of Social Services shall assist the applicant in scheduling the appointment.

Public assistance

SECTION 87. Section 43-5-910(1) of the S.C. Code is amended to read:

(1) "Department" means the Department of Public Health.

Public assistance

SECTION 88. Section 43-5-1185 of the S.C. Code is amended to read:

Section 43-5-1185. As a condition of eligibility for Family Independence benefits, each adult recipient determined to be in need of family skills by his Family Independence case manager, and minor mother recipient must participate in a family skills training program which must include, but is not limited to, parenting skills, financial planning, and health information. Whenever possible and practical, the department shall coordinate with comparable staff of other state and local agencies in providing these services.

This program must include an alcohol and other drug assessment when it is determined by the department that an assessment is appropriate. The department shall coordinate with the Department of Alcohol and Other Drug Abuse Services to provide the proper assessment of the recipient and training of the department personnel who are to conduct the assessment. If the recipient is determined to be in need of alcohol and other drug abuse treatment, the department shall coordinate the services with the Department of Alcohol and Other Drug Abuse Services and shall include the individually determined terms and conditions of the treatment in the recipient's agreement with the department.

This program must include a family planning assessment if it is determined by the department that an assessment is appropriate. The department shall coordinate with the Department of Public Health to provide the AFDC family with education, evaluation, and counseling, consistent with Medicaid regulations. State funds appropriated for family planning must not be used to pay for an abortion.

Aging councils

SECTION 89.A. Section 43-21-120 of the S.C. Code is amended to read:

Section 43-21-120. There is created the Coordinating Council to the Department on Aging to work with the department on the coordination

of programs related to the field of aging, and to advise and make pertinent recommendations, composed of the following: the Director of the Department of Public Health, the State Director of Social Services, the Director of the Department of Mental Health, the Superintendent of Education, the Director of the State Department of Labor, Licensing and Regulation, the Executive Director of the South Carolina State Department of Employment and Workforce, the Secretary of Commerce, the Commissioner of the State Department of Vocational Rehabilitation, the Director of the Clemson University Extension Service, the Director of the South Carolina Department of Parks, Recreation and Tourism, the Director of the South Carolina Retirement System, the Executive Director of the South Carolina Municipal Association, the Executive Director of the State Office of Economic Opportunity, the Executive Director of the South Carolina Association of Counties, the Commissioner of the Commission for the Blind, the Director of the Department of Health and Human Services, the Director of the Department of Alcohol and Other Drug Abuse Services, and the Chairperson of the Commission on Women.

The council shall meet at least once each six months and special meetings may be called at the discretion of the chairman or upon request of a majority of the members.

The chairman of the advisory commission and the Director of the Department on Aging, who shall serve as secretary to the council, shall attend the meetings of the council.

The director of each agency or department making up the council shall serve as chairman of the council for a term of one year. The office of chairman is held in the order in which the membership of the council is listed in this section.

B. Section 43-21-130(A)(3) of the S.C. Code is amended to read:

(3) the Director of the Department of Public Health;

Commission for the Blind

SECTION 90. Section 43-25-30(7) of the S.C. Code is amended to read:

(7) Cooperate with the State Department of Public Health in the adoption and enforcement of proper preventive measures.

Protection and Advocacy for People with Disabilities

SECTION 91. Section 43-33-350(4) of the S.C. Code is amended to read:

(4) It may conduct team advocacy inspections of a facility providing residence to a person with a developmental or other disability. Inspections must be completed by the system's staff and trained volunteers. Team advocacy inspections are unannounced visits to review the living conditions of a residential facility, including the plans of care for individuals in a residential care facility and a community mental health center day program. Only the coordinator of the team advocacy project or the coordinator's designee is authorized to perform reviews of plans of care. The system shall prepare a report based on the inspection which must be submitted to the South Carolina Department of Public Health and State Department of Mental Health.

Adult protection

SECTION 92. Section 43-35-10(4), (12), and (13) of the S.C. Code is amended to read:

(4) "Facility" means a nursing care facility, community residential care facility, a psychiatric hospital, or any residential program operated or contracted for operation by the Department of Mental Health, the Department of Veterans' Affairs, or the Department of Disabilities and Special Needs.

(12) "Operated facility" means those facilities directly operated by the Department of Mental Health, the Department of Veterans' Affairs, or the Department of Disabilities and Special Needs.

(13) "Contracted facility" means those public and private facilities contracted for operation by the Department of Mental Health, the Department of Veterans' Affairs, or the Department of Disabilities and Special Needs.

Adult protection

SECTION 93. Section 43-35-15(A) and (B) of the S.C. Code is amended to read:

(A) The Vulnerable Adults Investigations Unit of the South Carolina

Law Enforcement Division shall receive and coordinate the referral of all reports of alleged abuse, neglect, or exploitation of vulnerable adults in facilities operated or contracted for operation by the Department of Mental Health, the Department of Veterans' Affairs, or the Department of Disabilities and Special Needs. The unit shall establish a toll free number, which must be operated twenty-four hours a day, seven days a week, to receive the reports. The unit shall investigate or refer to appropriate law enforcement those reports in which there is reasonable suspicion of criminal conduct. The unit also shall investigate vulnerable adult fatalities as provided for in Article 5, Chapter 35, Title 43. The unit shall refer those reports in which there is no reasonable suspicion of criminal conduct to the appropriate investigative entity for investigation. Upon conclusion of a criminal investigation of abuse, neglect, or exploitation of a vulnerable adult, the unit or other law enforcement shall refer the case to the appropriate prosecutor when further action is necessary. The South Carolina Law Enforcement Division may develop policies, procedures, and memorandum of agreement with other agencies to be used in fulfilling the requirements of this article. However, the South Carolina Law Enforcement Division must not delegate its responsibility to investigate criminal reports of alleged abuse, neglect, and exploitation to the agencies, facilities, or entities that operate or contract for the operation of the facilities. Nothing in this subsection precludes the Department of Mental Health, the Department of Veterans' Affairs, the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements.

(B) Except as otherwise provided in subsection (D), the Long-Term Care Ombudsman Program shall investigate or cause to be investigated noncriminal reports of alleged abuse, neglect, and exploitation of vulnerable adults occurring in facilities. The Long-Term Care Ombudsman Program may develop policies, procedures, and memoranda of agreement to be used in reporting these incidents and in furthering its investigations. The Long-Term Care Ombudsman Program must not delegate its responsibility to investigate noncriminal reports of alleged abuse, neglect, and exploitation to the facilities or to the entities that operate or contract for the operation of the facilities. Nothing in this subsection precludes the Department of Mental Health, the Department of Veterans' Affairs, the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements. The Long-Term Care Ombudsman Program shall refer reports of abuse, neglect, and exploitation to the Vulnerable Adults Investigations Unit of

the South Carolina Law Enforcement Division if there is reasonable suspicion of criminal conduct.

Adult protection

SECTION 94. Section 43-35-25(D)(1) of the S.C. Code is amended to read:

(1) the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for incidents occurring in facilities operated or contracted for operation by the Department of Mental Health, the Department of Veterans' Affairs, or the Department of Disabilities and Special Needs;

Adult protection

SECTION 95. Section 43-35-35(B) of the S.C. Code is amended to read:

(B) All deaths involving a vulnerable adult in a facility operated or contracted for operation by the Department of Mental Health, the Department of Veterans' Affairs, the Department of Disabilities and Special Needs, or their contractors must be referred to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for investigation pursuant to Section 43-35-520.

Adult protection

SECTION 96. Section 43-35-220(B)(1) of the S.C. Code is amended to read:

(1) obtaining and reviewing relevant documents including, but not limited to, the vulnerable adult's medical records; records from the place of residence if the vulnerable adult is living in a facility or other institution; records related to assets and debts of the vulnerable adult in cases of alleged exploitation; and records from the Department of Social Services, the Department of Mental Health, the Department of Veterans' Affairs, the Department of Disabilities and Special Needs, or other public entities providing services to the vulnerable adult;

Adult protection

SECTION 97. Section 43-35-310(A)(2)(d) of the S.C. Code is amended to read:

(d) South Carolina Department of Public Health Director, or a designee;

Adult protection

SECTION 98. Section 43-35-520 of the S.C. Code is amended to read:

Section 43-35-520. The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, created pursuant to Section 23-3-810, shall, in addition to its investigation responsibilities under that section or Article 1, investigate cases of vulnerable adult fatalities in facilities operated or contracted for operation by the Department of Mental Health, the Department of Veterans' Affairs, or the Department of Disabilities and Special Needs. Provided, that in a nursing home, as defined in Section 44-7-130, contracted for operation by the Department of Mental Health or the Department of Veterans' Affairs, the Vulnerable Adults Investigations Unit shall investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner as provided in Section 43-35-35(A). In the event that a coroner rules that the death of an individual in a veterans' nursing home under the authority of the Department of Veterans' Affairs results from natural causes, the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death.

Adult protection

SECTION 99. Section 43-35-560(A)(2) of the S.C. Code is amended to read:

(2) the Director of the South Carolina Department of Public Health;

Department of Public Health

SECTION 100. Sections 44-1-60 through 44-1-140 of the S.C. Code are amended to read:

Section 44-1-60. (A) All department decisions involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions of the department which may give rise to a contested case must be made using the procedures set forth in this section.

(B) The department shall comply with all requirements for public notice, receipt of public comments and public hearings before making a department decision. To the maximum extent possible, the department shall use a uniform system of public notice of permit applications, opportunity for public comment and public hearings.

(C) In making a decision on any permit, license, certification or other approval, the department shall take into consideration all material comments received in response to the public notice in determining whether to issue, deny or condition such permit, license, certification or other approval. At the time that a decision is made, the department shall issue a department decision, and shall base its written decision on the administrative record which shall consist of the application and supporting exhibits, all public comments and submissions, and other documents contained in the supporting file for the permit, license, certification or other approval. The administrative record also may include material readily available at the department, or published materials which are generally available and need not be physically included in the same file as the rest of the record as long as those materials are referred to in the department decision. The department is not required to issue a written decision for issuance of routine permits for which the department has not received adverse public comments.

(D)(1) The department shall send notice of a decision by certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified. Affected persons may request in writing to be notified by regular mail or electronic mail in lieu of certified mail. Notice of decisions for which a department decision is not required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing to be notified.

(2) Within thirty calendar days after the mailing of a decision pursuant to item (1), an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the department decision may

request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-600(H) shall apply to timely requests for a contested hearing of decisions from the Department of Public Health. The court shall give consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

(E) If any deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

Section 44-1-70. All rules and regulations promulgated by the Department of Public Health shall be promulgated in compliance with the Administrative Procedures Act.

Section 44-1-80. (A) The Department of Public Health or its designated agents must investigate the reported causes of communicable or epidemic disease and must enforce or prescribe these preventive measures as may be needed to suppress or prevent the spread of these diseases by proper quarantine or other measures of prevention, as may be necessary to protect the citizens of the State. The Department of Public Health or its designated agents shall declare, when the facts justify it, any place as infected and, in case of hydrophobia or other diseases transmitted from animals to man, must declare such animal or animals quarantined, and must place all such restrictions upon ingress and egress of persons or animals therefrom as may be, in its judgment, necessary to prevent the spread of disease from the infected locality.

(B)(1) Whenever the department learns of a case of a reportable illness or health condition, an unusual cluster, or a suspicious event that it reasonably believes has the potential to cause a public health emergency, as defined in Section 44-4-130, it is authorized to notify the appropriate public safety authority, tribal authorities, and federal health and public safety authorities.

(2) The sharing of information on reportable illnesses, health conditions, unusual clusters, or suspicious events between authorized personnel must be restricted to information necessary for the treatment, control, investigation, and prevention of a public health emergency. Restriction of access to this information to those authorized personnel for the protection of public health ensures compliance with all state and federal health information privacy laws.

(3) The department and its agents must have full access to medical records and nonmedical records when necessary to investigate the

causes, character, and means of preventing the spread of a qualifying health event or public health emergency. For purposes of this item, "nonmedical records" mean records of entities, including businesses, health facilities, and pharmacies, which are needed to adequately identify and locate persons believed to have been potentially exposed or known to have been infected with a contagious disease.

(4) An order of the department given to effectuate the purposes of this subsection is enforceable immediately by the public safety authority.

(5) For purposes of this subsection, the terms qualifying health event, public health emergency, and public safety authority have the same meanings as provided in Section 44-4-130.

Section 44-1-90. The Department of Public Health or its designated agents, when it is deemed necessary by the municipal officers of any town or city or the governing body of any county, may (a) visit cities, towns, villages or localities where disease is prevalent or threatened, (b) investigate and advise with the local authorities or persons as to such measures as may tend to prevent the spread of disease or to remove or abate causes that may tend to cause or intensify disease, and (c) advise, when practicable or possible, as to measures of sanitation or hygiene.

Section 44-1-100. All sheriffs and constables in the several counties of this State and police officers and health officers of cities and towns must aid and assist the Director of the Department of Public Health and must carry out and obey his orders, or those of the Department of Public Health, to enforce and carry out any and all restrictive measures and quarantine regulations that may be prescribed. During a state of public health emergency, as defined in Section 44-4-130, the director may request assistance in enforcing orders issued pursuant to this chapter and pursuant to Chapter 4, Title 44, from the public safety authority, as defined in Section 44-4-130, other state law enforcement authorities, and local law enforcement. The public safety authority may request assistance from the South Carolina National Guard in enforcing orders made pursuant to this chapter or pursuant to Chapter 4, Title 44.

Section 44-1-110. The Department of Public Health is invested with all the rights and charged with all the duties pertaining to organizations of like character and is the sole advisor of the State in all questions involving the protection of the public health within its limits.

It shall, through its representatives, investigate the causes, character, and means of preventing the epidemic and endemic diseases as the State is liable to suffer from and the influence of climate, location, and

occupations, habits, drainage, scavengering, water supply, heating, and ventilation. It shall have, upon request, full access to the medical records, tumor registries, and other special disease record systems maintained by physicians, hospitals, and other health facilities as necessary to carry out its investigation of these diseases. No physician, hospital, or health facility, or person in charge of these records is liable in any action-at-law for permitting the examination or review. Patient-identifying information elicited from these records and registries must be kept confidential by the department and it is exempt from the provisions of Chapter 4 of Title 30. It shall supervise and control the quarantine system of the State. It may establish quarantine both by land and sea.

Section 44-1-130. The Department of Public Health may divide the State into health districts and establish in these districts advisory boards of health which shall consist of representatives from each county in the district. Boards of health now existing in the districts shall have representation on the district advisory board. Counties not having local boards of health shall be represented by individuals appointed by the county legislative delegation. The number of members of a district advisory board shall be determined by the department with due consideration to the population and community needs of the district. District advisory boards of health shall be subject to the supervisory and advisory control of the department. District advisory boards are charged with the duty of advising the district medical director or administrator in all matters of sanitary interest and scientific importance bearing upon the protection of the public health.

The district medical director or administrator shall be secretary of the advisory board and the district advisory board shall elect annually from its membership a chairman.

Section 44-1-140. (A) The Department of Public Health may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and other vehicles of transportation in this State and all hotels, schools, and other places used by or open to the public;

(2) the sanitation and regulation of food services provided for patients and facility residents at healthcare facilities or other facilities regulated by the Department of Public Health pursuant to the State Health Facility Licensure Act;

(3) the control of disease-bearing insects, including the impounding

of waters;

(4) the care, segregation, and isolation of persons having or suspected of having any communicable, contagious, or infectious disease; and

(5) the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease.

(B) The department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other danger to the public life and health.

Shellfish

SECTION 101. Sections 44-1-151 and 44-1-152 of the S.C. Code are amended to read:

Section 44-1-151. Notwithstanding any other provision of law, all shellfish involved in any violation of law, including any regulation, regarding shellfish may be confiscated and disposed of at the discretion of the arresting officer. Any person convicted of a second offense of harvesting shellfish in any polluted area shall, upon such conviction, be fined not less than two hundred dollars and not more than five hundred dollars or imprisoned for not less than thirty days and not more than sixty days. Any person convicted of a third or subsequent offense of harvesting shellfish in any polluted area shall, upon such conviction, be fined not less than five hundred dollars and not more than one thousand or imprisoned for not less than sixty days and not more than ninety days. All equipment, including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a first offense of harvesting shellfish in any polluted area may be impounded at the discretion of the arresting officer. The equipment impounded shall be delivered to the sheriff of the county in which the arrest was made and shall be retained by the sheriff. Such equipment may not be returned to the owner until the case has been finally disposed of. All equipment, including, but not limited to, vehicles, boats, motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a second, third, or subsequent offense of

harvesting shellfish in any polluted area shall be confiscated. All such confiscated equipment shall be sold at auction by the sheriff of the county in which such second, third, or subsequent offense took place and by a representative of the Department of Environmental Services, except for weapons, which, following confiscation, shall be disposed of in the manner set forth in Sections 16-23-50, 16-23-460, and 16-23-500.

Section 44-1-152. Notwithstanding any other provision of law, all revenue from any fine or any forfeiture of bond for any violation of any shellfish law or regulation provided by this title must be deposited monthly with the treasurer of the county in which the arrest for such violation was made. One-third of such revenue must be retained by the county treasurer to be used for the general operating needs of the county pursuant to the direction of the governing body of the county. Two-thirds of such revenue must be remitted quarterly to the Department of Environmental Services of which one-half is to be used in enforcing shellfish laws and regulations and one-half of such revenue must be remitted quarterly to the state's general fund. All monies derived from auction sales of confiscated equipment pursuant to Section 44-1-151 must be deposited, retained, remitted, and used in the same manner as provided in this section for all revenue derived from any fine or any violation of any shellfish law or regulation. A report of fines for forfeitures of bonds regarding shellfish violations must be sent to the state Department of Environmental Services monthly by each magistrate and clerk of court in this State. A report of monies derived from auction of sales of confiscated equipment must be sent to the Department of Environmental Services monthly by each sheriff.

Environmental permits

SECTION 102. Section 44-1-165(A) of the S.C. Code is amended to read:

(A) There is established within the Department of Environmental Services the Expedited Review Program to provide an expedited process for permit application review. Participation in this program is voluntary and the program must be supported by expedited review fees promulgated in regulation pursuant to subsection (B)(1). The department shall determine the project applications to review, and the process may be applied to any one or all of the permit programs administered by the department.

Health services

SECTION 103. Sections 44-1-170 through 44-1-230 of the S.C. Code are amended to read:

Section 44-1-170. The Department of Public Health may direct and supervise the action of the local boards of health in incorporated cities and towns and in all townships in all matters pertaining to such local boards.

Section 44-1-180. The Department of Public Health may establish charges for maintenance and medical care for all persons served in state health centers and other health facilities under the jurisdiction of the department and by personnel of the department and of the health units under its jurisdiction in homes and any other places where health services are needed. The terms "medical care" and "health services" include the services of physicians, dentists, optometrists, nurses, sanitarians, physical therapists, medical social workers, occupational therapists, health aides, speech therapists, X-ray technologists, dietitians, nutritionists, laboratory technicians, and other professional and subprofessional health workers. The charges, which may be adjusted from time to time, shall be reasonable and based on the total costs of the services rendered, including operating costs, depreciation costs, and all other elements of costs.

Section 44-1-190. The Department of Public Health shall make such investigations as it deems necessary to determine which persons or which of the parents, guardians, trustees, committees or other persons or agencies legally responsible therefor are financially able to pay the expenses of the care and treatment, and may contract with any person or agency for the care and treatment of any person to the extent permitted by the resources available to the department. The department may require any county or state agency to furnish information which would be helpful to it in making the investigations. In arriving at the amount to be charged, the department shall have due regard for the financial condition and estate of the person, his present and future needs and the present and future needs of his lawful dependents, and whenever considered necessary to protect him or his dependents, may agree to accept a sum less than the actual cost of services. No person shall be deprived of available health services solely because of inability to pay. No fees shall be charged for services which in the judgment of the department should be made freely available in order to protect and

promote the public health.

Section 44-1-200. The Department of Public Health may provide home health services to those persons living in areas of the State in which adequate home health services are not available and may charge fees for such services. Home health services shall include care of the ill and disabled rendered at home including, but not limited to, bedside care, treatment and rehabilitation services. In order that it may provide such services, the department may employ the necessary personnel, including nurses, physical therapists, speech therapists, occupational therapists, medical social workers, home health aides, nutritionists, and supervisory personnel, and may purchase equipment and materials necessary to maintain an effective program. The department shall, wherever possible, assist and advise nonprofit agencies or associations in the development of home health services programs and may enter into agreements with such agencies or associations specifying the type of assistance and advice it will provide.

Section 44-1-210. All fees and charges collected pursuant to Sections 44-1-180 to 44-1-200, including vital statistics fees as now provided by law, shall be deposited in the State Treasury and shall be used in the operation of the public health program of the bureau, division, district health unit or local county health department which performed the services for which the fees and charges were collected. An annual report shall be made to the State Fiscal Accountability Authority, Executive Budget Office and the Revenue and Fiscal Affairs Office of the receipts and expenditures made under the provisions of Sections 44-1-180 to 44-1-200.

Section 44-1-215. Notwithstanding Section 13-7-85, the Department of Environmental Services may retain all funds generated in excess of those funds remitted to the general fund in fiscal year 2000-2001 from fees listed in Regulation R61-64 Title B.

Section 44-1-220. All skilled and intermediate care nursing facilities licensed by the Department of Public Health shall be required to furnish an item-by-item billing for all charges to the patient or the person paying such bill, upon request by such patient or person. Items which remain unpaid are not required to be itemized again. Such requests for itemized billing shall remain in effect until further notification by the patient or person paying such bill. Provided, that the provision herein shall not apply to the contracted amount of a state or federal agency. Any amount

above such contract shall be itemized as provided herein.

Section 44-1-230. The Department of Public Health shall give consideration to any benefits available to an individual, including private, group or other insurance benefits, to meet, in whole or in part, the cost of any medical or health services. Such benefits shall be utilized insofar as possible; provided, however, the availability of such benefits shall not be the sole basis for determining eligibility for program services of the department. Insurance carriers shall not deny payment of benefits otherwise available to the insured solely on the basis that an individual has applied for, or has been deemed eligible to receive, or has received, services, or on the basis that payments have been made for services by the department.

First Steps to School Readiness

SECTION 104. Section 44-1-280 of the S.C. Code is amended to read:

Section 44-1-280. The Department of Public Health in establishing priorities and funding for programs and services which impact on children and families during the first years of a child's life, within the powers and duties granted to it, must support, as appropriate, the South Carolina First Steps to School Readiness initiative, as established in Title 59, Chapter 152, at the state and local levels.

Food service regulation

SECTION 105. Section 44-1-300 of the S.C. Code is amended to read:

Section 44-1-300. The Department of Agriculture shall not use any funds appropriated or authorized to the Department of Agriculture to enforce Regulation 61-25 to the extent that its enforcement would prohibit a church or charitable organization from preparing and serving food to the public on their own premises at not more than one function a month or not more than twelve functions a year.

Maternal Morbidity and Mortality Review Committee

SECTION 106. Section 44-1-310(A) and (J) of the S.C. Code is amended to read:

(A) The Department of Public Health shall establish a Maternal Morbidity and Mortality Review Committee to review maternal deaths and to develop strategies for the prevention of maternal deaths. The committee must be multidisciplinary and composed of members deemed appropriate by the department. The committee also may review severe maternal morbidity. The department may contract with an external organization to assist in collecting, analyzing, and disseminating maternal mortality information, organizing and convening meetings of the committee, and performing other tasks as may be incident to these activities, including providing the necessary data, information, and resources to ensure successful completion of the ongoing review required by this section.

(J) Reports of aggregated nonindividually identifiable data for the previous calendar year must be compiled and disseminated by March first of the following year in an effort to further study the causes and problems associated with maternal deaths. Reports must be distributed to the General Assembly, the Director of the Department of Public Health, healthcare providers and facilities, key governmental agencies, and others necessary to reduce the maternal death rate.

Environmental permits

SECTION 107. Section 44-1-315 of the S.C. Code is amended to read:

Section 44-1-315. (A) For purposes of the section, "impacted location" means any facility issued or otherwise subject to a permit, license, or approval from the North Carolina Department of Environment and Natural Resources that has now been determined to be located within the jurisdiction of the Department of Environmental Services as a result of the amendments to Section 1-1-10, effective January 1, 2017.

(B) Notwithstanding any other provision of law, the Department of Environmental Services, in issuing any environmental permit, license, or approval to an impacted location shall provide a schedule of compliance that allows the permittee a reasonable period of time to be no greater than five years to come into compliance with any South

Carolina environmental rule, regulation, or standard established by the department or by law that has no corresponding rule, regulation, or standard under North Carolina law or regulation, or is more stringent than the corresponding rule, regulation, or standard established under North Carolina law or regulation. The department may include increments of progress applicable in each year of the schedule established under this subsection, and may shorten the period of compliance as necessary to prevent an imminent threat to the public health and environment. The department may extend a permittee's compliance schedule under this section beyond five years upon written application by the permittee only if the department determines that circumstances reasonably require such an extension, and the extension of time would pose no threat to public health or the environment.

Underground storage tanks

SECTION 108. Section 44-2-20(3) and (5) of the S.C. Code is amended to read:

(3) "Committed funds" means that portion of the Superb Account reserved as a result of action by the Department of Environmental Services to approve costs for planned site rehabilitation activities.

(5) "Department" means the Department of Environmental Services.

Underground storage tanks

SECTION 109. Section 44-2-40(A) of the S.C. Code is amended to read:

(A) There is created within the state treasury two separate and distinct accounts which are to be administered by the Department of Environmental Services. The "Superb Account" and the "Superb Financial Responsibility Fund" are created to assist owners and operators of underground storage tanks containing petroleum and petroleum products to the extent provided for in this chapter but not to relieve the owner or operator of any liability that cannot be satisfied by the provisions of this chapter.

The Superb Account must be used for payment of usual, customary, and reasonable costs for site rehabilitation of releases from underground storage tanks containing petroleum or petroleum products.

The Superb Financial Responsibility Fund must be used for

compensating third parties for actual costs for bodily injury and property damage caused by accidental releases from underground storage tanks containing petroleum or petroleum products. The Superb Financial Responsibility Fund must not be used for reimbursing claims for punitive damages.

Except for releases reported before July 1, 1994, sites where the underground storage tank, at the time of discovery and reporting of the release to the department, is not in substantial compliance with regulations promulgated pursuant to Section 44-2-50(A), are not eligible for compensation from the Superb Account, and no third party claims resulting from that release may be paid from the Superb Financial Responsibility Fund.

Underground storage tanks

SECTION 110. Section 44-2-60(C) of the S.C. Code is amended to read:

(C) In addition to the inspection fee of one-fourth cent a gallon imposed pursuant to Section 39-41-120, an environmental impact fee of one-half cent a gallon is imposed which must be used by the department for the purposes of carrying out the provisions of this chapter. This one-half cent a gallon environmental impact fee must be paid and collected in the same manner that the one-fourth cent a gallon inspection fee is paid and collected except that the monies generated from these environmental impact fees must be transmitted by the Department of Agriculture to the Department of Environmental Services which shall deposit the fees as provided for in Section 44-2-40.

Underground storage tanks

SECTION 111. Section 44-2-130(E)(1) of the S.C. Code is amended to read:

(1) An owner or operator of an underground storage tank or his agent seeking to qualify for compensation from the Superb Account for site rehabilitation shall submit a written application to the department. The written application must be on a form specified by the department and include certification that site rehabilitation is necessary, the tanks at the site have been registered in compliance with applicable law and regulations, and all registration fees have been paid. The department shall accept certification that the release at the site is in need of

rehabilitation if the certification is provided jointly by the owner or operator and a South Carolina registered professional geologist or engineer, and if the certification is supported with geotechnical data which reasonably justifies the claim. Upon final determination the department shall provide written notice to the applicant of its findings including detailed reasons for any denial. Any denial of an application must be appealable to the South Carolina Administrative Law Court. The department is exempt from this time frame for applications which are received within three months of the close of the grace period allowed in Section 44-2-110.

Underground storage tanks

SECTION 112. Section 44-2-150(C) of the S.C. Code is amended to read:

(C) The committee shall consist of fourteen members, appointed by the director of the department as follows:

(1) one member representing the general public;

(2) two members representing environmental organizations;

(3) one member representing the South Carolina Petroleum Council;

(4) one member representing the South Carolina Petroleum Marketers Association;

(5) one member representing the South Carolina Service Station Dealers Association;

(6) one member representing the South Carolina Chamber of Commerce;

(7) one member representing the South Carolina Bankers Association;

(8) one member representing a business that specializes in the assessment or remediation, or both, of contamination resulting from leaking underground storage tanks;

(9) one member representing the South Carolina Department of Insurance;

(10) one member representing the Department of Environmental Services;

(11) one member representing the State Department of Administration, Division of General Services;

(12) one member representing the Municipal Association of South Carolina; and

(13) one member representing the South Carolina Association of

Counties.

Boards of health

SECTION 113. Section 44-3-10 of the S.C. Code is amended to read:

Section 44-3-10. Municipal corporations of this State may establish and maintain a board of health which shall be authorized by the governing body of the municipality. The composition and method of selection of the board shall be within the discretion of the governing body of the municipality. The duties and powers of the board shall be designated by such governing body. However, the board and its employees shall function under the administration, control, guidance and direction of the Department of Public Health. The rules and regulations or operational procedures of any board established hereunder shall not be in conflict with any rule, regulation, or procedure of the Department of Public Health, and in the event of any conflict, the rules, regulations and procedures of the Department of Public Health shall prevail. Municipal boards of health shall, when requested by the Department of Public Health, make reports on their activities to the Department of Public Health.

Boards of health

SECTION 114. Section 44-3-150 of the S.C. Code is amended to read:

Section 44-3-150. The Chester County Health Department, the Lancaster County Health Department and the York County Health Department, including county health officers, medical directors and county administrators, shall be directly responsible to and under the direction and control of the district medical director who shall be responsible to and under the direction and control of the Director of the Department of Public Health.

Emergency health powers

SECTION 115. Section 44-4-130(F), (I), (K), (L), and (W) of the S.C. Code is amended to read:

(F) "Director" means the Director of the Department of Public Health.

(I) "DPH" means the Department of Public Health or any person

authorized to act on behalf of the Department of Public Health.

(K) "Health care facility" or "healthcare facility" means any nonfederal institution, building, or agency or portion thereof, whether public or private (for-profit or nonprofit) that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. This includes, but is not limited to, ambulatory surgical facilities, health maintenance organizations, home health agencies, hospices, hospitals, infirmaries, intermediate care facilities, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, skilled nursing facilities, and adult daycare centers. The term also includes, but is not limited to, the following related property when used for or in connection with the foregoing: laboratories, research facilities, pharmacies, laundry facilities, health personnel training and lodging facilities, and patient, guest, and health personnel food service facilities, and offices and office buildings for persons engaged in healthcare professions or services.

(L) "Health care provider" or "healthcare provider" means any person or entity who provides healthcare services including, but not limited to, hospitals, medical clinics and offices, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, firefighters who provide emergency medical care, emergency medical or laboratory technicians, and ambulance and emergency medical workers. This includes out-of-state medical laboratories, provided that such laboratories have agreed to the reporting requirements of South Carolina. Results must be reported by the laboratory that performs the test, but an in-state laboratory that sends specimens to an out-of-state laboratory is also responsible for reporting results.

(W) "Trial court" is the circuit court for the county in which the isolation or quarantine is to occur or to the circuit court for the county in which a public health emergency has been declared. If that court is unable to function because of the isolation, quarantine, or public health emergency, the trial court is a circuit court designated by the Chief Justice upon petition and proper showing by the Department of Public Health.

Emergency health powers

SECTION 116. Sections 44-4-300 through 44-4-340 of the S.C. Code are amended to read:

Section 44-4-300. After the declaration of a state of public health emergency, DPH may exercise, in coordination with state agencies, local governments, and other organizations responsible for implementation of the emergency support functions in the State Emergency Operations Plan for handling dangerous facilities and materials, for such period as the state of public health emergency exists, the following powers over dangerous facilities or materials:

(1) to close, direct and compel the evacuation of, or to decontaminate or cause to be decontaminated, any facility of which there is reasonable cause to believe that it may endanger the public health; and

(2) to decontaminate or cause to be decontaminated, any material of which there is reasonable cause to believe that it may endanger the public health.

Section 44-4-310. DPH, in coordination with the guidelines of the State Emergency Operations Plan, may, for such period as the state of public health emergency exists and as may be reasonable and necessary for emergency response, require a healthcare facility to provide services or the use of its facility if the services are reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization, or the ability to continue doing business in the State as a healthcare facility. When DPH needs the use or services of the facility to isolate or quarantine individuals during a public health emergency, the management and supervision of the healthcare facility must be coordinated with DPH to ensure protection of existing patients and compliance with the terms of this act.

Section 44-4-320. (A) DPH must coordinate with coroners, medical examiners, and funeral directors, for such period as the state of public health emergency exists, to exercise, in addition to existing powers, the following powers regarding the safe disposal of human remains:

(1) to take possession or control of any human remains which cannot be safely handled otherwise;

(2) to order the disposal of human remains of a person who has died of an infectious disease through burial or cremation within twenty-four hours after death;

(3) to require any business or facility authorized to embalm, bury,

cremate, inter, disinter, transport, and dispose of human remains under the laws of this State to accept any human remains or provide the use of its business or facility if these actions are reasonable and necessary for emergency response. When necessary during the period of time of the public health emergency, DPH must coordinate with the business or facility on the management or supervision of the business or facility; and

(4) to procure, by order or otherwise, any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains under the laws of this State as may be reasonable and necessary for emergency response, with the right to take immediate possession thereof.

(B) Where possible, existing provisions set forth in the State Emergency Operations Plan for the safe disposal of human remains must be used in a public health emergency. Where the State Emergency Operations Plan is not sufficient to handle the safe disposal of human remains for a public health emergency, DPH, in coordination with coroners, medical examiners, and funeral directors, must adopt and enforce measures to provide for the safe disposal of human remains as may be reasonable and necessary for emergency response. These measures may be related to procedures including, but not limited to, death certificates, autopsies, embalming, burial, cremation, interment, disinterment, transportation, and disposal of human remains.

(C) All human remains prior to disposal must be clearly labeled with all available information to identify the decedent and the circumstances of death. Any human remains of a deceased person with an infectious disease must have an external, clearly visible tag indicating that the human remains are infected and, if known, the infectious disease.

(D) Every person in charge of disposing of any human remains must maintain a written record of each set of human remains and all available information to identify the decedent and the circumstances of death and disposal. If the human remains cannot be identified, prior to disposal, a qualified person must, to the extent possible, take fingerprints and one or more photographs of the human remains, and collect a DNA specimen. All information gathered under this paragraph must be promptly forwarded to DPH. Identification must be handled by the agencies that have laboratories suitable for DNA identification.

Section 44-4-330. (A) After the declaration of a public health emergency, DPH may purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that it considers advisable in the interest of preparing for or controlling a public health emergency, without any

additional legislative authorization.

(B)(1) If a state of public health emergency results in a statewide or regional shortage or threatened shortage of any product covered by subsection (a), whether or not such product has been purchased by DPH, DPH may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the health, safety, and welfare of the people of the State. In making rationing or other supply and distribution decisions, DPH must give preference to healthcare providers, disaster response personnel, and mortuary staff.

(2) During a state of public health emergency, DPH may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the State as may be reasonable and necessary for emergency response, with the right to take immediate possession thereof.

(3) If a public health emergency simultaneously affects more than one state, nothing in this section shall be construed to allow DPH to obtain antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies for the primary purpose of hoarding such items or preventing their fair and equitable distribution among affected states.

Section 44-4-340. To the extent practicable and consistent with the protection of public health, prior to the destruction of any property under this article, DPH in coordination with the applicable law enforcement agency must institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and rules of the courts of this State or any such rules that may be developed by the courts for use during a state of public health emergency. Any property acquired by DPH through such proceedings must, after entry of the decree, be disposed of by destruction as the court may direct.

Emergency health powers

SECTION 117. Sections 44-4-500 through 44-4-570 of the S.C. Code are amended to read:

Section 44-4-500. During a state of public health emergency, DPH must use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.

Section 44-4-510. (A)(1) During a state of public health emergency, DPH may perform voluntary physical examinations or tests as necessary for the diagnosis or treatment of individuals.

(2) DPH may isolate or quarantine, pursuant to the sections of this act and its existing powers under Section 44-1-140, any person whose refusal of physical examination or testing results in uncertainty regarding whether he or she has been exposed to or is infected with a contagious or possibly contagious disease or otherwise poses a danger to public health.

(B)(1) Physical examinations or tests may be performed by any qualified person authorized to do so by DPH.

(2) Physical examinations or tests must not be reasonably likely to result in serious harm to the affected individual.

Section 44-4-520. (A) During a state of public health emergency, DPH may exercise the following emergency powers, in addition to its existing powers, over persons as necessary to address the public health emergency:

(1) to vaccinate persons as protection against infectious disease and to prevent the spread of contagious or possibly contagious disease;

(2) to treat persons exposed to or infected with disease; and

(3) to prevent the spread of contagious or possibly contagious disease, DPH may isolate or quarantine, pursuant to the applicable sections of this act, persons who are unable or unwilling for any reason (including, but not limited to, health, religion, or conscience) to undergo vaccination or treatment pursuant to this section.

(B) Vaccinations or treatment, or both, must be provided only to those individuals who agree to the vaccinations or treatment, or both.

(C)(1) Vaccination may be performed by any qualified person authorized by DPH.

(2) To be administered pursuant to this section, a vaccine must not be such as is reasonably likely to lead to serious harm to the affected individual.

(D)(1) Treatment must be administered by any qualified person authorized to do so by DPH.

(2) Treatment must not be such as is reasonably likely to lead to serious harm to the affected individual.

Section 44-4-530. (A) During a public health emergency, DPH may isolate or quarantine an individual or groups of individuals. This includes individuals or groups who have not been vaccinated, treated, tested, or examined pursuant to Sections 44-4-510 and 44-4-520. DPH may also

establish and maintain places of isolation and quarantine, and set rules and make orders.

(B) DPH must adhere to the following conditions and principles when isolating or quarantining individuals or groups of individuals:

(1) isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a contagious or possibly contagious disease to others and may include, but are not limited to, confinement to private homes or other private and public premises;

(2) individuals isolated because of objective evidence of infection or contagious disease must be confined separately from quarantined asymptomatic individuals;

(3) the health status of isolated and quarantined individuals must be monitored regularly to determine if they require isolation or quarantine;

(4) if a quarantined individual becomes infected or is reasonably believed to be infected with a contagious or possibly contagious disease, he or she must be promptly removed to isolation;

(5) isolated and quarantined individuals must be immediately released when they pose no substantial risk of transmitting a contagious or possibly contagious disease to others;

(6) the needs of persons isolated and quarantined must be addressed in a systematic and competent fashion including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication, and competent medical care;

(7) premises used for isolation and quarantine must be maintained in a safe and hygienic manner and be designed to minimize the likelihood of further transmission of infection or other harms to persons isolated or quarantined; and

(8) to the extent possible, cultural and religious beliefs must be considered in addressing the needs of the individuals and establishing and maintaining isolation and quarantine premises.

(C) A person subject to isolation or quarantine must comply with DPH's rules and orders, and must not go beyond the isolation or quarantine premises. Failure to comply with these rules and orders constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.

(D)(1) DPH may authorize physicians, healthcare workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.

(2) No person, other than a person authorized by DPH, shall enter isolation or quarantine premises. Failure to comply with this provision

constitutes a felony and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.

(3) A person entering an isolation or quarantine premises with or without authorization of DPH may be isolated or quarantined as provided for in this chapter.

(4) The public safety authority and other law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of an isolation or quarantine order after the order is given to the individual pursuant to Section 44-4-540(B)(3) or after the individual is provided notice of the order. In a case where an individual is not the subject of an isolation or quarantine order under Section 44-4-540, law enforcement officers may provide written or verbal notice of the order. Law enforcement officers may arrest, isolate, or quarantine an individual who is acting in violation of isolation or quarantine rules after the rules are established and the individual is given written or verbal notice of the rules. An arrest warrant or an additional isolation or quarantine order is not required for arrest, isolation, or quarantine under this section.

(E) An employer may not fire, demote, or otherwise discriminate against an employee complying with an isolation or quarantine order issued pursuant to Section 44-1-80, 44-1-110, 44-1-140, 44-4-520, 44-4-530, or 44-4-540; however, nothing in this section prohibits an employer from requiring an employee to use annual or sick leave to comply with such an order.

Section 44-4-540. (A) During a public health emergency, the isolation and quarantine of an individual or groups of individuals must be undertaken in accordance with the procedures provided in this section.

(B)(1) DPH may temporarily isolate or quarantine an individual or groups of individuals through an emergency order signed by the director or his designee, if delay in imposing the isolation or quarantine would significantly jeopardize DPH's ability to prevent or limit the transmission of a contagious or possibly contagious disease to others.

(2) The emergency order must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a copy of Article V of this act and relevant definitions of this act.

(3) A copy of the emergency order must be given to the individual(s) or groups of individuals to be isolated or quarantined, or if

impractical to be given to a group of individuals, it may be posted in a conspicuous place in the isolation or quarantine premises.

(4) Within ten days after issuing the emergency order, DPH must file a petition pursuant to subsection (C) for a court order authorizing the continued isolation or quarantine of the isolated or quarantined individual or groups of individuals.

(C)(1) DPH may make a written petition to the trial court for an order authorizing the isolation or quarantine of an individual or groups of individuals.

(2) A petition under subsection (C)(1) must specify the following: (i) the identity of the individual or groups of individuals subject to isolation or quarantine; (ii) the premises subject to isolation or quarantine; (iii) the date and time at which isolation or quarantine commences; (iv) the suspected contagious disease, if known; and (v) a statement of compliance with the conditions and principles for isolation or quarantine of Section 44-4-530(B); and (vi) a statement of the basis upon which isolation or quarantine is justified in compliance with this article. The petition must be accompanied by a sworn affidavit of DPH attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.

(3) Notice to individuals or groups of individuals identified in the petition must be accomplished within twenty-four hours in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.

(4) A hearing must be held on any petition filed pursuant to this subsection within five days of filing of the petition. In extraordinary circumstances and for good cause shown, DPH may apply to continue the hearing date on a petition filed pursuant to this section for up to ten days, which continuance the court may grant in its discretion giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence.

(5)(a) The court must grant the petition if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to prevent or limit the transmission of a contagious or possibly contagious disease.

(b) An order authorizing isolation or quarantine may do so for a period not to exceed thirty days.

(c) The order must: (i) identify the isolated or quarantined individuals or groups of individuals by name or shared or similar characteristics or circumstances; (ii) specify factual findings warranting

isolation or quarantine pursuant to this act; (iii) include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this act; and (iv) served on affected individuals or groups of individuals in accordance with the South Carolina Rules of Civil Procedure. If notice by mail or fax is not possible, notice must be made by personal service.

(d) Prior to the expiration of an order issued pursuant to this item, DPH may move to continue the isolation or quarantine for additional periods not to exceed thirty days each. The court must consider the motion in accordance with standards set forth in this item.

(D)(1) An individual or group of individuals isolated or quarantined pursuant to this act may apply to the trial court for an order to show cause why the individual or group of individuals should not be released. The court must rule on the application to show cause within forty-eight hours of its filing. If the court grants the application, the court must schedule a hearing on the order to show cause within twenty-four hours from issuance of the order to show cause. The issuance of the order to show cause does not stay or enjoin the isolation or quarantine order.

(2)(a) An individual or group of individuals isolated or quarantined pursuant to this act may request a hearing in the trial court for remedies regarding breaches to the conditions of isolation or quarantine. A request for a hearing does not stay or enjoin the isolation or quarantine order.

(b) Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the court must fix a date for hearing on the matters alleged not more than twenty-four hours from receipt of the request.

(c) Otherwise, upon receipt of a request under this subsection, the court must fix a date for hearing on the matters alleged within five days from receipt of the request.

(3) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, DPH may move the court to extend the time for a hearing, which extension the court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of the necessary witnesses and evidence.

(E) A record of the proceedings pursuant to this section must be made and retained. In the event that, given a state of public health emergency, parties cannot personally appear before the court, proceedings may be conducted by their authorized representatives and be held via any means that allow all parties to fully participate.

(F) The court must appoint counsel to represent individuals or groups of individuals who are or who are about to be isolated or quarantined

pursuant to the provisions of this act and who are not otherwise represented by counsel. Payment for these appointments must be made in accordance with other appointments for legal representation in actions arising outside of matters in this act, and is not the responsibility of any one state agency. Appointments last throughout the duration of the isolation or quarantine of the individual or groups of individuals. DPH must provide adequate means of communication between such individuals or groups of individuals and their counsel. Where necessary, additional counsel for DPH from other state agencies or from private attorneys appointed to represent state agencies, must be appointed to provide adequate representation for the agency and to allow timely hearings of the petitions and motions specified in this section.

(G) In any proceedings brought pursuant to this section, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into groups of claims where:

(1) the number of individuals involved or to be affected is so large as to render individual participation impractical;

(2) there are questions of law or fact common to the individual claims or rights to be determined;

(3) the group claims or rights to be determined are typical of the affected individuals' claims or rights; and

(4) the entire group will be adequately represented in the consolidation.

(H) Notwithstanding the provisions of subsection (A), prior to the Governor declaring a public health emergency, as defined in Section 44-4-130, the isolation and quarantine of an individual or groups of individuals pursuant to Section 44-1-80, 44-1-110, 44-1-140, 44-4-520, 44-4-530, or 44-4-540 must be undertaken in accordance with the procedures provided in this section.

Section 44-4-550. (A)(1) DPH may, for such period as the state of public health emergency exists, collect or cause to be collected specimens and perform tests on any person or animal, living or deceased, and acquire any previously collected specimens or test results that are reasonable and necessary to respond to the public health emergency.

(2) Specimens shall be collected only from those individuals who agree to have specimens collected or who agree to have tests performed.

(3) All specimens must be clearly marked.

(4) Specimen collection, handling, storage, and transport to the

testing site must be performed in a manner that will reasonably preclude specimen contamination or adulteration and provide for the safe collection, storage, handling, and transport of the specimen.

(5) Any person authorized to collect specimens or perform tests must use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of specimens to be tested. This requirement applies to all specimens, including specimens collected using on-site testing kits.

(B) Any business, facility, or agency authorized to collect specimens or perform tests must provide such support as is reasonable and necessary to aid in a relevant criminal investigation.

Section 44-4-560. (A) Access to protected health information of persons who have participated in medical testing, treatment, vaccination, isolation, or quarantine programs or efforts by DPH during a public health emergency is limited to those persons having a legitimate need to:

(1) provide treatment to the individual who is the subject of the health information;

(2) conduct epidemiological research; or

(3) investigate the causes of transmission.

(B) Protected health information held by DPH must not be disclosed to others without individual specific informed authorization except for disclosures made:

(1) directly to the individual;

(2) to the individual's immediate family members or life partners;

(3) to appropriate state or federal agencies or authorities when necessary to protect public health;

(4) to healthcare personnel where needed to protect the health or life of the individual who is the subject of the information;

(5) pursuant to a court order or executive order of the Governor to avert a clear danger to an individual or the public health; or

(6) to coroners, medical examiners, or funeral directors or others dealing with human remains to identify a deceased individual or determine the manner or cause of death.

Section 44-4-570. (A) DPH, in coordination with the appropriate licensing authority and the Department of Labor, Licensing and Regulation, may exercise, for such period as the state of public health emergency exists, in addition to existing emergency powers, the following emergency powers regarding licensing of health personnel:

(1) to require in-state healthcare providers to assist in the performance of vaccination, treatment, examination, or testing of any

individual as a condition of licensure, authorization, or the ability to continue to function as a healthcare provider in this State;

(2) to accept the volunteer services of in-state and out-of-state healthcare providers consistent with Title 8, Chapter 25, to appoint such in-state and out-of-state healthcare providers as emergency support function volunteers, and to prescribe the duties as may be reasonable and necessary for emergency response; and

(3) to authorize the medical examiner or coroner to appoint and prescribe the duties of such emergency assistant medical examiners or coroners as may be required for the proper performance of the duties of the office.

(B)(1) The appointment of in-state and out-of-state healthcare providers pursuant to this section may be for a limited or unlimited time but must not exceed the termination of the state of public health emergency. DPH may terminate the in-state and out-of-state appointments at any time or for any reason provided that any termination will not jeopardize the health, safety, and welfare of the people of this State.

(2) The appropriate licensing authority may waive any or all licensing requirements, permits, or fees required by law and applicable orders, rules, or regulations for healthcare providers from other jurisdictions to practice in this State.

(C)(1) Any healthcare provider appointed by the department pursuant to this section must not be held liable for any civil damages as a result of medical care or treatment including, but not limited to, trauma care and triage assessment, related to the appointment of the healthcare provider and the prescribed duties unless the damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of the patient.

(2) This subsection applies if the healthcare provider does not receive payment from the State other than as allowed in Section 8-25-40 for the appointed services and prescribed duties. However, if the healthcare provider is an employee of the State, the healthcare provider may continue to receive compensation from the healthcare provider's employer. This subsection applies whether the healthcare provider was paid, should have been paid, or expected to be paid for the services at the time of rendering the services from sources including, but not limited to, Medicaid, Medicare, reimbursement under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 512, et seq., or private health insurance.

(D)(1) The appointment of emergency assistant medical examiners or

coroners pursuant to this section may be for a limited or unlimited time, but must not exceed the termination of the state of public health emergency. The medical examiner or coroner may terminate the emergency appointments at any time or for any reason, if the termination will not impede the performance of the duties of the office.

(2) The medical examiner or coroner may waive any or all licensing requirements, permits, or fees required by law and applicable orders, rules, or regulations for the performance of these duties.

(3) Any emergency assistant medical examiner or coroner appointed pursuant to this section is immune from civil liability for damages resulting from services relating to and performed during the period of appointment unless the damages result from providing, or failing to provide, services under circumstances demonstrating a reckless disregard for the consequences.

State health planning

SECTION 118. Section 44-5-20(1) of the S.C. Code is amended to read:

(1) The "state health planning and development agency" or "state agency" means the Department of Public Health.

Department of Health and Human Services

SECTION 119. Section 44-6-5(10) of the S.C. Code is amended to read:

(10) "General hospital" means any hospital licensed as a general hospital by the Department of Public Health.

Department of Health and Human Services

SECTION 120. Section 44-6-150(A)(2) of the S.C. Code is amended to read:

(2) accept the transfer of a patient sponsored by the program from a hospital which is not equipped to provide the necessary treatment.

In addition to or in lieu of an action taken affecting the license of the hospital, when it is established that an officer, employee, or member of the hospital medical staff has violated this section, the South Carolina Department of Public Health shall require the hospital to pay a civil

penalty of up to ten thousand dollars.

Data Oversight Council

SECTION 121. Section 44-6-170(B)(12) and (I) of the S.C. Code is amended to read:

(12) the director or his designee of the South Carolina Department of Public Health;

(I) A person, as defined in Section 44-7-130, seeking to collect healthcare data or information for a registry shall coordinate with the office to utilize existing data collection formats as provided for by the office and consistent with regulations promulgated by the office. With the exception of information that may be obtained from the Office of Vital Records, Department of Public Health, in accordance with Section 44-63-20 and Regulation 60-19 and disease information required to be reported to the Department of Public Health under Sections 44-29-10, 44-29-70, and 44-31-10 and Regulations 60-20 and 60-21 and notwithstanding any other provision of law, no hospital or healthcare facility or healthcare professional required by this section to submit healthcare data is required to submit data to a registry which has not complied with this section.

Medicaid

SECTION 122. Section 44-6-400 (2) and (4) of the S.C. Code is amended to read:

(2) “Nursing home” means a facility subject to licensure as a nursing home by the Department of Public Health and subject to the permit provisions of Article 2, Chapter 7, Title 44 and which has been certified for participation in the Medicaid program or has been dually certified for participation in the Medicaid and Medicare programs.

(4) “Survey agency” means the South Carolina Department of Public Health or any other agency designated to conduct compliance surveys of nursing facilities participating in the Title XIX (Medicaid) program.

Paternity acknowledgment

SECTION 123. Section 44-7-77 of the S.C. Code is amended to read:

Section 44-7-77. The Department of Public Health and the State Department of Social Services, in conjunction with the South Carolina Hospital Association, shall develop and implement a program to promote obtaining voluntary acknowledgments of paternity as soon after birth as possible and where possible before the release of the newborn from the hospital. A voluntary acknowledgment including those obtained through an in-hospital program shall contain the requirements of Section 63-17-60(A)(4) and the social security number, or the alien identification number assigned to a resident alien who does not have a social security number, of both parents, and must be signed by both parents. The signatures must be notarized. As part of its in-hospital voluntary acknowledgment of paternity program, a birthing hospital as part of the birth registration process, shall collect, where ascertainable, information which is or may be necessary for the establishment of the paternity of the child and for the establishment of child support. The information to be collected on the father or on the putative father if paternity has not been established includes, but is not limited to, the name of the father, his date of birth, home address, social security number, or the alien identification number assigned to a resident alien who does not have a social security number, and employer's name, and additionally for the putative father, the names and addresses of the putative father's parents.

Medicaid

SECTION 124. Section 44-7-80(6) of the S.C. Code is amended to read:

(6) "Department" means the Department of Public Health.

Medicaid

SECTION 125. Section 44-7-90(C) of the S.C. Code is amended to read:

(C) In the event of a voluntary or involuntary discontinuation of participation of a nursing facility in the Medicaid program, the State must ensure that the facility provides for patient safety and freedom of

choice. The Department of Public Health and the Department of Health and Human Services must determine the availability of existing patient days statewide for the purpose of relocating these patients. Based upon this determination, the department, at its discretion, may reallocate the patient days from a facility discontinuing its Medicaid participation to a facility that participates in the Medicaid program and agrees to accept the residents from the facility that is discontinuing Medicaid participation. The Medicaid permit day shall permanently remain with the facility accepting the resident. In the allocation of patient days from the facility discontinuing Medicaid participation, the department must give first priority to restoring a county's allocation where a facility holding a permit closes, or discontinues participation in Medicaid. A nursing home receiving beds under the provisions of this subsection must not be a Special Focus Facility at the time of allocation.

State Health Facility Licensure Act

SECTION 126. Section 44-7-130(4), (10), and (15) of the S.C. Code is amended to read:

(4) Reserved.

(10) "Department" means the Department of Public Health.

(15) "Health care facility" or "healthcare facility" means, at a minimum, acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, or narcotic treatment programs.

State Health Facility Licensure Act

SECTION 127. Section 44-7-150(A)(3) of the S.C. Code is amended to read:

(3) adopt in accordance with Article I of the Administrative Procedures Act substantive and procedural regulations considered necessary by the department to carry out the department's licensure duties under this article;

State health planning and health facility licensure

SECTION 128. Sections 44-7-180 through 44-7-260 of the S.C. Code are amended to read:

Section 44-7-180. (A) There is created a health planning committee comprised of fourteen members. The Governor shall appoint twelve members, which must include at least one member from each congressional district. In addition, each of the following groups must be represented among the Governor's appointees: healthcare consumers, healthcare financiers, including business and insurance, and healthcare providers, including an administrator of a licensed for-profit nursing home. The director of the department shall appoint one member. The South Carolina Consumer Advocate or the Consumer Advocate's designee is an ex officio nonvoting member. Members appointed by the Governor are appointed for four-year terms, and may serve only two consecutive terms. Members of the health planning committee are allowed the usual mileage and subsistence as provided for members of boards, committees, and commissions. The committee shall elect from among its members a chairman, vice chairman, and such other officers as the committee considers necessary to serve a two-year term in that office.

(B) With the advice of the health planning committee, the department shall prepare a South Carolina Health Plan for use in the administration of the Certificate of Need program provided in this article. The plan at a minimum must include:

(1) an inventory of existing healthcare facilities, beds, specified health services, and equipment;

(2) projections of need for additional healthcare facilities, beds, health services, and equipment;

(3) standards for distribution of healthcare facilities, beds, specified health services, and equipment including scope of services to be provided, utilization, and occupancy rates, travel time, regionalization, other factors relating to proper placement of services, and proper planning of healthcare facilities; and

(4) a general statement as to the project review criteria considered most important in evaluating Certificate of Need applications for each type of facility, service, and equipment, including a finding as to whether the benefits of improved accessibility to each such type of facility, service, and equipment may outweigh the adverse affects caused by the duplication of any existing facility, service, or equipment.

The South Carolina Health Plan must address and include projections

and standards for specified health services and equipment which have a potential to substantially impact healthcare cost and accessibility. Nothing in this provision shall be construed as requiring the department to approve any project which is inconsistent with the South Carolina Health Plan.

(C) Upon approval by the health planning committee, the South Carolina Health Plan must be submitted at least once every two years to the director of the department for final revision and adoption. Once adopted by the director of the department, the plan may later be revised through the same planning and approval process. The department shall adopt by regulation a procedure to allow public review and comment, including regional public hearings, before adoption or revision of the plan.

Section 44-7-190. (A) The department shall adopt Project Review Criteria which, at a minimum, must provide for the determination of need for healthcare facilities, beds, services and equipment, including demographic needs, appropriate distribution, and utilization; accessibility to underserved groups; availability of facilities and services without regard to ability to pay; absence of less costly and more effective alternatives; appropriate financial considerations, including method of financing, financial feasibility, and cost containment; consideration of impact on health systems resources; site and building suitability; consideration of quality of care; and relevant special considerations as may be appropriate. The Project Review Criteria must be adopted as a regulation pursuant to the Administrative Procedures Act.

(B) The project review criteria promulgated in regulation must be used in reviewing all projects under the Certificate of Need process. When the criteria are weighted to determine the relative importance for the specific project, the department may reorder the relative importance of the criteria no more than one time after the project review meeting. When an application has been appealed, the department may not change the weighted formula.

(C) Project review criteria must prioritize timely access to healthcare services and seek a balance between competition in the marketplace and regulation in the provision of healthcare and must support reasonable patient choice in healthcare facilities and services. The department shall promulgate regulations within one year of the effective date of this act identifying how the department will incorporate these considerations in reviewing Certificate of Need applications.

Section 44-7-200. (A) An application for a Certificate of Need must be submitted to the department in a form established by regulation. The application must address all applicable standards and requirements set forth in departmental regulations, Project Review Criteria of the department, and the South Carolina Health Plan.

(B) Within twenty days before submission of an application, the applicant shall publish notification that an application is to be submitted to the department in a newspaper serving the area where the project is to be located for three consecutive days. The notification must contain a brief description of the scope and nature of the project. No application may be accepted for filing by the department unless accompanied by proof that publication has been made for three consecutive days within the prior twenty-day period and payment of the initial application fee has been received.

(C) After receipt of an application with proof of publication and payment of the initial application fee, the department shall publish in the State Register a notice that an application has been accepted for filing. Within fifteen days of acceptance of the application, the department may request additional information as may be necessary to complete the application. The applicant has fifteen days from the date of the request to submit the additional information. If the applicant fails to submit the requested information within the fifteen-day period, the application is considered withdrawn.

(D) After a Certificate of Need application has been filed with the department, state and federal elected officials are prohibited from communicating with the department with regard to the Certificate of Need application at any time. This prohibition does not include written communication of support or opposition to an application. Such written communication must be included in the administrative record.

Section 44-7-210. (A) After the department has determined that an application is complete, affected persons must be notified in accordance with departmental regulations. The notification to affected persons that the application is complete begins the review period; however, in the case of competing applications, the review period begins on the date of notice to affected persons that the last of the competing applications is complete and notice is published in the State Register. The staff shall issue its decision to approve or deny the application no earlier than thirty calendar days, but no later than ninety calendar days, from the date affected persons are notified that the application is complete, unless a public hearing is timely requested as may be provided for by department regulation. If a public hearing is properly requested, the staff's decision

must not be made until after the public hearing, but in no event shall the decision be issued more than one hundred twenty calendar days from the date affected persons are notified that the application is complete. The staff may reorder the relative importance of the project review criteria no more than one time during the review period. The staff's reordering of the relative importance of the project review criteria does not extend the review period provided for in this section.

(B) The department may not issue a Certificate of Need unless an application complies with the South Carolina Health Plan, Project Review Criteria, and other regulations. Based on project review criteria and other regulations, which must be identified by the department, the department may refuse to issue a Certificate of Need even if an application complies with the South Carolina Health Plan. In the case of competing applications, the department shall award a Certificate of Need, if appropriate, on the basis of which, if any, most fully complies with the requirements, goals, and purposes of this article and the State Health Plan, Project Review Criteria, and the regulations adopted by the department.

(C) On the basis of staff review of the application, the staff shall make a staff decision to grant or deny the Certificate of Need and the staff shall issue a decision in accordance with Section 44-1-60(D). Notice of the decision must be sent to the applicant and affected persons who have asked to be notified.

(D) A person may not file a request for a contested case hearing in opposition to the staff decision on a Certificate of Need unless the person provided written notice to the department during the staff review that he is an affected person and specifically states his opposition to the application under review.

(E) A contested case hearing of the final agency decision must be requested in accordance with Section 44-1-60. The issues considered at the contested case hearing considering a Certificate of Need are limited to those presented or considered during the staff review.

(F) Notwithstanding any other provision of law, including Section 1-23-650(C), in a contested case arising from the department’s decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160, the following apply:

(1) each party may name no more than five witnesses who may testify at the contested case hearing;

(2) each party is permitted to take only the deposition of a person listed by an opposing party as a witness who may testify at the contested case hearing and one Federal Rules of Civil Procedure Rule 30(b)(6)

deposition;

(3) each party is permitted to serve only ten interrogatories pursuant to Rule 33 of the South Carolina Rules of Civil Procedure;

(4) each party is permitted to serve only ten requests for admission, including subparts;

(5) each party is permitted to serve only fifteen requests for production, including subparts; and

(6) the parties shall complete discovery within one hundred twenty days after the assignment of the administrative law judge.

(G) Notwithstanding any other provision of law, in a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or deny a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160, the Administrative Law Court shall file a final decision no later than twelve months after the contested case is filed with the Clerk of the Administrative Law Court. An affected person who was a party to the contested case has a right to appeal to the Supreme Court final decisions issued by the Administrative Law Court for a contested case arising from the department's decision to grant or deny a Certificate of Need application, grant or denial of a request for exemption under Section 44-7-170, or the issuance of a determination regarding the applicability of Section 44-7-160.

Section 44-7-220. (A) A party who is aggrieved by the Administrative Law Court's final decision may seek judicial review of the final decision in accordance with Section 1-23-380.

(B)(1) If a party does not prevail in a contested case at the Administrative Law Court when requesting the reversal of the department's decision concerning a Certificate of Need application, when claiming an exemption under Section 44-7-170, or when claiming that the article is not applicable pursuant to Section 44-7-160, the Administrative Law Court shall award the party whose project is the subject of the appeal reasonable attorney's fees and costs incurred in the contested case.

(2) If a party does not prevail in an appeal to the Supreme Court when requesting the reversal of the Administrative Law Court's decision concerning a Certificate of Need application, when claiming an exemption under Section 44-7-170, or when claiming that the article is not applicable pursuant to Section 44-7-160, the Supreme Court shall award the party whose project is the subject of the contested case reasonable attorney's fees and costs incurred in the appeal.

(C) If the relief requested in the appeal is the reversal of the

Administrative Law Court's decision to approve the Certificate of Need application or approve the request for exemption under Section 44-7-170 or approve the determination that Section 44-7-160 is not applicable, the party filing the appeal shall deposit a bond with the Clerk of the Supreme Court within five calendar days after filing the petition to appeal. The bond must be secured by cash or a surety authorized to do business in this State in an amount equal to five percent of the total cost of the project or one hundred thousand dollars, whichever is greater, up to a maximum of one million five hundred thousand dollars. If the Supreme Court affirms the Administrative Law Court's decision or dismisses the appeal, the Supreme Court shall award to the party whose project is the subject of the appeal all of the bond. If a party appeals the denial of its own Certificate of Need application or of an exemption request under Section 44-7-170 or appeals the determination that Section 44-7-160 is applicable and there is no competing application involved in the appeal, the party filing the appeal is not required to deposit a bond with the Supreme Court.

(D)(1) If at the conclusion of the contested case or judicial review the Administrative Law Court or the Supreme Court finds that the contested case or a subsequent appeal was frivolous, the Administrative Law Court or the Supreme Court shall award damages incurred as a result of the delay, as well as reasonable attorney's fees and costs, to the party whose project is the subject of the contested case or judicial review.

(2) As used in this subsection, "frivolous appeal" means a reasonable person in the same circumstances would believe that:

(a) the contested case or subsequent appeal was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;

(b) the procurement, initiation, or continuation of the contested case or subsequent appeal was intended merely to harass or injure the other party; or

(c) the contested case or subsequent appeal was not reasonably founded in fact or was interposed merely for delay or was merely brought for a purpose other than securing proper discovery or adjudication of the claim upon which the proceedings are based.

(3) This subsection must not be construed to prohibit any party from seeking sanctions pursuant to the South Carolina Frivolous Civil Proceedings Sanctions Act pursuant to Section 15-36-10, et. seq.

(E)(1) The court must not assess attorney's fees or costs awarded against or to the department in any contested case or appeal involving a Certificate of Need application or an exemption request pursuant to

Section 44-7-170 or a request for a determination as to the applicability of Section 44-7-160.

(2) This subsection must not be interpreted to abrogate the contractual rights of any party concerning the recovery of attorney's fees or other monies in accordance with the provisions of any written contract between the parties to the action.

Section 44-7-225. The department, the Administrative Law Court, and the Court of Appeals shall consider the South Carolina Health Plan in place at the time the application was filed and may consider the current South Carolina Health Plan when making its decision.

Section 44-7-230. (A) The Certificate of Need, if issued, is valid only for the project described in the application including location, beds and services to be offered, physical plant, capital or operating costs, or other factors as set forth in the application, except as may be modified in accordance with regulations. The department shall require periodic reports and make inspections to determine compliance with the Certificate of Need. Implementation of the project or operation of the facility or medical equipment that is not in accordance with the Certificate of Need application or conditions subsequently agreed to by the applicant and the department may be considered a violation of this article.

(B) In issuing a Certificate of Need, the department shall specify the maximum capital expenditure obligated under the certificate. The department shall prescribe the method used to determine capital expenditure maximums, establish procedures to monitor capital expenditures obligated under certificates, and establish procedures to review projects for which the capital expenditure maximum is exceeded or expected to be exceeded.

(C) Prior to any construction authorized by a Certificate of Need, final drawings and specifications prepared by an architect or engineer legally registered under the laws of this State must be submitted to the department for approval. All construction must be completed in accordance with approved plans and specifications and prior approval must be obtained from the department for any changes that substantially alter the scope of work, function of construction, or major items of equipment, safety, or cost of the facility during construction.

(D) A Certificate of Need is valid for one year from the date of issuance. A Certificate of Need must be issued with a timetable submitted by the applicant and approved by the department to be followed for completion of the project. The holder of the Certificate of

Need shall submit periodic progress reports on meeting the timetable as may be required by the department. Failure to meet the timetable results in the revocation of the Certificate of Need by the department unless the department determines that extenuating circumstances beyond the control of the holder of the Certificate of Need are the cause of the delay. The department may grant two extensions of up to nine months each upon evidence that substantial progress has been made in accordance with procedures set forth in regulations. The director of the department may grant further extensions of up to nine months each only if the director determines that substantial progress has been made in accordance with the procedures set forth in regulations.

(E) A Certificate of Need is nontransferable. A Certificate of Need or rights thereunder may not be sold, assigned, leased, transferred, mortgaged, pledged, or hypothecated, and any actual transfer or attempt to make a transfer of this sort results in the immediate voidance of the Certificate of Need. The sale or transfer of the controlling interest or majority ownership in a corporation, partnership, or other entity holding, either directly or indirectly, a Certificate of Need, results in the transfer and voidance of a Certificate of Need.

Section 44-7-240. The department may establish a construction program providing for adequate facilities in this State and, insofar as possible, shall provide for the distribution of facilities and services throughout this State in such manner as to make all types of health services reasonably accessible to all persons in this State. The State Health Plan as required by this article may be used for purposes of establishing the relative need of projects for which applications are submitted under this construction program. Submittal of applications and review and approval of projects for which federal funds are requested must be in accordance with regulations adopted by the department and applicable federal act.

Section 44-7-250. The department shall establish and enforce basic standards for the licensure, maintenance, and operation of health facilities and services to ensure the safe and adequate treatment of persons served in this State.

Section 44-7-260. (A) If they provide care for two or more unrelated persons, the following facilities or services may not be established, operated, or maintained in this State without first obtaining a license in the manner provided by this article and regulations promulgated by the department:

(1) hospitals, including general and specialized hospitals;

(2) nursing homes;

(3) residential treatment facilities for children and adolescents;

(4) ambulatory surgical facilities;

(5) crisis stabilization unit facilities;

(6) community residential care facilities;

(7) facilities for chemically dependent or addicted persons;

(8) end-stage renal dialysis units;

(9) day care facilities for adults;

(10) any other facility operating for the diagnosis, treatment, or care of persons suffering from illness, injury, or other infirmity and for which the department has adopted standards of operation by regulation;

(11) intermediate care facilities for persons with intellectual disability;

(12) freestanding or mobile technology;

(13) facilities wherein abortions are performed;

(14) birthing centers.

(B) The licensing provisions of this article do not apply to:

(1) infirmaries for the exclusive use of the student bodies of privately owned educational institutions which maintain infirmaries;

(2) community-based housing sponsored, licensed, or certified by the South Carolina Department of Disabilities and Special Needs. The Department of Disabilities and Special Needs shall provide to the Department of Public Health the names and locations of these facilities on a continuing basis; or

(3) homeshare programs designated by the Department of Mental Health, provided that these programs do not serve more than two persons at each program location, the length of stay does not exceed fourteen consecutive days for one of the two persons, and the temporarily displaced person must be directly transferred from a homeshare program location. The Department of Mental Health shall provide to the Department of Public Health the names and locations of these programs on a continuing basis.

(C) The department is authorized to investigate, by inspection or otherwise, any facility to determine if its operation is subject to licensure.

(D) Each hospital must have a single organized medical staff that has the overall responsibility for the quality of medical care provided to patients. Medical staff membership must be limited to doctors of medicine or osteopathy who are currently licensed to practice medicine or osteopathy by the State Board of Medical Examiners, dentists licensed to practice dentistry by the State Board of Dentistry and podiatrists licensed to practice podiatry by the State Board of Podiatry Examiners.

No individual is automatically entitled to membership on the medical staff or to the exercise of any clinical privilege merely because he is licensed to practice in any state, because he is a member of any professional organization, because he is certified by any clinical examining board, or because he has clinical privileges or staff membership at another hospital without meeting the criteria for membership established by the governing body of the respective hospital. Patients of podiatrists and dentists who are members of the medical staff of a hospital must be coadmitted by a doctor of medicine or osteopathy who is a member of the medical staff of the hospital who is responsible for the general medical care of the patient. Oral surgeons who have successfully completed a postgraduate program in oral surgery accredited by a nationally recognized accredited body approved by the United States Office of Education may admit patients without the requirement of coadmission if permitted by the bylaws of the hospital and medical staff.

(E) No person, regardless of his ability to pay or county of residence, may be denied emergency care if a member of the admitting hospital's medical staff or, in the case of a transfer, a member of the accepting hospital's medical staff determines that the person is in need of emergency care. "Emergency care" means treatment which is usually and customarily available at the respective hospital and that must be provided immediately to sustain a person's life, to prevent serious permanent disfigurement, or loss or impairment of the function of a bodily member or organ, or to provide for the care of a woman in active labor if the hospital is so equipped and, if the hospital is not so equipped, to provide necessary treatment to allow the woman to travel to a more appropriate facility without undue risk of serious harm. In addition to or in lieu of any action taken by the South Carolina Department of Public Health affecting the license of any hospital, when it is established that any officer, employee, or member of the hospital medical staff has recklessly violated the provisions of this section, the department may require the hospital to pay a civil penalty of up to ten thousand dollars.

Administrative penalties

SECTION 129. Section 44-7-320(B) of the S.C. Code is amended to read:

(B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall send to the appropriate person or facility, by certified mail, return receipt requested, a notice setting forth

the particular reasons for the determination, and the decision may be appealed by requesting a contested case hearing pursuant to Section 44-1-60 and the Administrative Procedures Act. On the basis of the contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial review may be sought in accordance with the Administrative Procedures Act.

Medical record duplication fees

SECTION 130. Section 44-7-325(A)(1)(d) of the S.C. Code is amended to read:

(d) all of the fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI-U), published by the U.S. Department of Labor. The Department of Public Health is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.

Residential Care Committee

SECTION 131. Section 44-7-370 of the S.C. Code is amended to read:

Section 44-7-370. (A) The South Carolina Department of Public Health shall establish a Residential Care Committee to advise the department regarding licensing and inspection of community residential care facilities.

(1) The committee consists of the Long-Term Care Ombudsman, three operators of homes with ten beds or less, four operators of homes with eleven beds or more, and three members to represent the department appointed by the director for terms of four years.

(2) The terms must be staggered and no member may serve more than two consecutive terms. Any person may submit names to the director of the department for consideration. The advisory committee shall meet at least once annually with representatives of the department to evaluate current licensing regulations and inspection practices. Members shall serve without compensation.

(B) The Department of Public Health shall appoint a Renal Dialysis Advisory Council to advise the department regarding licensing and inspection of renal dialysis centers. The council must be consulted and have the opportunity to review all regulations promulgated by the department affecting renal dialysis prior to submission of the proposed

regulations to the General Assembly.

(1) The council is composed of a minimum of fourteen persons, one member recommended by the Palmetto Chapter of the American Nephrology Nurses Association; one member recommended by the South Carolina Chapter of the National Association of Patients on Hemodialysis and Transplants; three physicians specializing in nephrology recommended by the South Carolina Renal Physicians Association; two administrators of facilities certified for dialysis treatment or kidney transplant services; one member recommended by the South Carolina Kidney Foundation; one member recommended by the South Carolina Hospital Association; one member recommended by the South Carolina Medical Association; one member of the general public; one member representing technicians working in renal dialysis facilities; one member recommended by the Council of Nephrology Social Workers; and one member recommended by the Council of Renal Nutritionists. The directors of dialysis programs at the Medical School of the University of South Carolina and the Medical University of South Carolina, or their designees, are ex officio members of the council.

(2) Members shall serve four-year terms and until their successors are appointed and qualify. No member of council shall serve more than two consecutive terms. The council shall meet as frequently as the department considers necessary, but not less than twice each year. Members shall serve without compensation.

Hospital proceeding confidentiality

SECTION 132. Section 44-7-392(B) and (C) of the S.C. Code is amended to read:

(B) The confidentiality provisions of subsection (A) do not prevent committees appointed by the Department of Public Health from issuing reports containing solely nonidentifying data and information.

(C) Nothing in this section affects the duty of a hospital licensed by the Department of Public Health to report accidents or incidents pursuant to the department's regulations. However, anything reported pursuant to the department's regulations must not be considered a waiver of any privilege or confidentiality provided in subsection (A).

Healthcare cooperative agreements

SECTION 133. Section 44-7-510(4) of the S.C. Code is amended to read:

(4) "Department" means the Department of Public Health.

Hospital Revenue Bond Act

SECTION 134.A. Section 44-7-1420(4) of the S.C. Code is amended to read:

(4) It is the purpose of this article to empower the governing bodies of the several counties of the State under the terms and conditions of this article to finance the acquisition, enlargement, improvement, construction, equipping and providing of such hospital facilities to the end that the public health and welfare of the people of the State will be promoted at the least possible expense to those utilizing such hospital facilities so provided. In this connection, such governing bodies shall function under the guidance of the State Fiscal Accountability Authority of South Carolina and the Department of Public Health and shall be vested with all powers necessary to enable them to accomplish the purposes of this article, which powers shall be in all respects exercised for the benefits of the inhabitants of the State and to promote the public health and welfare of its citizens.

B. Section 44-7-1440 of the S.C. Code before the numbered items is amended to read:

Section 44-7-1440. Subject to obtaining approvals from the Authority required by Section 44-7-1590 and from the Department of Public Health, required by Section 44-7-1490, the several counties of the State functioning through their respective county boards shall be empowered:

C. Section 44-7-1490 of the S.C. Code is amended to read:

Section 44-7-1490. The county board shall not undertake the acquisition, construction, expansion, equipping or financing of any hospital facilities unless and until such approval of the Department of Public Health for such undertaking as may be required under Article 3, Chapter 7, Title 44, shall have been obtained.

D.Section 44-7-1590 of the S.C. Code is amended to read:

Section 44-7-1590. (A) No bonds may be issued pursuant to the provisions of this article until the proposal of the county board to issue the bonds receives the approval of the authority. Whenever a county board proposes to issue bonds pursuant to the provisions of this article, it shall file its petition with the authority setting forth:

(1) a brief description of the hospital facilities proposed to be undertaken and the refinancing or refunding proposed;

(2) a statement setting forth the action taken by the Department of Public Health in connection with the hospital facilities;

(3) a reasonable estimate of the cost of hospital facilities;

(4) a general summary of the terms and conditions of the proposed loan agreement; and

(5) such other information as the authority requires.

(B) Upon the filing of the petition the authority, as soon as practicable, shall conduct the review as it considers advisable, and if it finds that the proposal of the governing board is intended to promote the purposes of this article, it is authorized to approve the proposal. At any time following the approval, the county board may proceed with the issuance of the bonds in accordance with the proposal as approved by the authority. Notice of the approval of the proposal by the authority must be published at least once by the authority in a newspaper having general circulation in the county where the hospital facilities are or are to be located. The notice must set forth the action taken by the county board pursuant to Section 44-7-1480 and the action taken by the Department of Public Health pursuant to Section 44-7-1490.

(C) Any interested party, within twenty days after the date of the publication of the notice, but not afterwards, may challenge the action so taken by the authority or the county board by action de novo in the court of common pleas in any county where the hospital facilities are to be located.

E. Section 44-7-1660(B) of the S.C. Code is amended to read:

(B) The county board may not enter into a subsidiary loan agreement to finance the acquisition, construction, expansion, equipping, or financing of any hospital facilities until approval of the agreement by the South Carolina Department of Public Health as may be required under Article 3, Chapter 7, Title 44.

F. Section 44-7-1690 of the S.C. Code is amended to read:

Section 44-7-1690. Notice of the approval by a county board of any intergovernmental loan agreement or subsidiary loan agreement must be published at least once in a newspaper having general circulation in each county by the respective county board prior to the execution of such agreements. With respect to a subsidiary loan agreement, the notice must set forth the action taken by the county board and the South Carolina Department of Public Health pursuant to Section 44-7-1660. The intergovernmental loan agreement and subsidiary loan agreement must be filed with the clerk of court of the authorizing issuer and the clerk of court of the project county prior to the issuance of the bonds authorized thereby.

Any interested party may, within twenty days after the date of the publication of the notice, challenge the action taken by the county board of the authorizing issuer or the project county in approving the intergovernmental loan agreement by action de novo in the court of common pleas of the project county or the authorizing issuer.

Any interested party may, within twenty days after the date of the publication of the notice, challenge the action taken by the county board in approving the subsidiary loan agreement by action de novo in the court of common pleas in any county where the hospital facilities are to be located.

Hospital infections

SECTION 135.A. Section 44-7-2420(1) of the S.C. Code is amended to read:

(1) “Department” means the Department of Public Health.

B. Section 44-7-2430(C)(1) of the S.C. Code is amended to read:

(1) The Director of the Department of Public Health shall appoint an advisory committee that must have an equal number of members representing all involved parties. The director shall seek recommendations for appointments to the advisory committee from organizations that represent the interests of hospitals, consumers, businesses, purchasers of healthcare services, physicians, and other professionals involved in the research and control of infections.

Criminal record checks, direct caregivers

SECTION 136. Section 44-7-2940 of the S.C. Code is amended to read:

Section 44-7-2940. The Department of Public Health shall verify that a direct care entity is conducting criminal record checks as required in this article before the department issues a renewal license for the direct care entity. The department shall act as the channeling agency for any federal criminal record checks required by this article.

Hospital Patient Safety Act

SECTION 137.A. Section 44-7-3430 of the S.C. Code is amended to read:

Section 44-7-3430. All clinical staff, clinical trainees, medical students, interns, and resident physicians of a hospital shall wear badges clearly stating their names, using at a minimum either first or last names with appropriate initials, their departments, and their job or trainee titles. All clinical trainees, medical students, interns, and resident physicians must be explicitly identified as such on their badges. This information must be clearly visible and must be stated in terms or abbreviations reasonably understandable to the average person, as recognized by the Department of Public Health.

B. Section 44-7-3460 of the S.C. Code is amended to read:

Section 44-7-3460. The Department of Public Health shall administer and enforce the provisions of this article in accordance with procedures and penalties provided in law and regulation.

Community oral health program

SECTION 138.A. Section 44-8-10 of the S.C. Code is amended to read:

Section 44-8-10. The Department of Public Health shall implement a targeted community program for dental health education, screening, and treatment referral in the public schools for children in kindergarten, third, seventh, and tenth grades or upon entry into a South Carolina school. The department shall target three to five counties of need. The program must seek collaboration from local school districts, other governmental entities, school nurses, and dentists to coordinate federal

Medicaid assistance and any volunteer efforts to reduce costs to the State to the extent practicable. Program guidelines must be promulgated in regulations and must include procedures for screenings and for the issuance of an Acknowledgment of Dental Screening for a child indicating that the child has had the dental screening. These guidelines also must provide that the screenings required by this section be made by an authorized provider at no charge.

B. Section 44-8-20(5) of the S.C. Code is amended to read:

(5) "Department" means the South Carolina Department of Public Health.

C. Section 44-8-60 of the S.C. Code is amended to read:

Section 44-8-60. The initial and continued implementation of the provisions of this chapter is contingent upon the appropriation of adequate funding. There is no mandatory financial obligation to the Department of Public Health, the Department of Education, or school districts within the counties chosen to participate if adequate funding is not appropriated or made available.

Office of Mental Health

SECTION 139. Section 44-9-70 of the S.C. Code is amended to read:

Section 44-9-70. The State Department of Mental Health is hereby designated as the state's mental health authority for purposes of administering Federal funds allotted to South Carolina under the provisions of the National Mental Health Act, as amended. The State Department of Mental Health is further designated as the State agency authorized to administer minimum standards and requirements for mental health clinics as conditions for participation in Federal-State grants-in-aid under the provisions of the National Mental Health Act, as amended, and is authorized to promote and develop community mental health outpatient clinics. Provided, that nothing in this article shall be construed to prohibit the operation of outpatient mental health clinics by the South Carolina Medical College Hospital in Charleston. Provided, further, that nothing herein shall be construed to include any of the functions or responsibilities now granted the Department of Public Health, or the administration of the State Hospital Construction Act (Hill-Burton Act), as provided in the S.C. Code and amendments thereto.

Office of Intellectual and Developmental Disabilities

SECTION 140. Section 44-20-270 of the S.C. Code is amended to read:

Section 44-20-270. The department is designated as the state's intellectual disability, related disabilities, head injuries, and spinal cord injuries authority for the purpose of administering federal funds allocated to South Carolina for intellectual disability programs, related disability programs, head injury programs, and spinal cord injury programs. This authority does not include the functions and responsibilities granted to the South Carolina Department of Public Health or to the South Carolina Department of Vocational Rehabilitation or the administration of the "State Hospital Construction and Franchising Act."

Contagious and infectious diseases

SECTION 141. Sections 44-29-10 through 44-29-250 of the S.C. Code are amended to read:

Section 44-29-10. (A) In all cases of known or suspected contagious or infectious diseases occurring within this State the attending physician must report these diseases to the county health department within twenty-four hours, stating the name and address of the patient and the nature of the disease. The county health department must report to the Department of Public Health all such cases of infectious and contagious diseases as have been reported during the preceding month, these reports to be made upon blanks furnished by the Department of Public Health. The Department of Public Health must designate the diseases it considers contagious and infectious. The Department of Public Health may also designate other diseases for mandatory reporting by physicians. Any physician who fails to comply with the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or be imprisoned for a period not exceeding thirty days.

(B) A healthcare provider, coroner, medical examiner, or any person or entity that maintains a database containing healthcare data must report all cases of persons who harbor any illness or health condition that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. The

Department of Public Health must designate reportable illnesses and health conditions as set forth in subsection (A).

(C) A pharmacist must report any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. Prescription-related events that require a report include, but are not limited to:

(1) an unusual increase in the number of prescriptions to treat fever, respiratory, or gastrointestinal complaints;

(2) an unusual increase in the number of prescriptions for antibiotics;

(3) an unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory, or gastrointestinal complaints; and

(4) any prescription that treats a disease that is relatively uncommon and has bioterrorism potential.

(D) The reports of conditions must be made in the form and manner as prescribed by DPH in regulations concerning infectious diseases. The reports must be made to the Bureau of Disease Control in the manner required in the regulations. When available, clinical information supporting the diagnoses, including results of specific diagnostic tests, must be included.

(E) For purposes of this section, the terms chemical terrorism, bioterrorism, and radiological terrorism have the same meanings as provided in Section 44-4-130.

Section 44-29-15. (A) A laboratory, within or outside the State, responsible for performing a test for any of the infectious or other diseases required by the Department of Public Health to be reported pursuant to Section 44-29-10, shall report positive or reactive tests to the department. This includes, but is not limited to, all laboratories, within or outside the State, which collect specimens in South Carolina or which receive the initial order for testing from a practitioner, blood bank, plasmapheresis center, or other healthcare provider located in South Carolina. The department also may require that all results of certain, specifically identified laboratory tests be reported. All reports must be submitted within the time frame and in the form and manner designated by the department.

(B) Laboratories, within or outside the State, which perform tests as

described in subsection (A) and which determine positive or reactive test results, shall, if required by the department, provide clinical specimens and isolates to the department or another laboratory designated by the department for further testing to determine incidence and other epidemiological information. These clinical specimens and isolates must be submitted within the time frame and in the form and manner designated by the department. The testing must be performed for epidemiological surveillance only; source consent is not required, and results are not required to be returned to the source patient or physician. The clinical specimens and isolates must be destroyed after tests are successfully completed, unless otherwise directed by the department.

(C) Persons and entities, which are required to report test results to the department pursuant to this section and which send clinical specimens and isolates out of state for testing, are responsible for ensuring that results are reported and clinical specimens and isolates are submitted to the department, or a laboratory designated by the department, as required under this section and related regulations.

(D) If a laboratory forwards clinical specimens and isolates out of state for testing, the originating laboratory retains the duty to comply with this section and related regulations, either by:

(1) reporting the results, providing the name and address of the testing laboratory, and submitting the clinical specimens and isolates to the department; or

(2) ensuring that the results are reported and that the clinical specimens and isolates are submitted to the department or another laboratory designated by the department.

(E) A person, laboratory, or other entity violating a provision of this section or related regulations is subject to a civil monetary penalty of not more than one thousand dollars for the first offense and not more than five thousand dollars for each subsequent offense. Each instance of noncompliance constitutes a separate violation and offense.

Section 44-29-20. Prior to transportation of human remains known to be infected by any dangerous, contagious, or infectious disease into, through, or out of this State or any city, town, or county within this State, the hospital, health or medical clinic, physician, medical facility, person, or other entity in possession of the human remains shall inform any funeral director, ambulance driver, or any other person or entity who is to transport the remains that the remains are infected by a dangerous, contagious, or infectious disease.

In the event that human remains as described above are not to be moved immediately but are to be operated on for purposes of autopsy or

otherwise handled, any doctor, technician, or other person charged with the responsibility of handling the remains known to be infected by any dangerous, contagious, or infectious disease must be informed that the remains are so infected.

For the purpose of enforcing this section, the Department of Public Health (department) shall make and distribute, at intervals considered necessary by the department, to all hospitals, health or medical clinics, other medical facilities, persons, or other entities who may normally be in possession of human remains a list declaring what diseases are regarded as dangerous, contagious, or infectious and shall classify these diseases and shall designate the diseases as are of so dangerous a character that transportation of human remains infected by them is forbidden except under conditions as prescribed by the department which it considers proper for the transportation of those remains.

Section 44-29-30. Whenever any animal or poultry shall die from any natural or other cause, except from being slaughtered or killed for the use of man, or the dead body thereof be found upon the premises of any person, be he the owner or tenant thereof, the owner of such dead animal or poultry, or the owner or tenant of the lands or premises upon which such dead bodies may be found, shall immediately burn or bury or cause to be burned or buried such dead animal or poultry. When buried, an animal shall be put not less than three feet and poultry not less than one foot under the ground. Any owner of any such dead animal or poultry, knowing that such dead animal or poultry is lying dead upon his premises, or any tenant on premises having such knowledge or having notice thereof, who refuses or fails to bury or burn such dead animal or poultry as aforesaid shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of not less than five dollars or more than one hundred dollars, or be imprisoned for a period of not more than thirty days.

Section 44-29-40. (A) The Department of Public Health shall have general direction and supervision of vaccination, screening, and immunization in this State. The Department of Public Health has the authority to promulgate regulations concerning vaccination, screening, and immunization requirements.

(B) The department shall establish a statewide immunization registry and shall promulgate regulations for the implementation and operation of the registry. All healthcare providers shall report to the department the administration of any immunization in a manner and including such data as specified by the department. The department may make

immunization information available to persons and organizations in accordance with state and federal disclosure and reporting laws. The department may seek enforcement of this section and issue civil penalties in accordance with Section 44-1-150.

Section 44-29-50. Any person who shall fail, neglect or refuse to comply with any regulation of the Department of Public Health relating to vaccination, screening or immunization shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

Section 44-29-60. Sexually transmitted diseases which are included in the annual Department of Public Health List of Reportable Diseases are declared to be contagious, infectious, communicable, and dangerous to the public health. Sexually transmitted diseases include all venereal diseases. It is unlawful for anyone infected with these diseases to knowingly expose another to infection.

Section 44-29-70. Any physician or other person who makes a diagnosis of or treats a case of a sexually transmitted disease and any superintendent or manager of a hospital, dispensary, healthcare related facility, or charitable or penal institution in which there is a case of a sexually transmitted disease shall report it to the health authorities according to the form and manner as the Department of Public Health directs.

Section 44-29-80. Any laboratory performing a positive laboratory test for a sexually transmitted disease shall make a report of the case or positive laboratory test for a sexually transmitted disease to the Department of Public Health in the form and manner as the department directs and shall cooperate with the Department of Public Health and local boards of health in preventing the spread of sexually transmitted diseases.

Section 44-29-90. State, district, county, and municipal health officers, in their respective jurisdictions, when in their judgment it is necessary to protect the public health, shall make examination of persons infected or suspected of being infected with a sexually transmitted disease, require persons infected with a sexually transmitted disease to report for treatment appropriate for their particular disease provided at public expense, and request the identification of persons with whom they have had sexual contact or intravenous drug use contact, or both. The

health officer may isolate persons infected or reasonably suspected of being infected with a sexually transmitted disease. To the extent resources are available to the Department of Public Health for this purpose, when a person is identified as being infected with Human Immunodeficiency Virus (HIV), the virus which causes Acquired Immunodeficiency Syndrome (AIDS), his known sexual contacts or intravenous drug use contacts, or both, must be notified but the identity of the person infected must not be revealed. Efforts to notify these contacts may be limited to the extent of information provided by the person infected with HIV. Public monies appropriated for treatment of persons infected with a sexually transmitted disease must be expended in accordance with priorities established by the department, taking into account the cost effectiveness, curative capacity of the treatment, and the public health benefit to the population of the State.

Section 44-29-100. Any person who is confined or imprisoned in any state, county, or city prison of this State may be examined and treated for a sexually transmitted disease by the health authorities or their deputies. The Department of Public Health and county and municipal boards of health may take over a portion of any state, county, or city prison for use as a department or board of health hospital. Persons who are confined or imprisoned and who are suffering with a sexually transmitted disease at the time of expiration of their terms of imprisonment must be isolated and treated at public expense as provided in Section 44-29-90 until, in the judgment of the local health officer, the prisoner may be medically discharged. In lieu of isolation, the person, in the discretion of the department or board of health, may be required to report for treatment to a licensed physician or submit for treatment provided at public expense by the Department of Public Health as provided in Section 44-29-90.

Section 44-29-110. No person suffering from any of the sexually transmitted diseases described in Section 44-29-60 may be discharged from confinement unless he is pronounced cured of the disease by a state, county, or municipal health officer or, if no cure is available, upon the recommendation of the Department of Public Health. If any person is released before a complete cure of the sexually transmitted disease of which he is suffering, the department shall direct the individual as to whom to report for further treatment, and failure to report at the stated intervals as directed, in each instance, constitutes a violation of the provisions of Sections 44-29-60 to 44-29-140 and subjects him, upon conviction, to the penalty set forth in Section 44-29-140.

Section 44-29-115. If the Department of Public Health believes that a person must be isolated pursuant to Section 44-29-90, 44-29-100, or 44-29-110, it shall file a petition with the probate court of the county where the person is located or where the person resides. The complaint must state the specific harm thought probable and the factual basis for this belief. If the court, after due notice and hearing, is satisfied that the petition is well-founded, it may order that the person must be isolated.

Any person isolated pursuant to Section 44-29-90, 44-29-100, or 44-29-110 has the right to appeal to any court having jurisdiction for review of the evidence under which he was isolated.

A court may not order isolation for more than ninety days. If the department determines that the grounds for isolation no longer exist, it shall file a notice of intent to discharge with the court before the person isolated is released.

The person for whom isolation is sought must be represented by counsel at all proceedings and, if he cannot afford to hire an attorney, the court shall appoint an attorney to represent him. The attorney for the person isolated must have access to any documents regarding the isolation.

Section 44-29-120. Every physician attending a pregnant woman in the State for conditions relating to her pregnancy during the period of gestation or at delivery shall, in the case of every woman so attended, take or cause to be taken a sample of blood of such woman at the time of his first examination or within three days thereafter and shall submit such sample to an approved laboratory for a standard serological test for syphilis, rubella, Rh factor and a hemoglobin determination, if the latter test is not performed by the physician's staff. Such an approved laboratory must participate in an appropriate proficiency testing program approved by the Department of Public Health. Every person, other than a physician, permitted by law to attend pregnant women in the State, but not permitted by law to take blood samples, shall cause a sample of blood of each such pregnant woman to be taken by a physician duly licensed to practice medicine and surgery, registered nurse, laboratory technician or other person authorized to take blood for blood tests and have such sample submitted to an approved laboratory for a standard serological test for syphilis, rubella, Rh factor and a hemoglobin determination, if the latter test is not performed by the physician's staff. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. The provisions of this section shall not apply to any person who

submits a sworn affidavit stating that she objects to the tests herein required on grounds such tests conflict with her religious tenets or beliefs.

Section 44-29-130. The Department of Public Health shall promulgate regulations necessary to carry out the purposes of Sections 44-29-60 to 44-29-140, other than Section 44-29-120, including regulations providing for labor on the part of isolated persons considered necessary to provide in whole or in part for their subsistence and to safeguard their general health and regulations concerning sexually transmitted diseases as it considers advisable. All regulations so made are binding upon all county and municipal health officers and other persons affected by Sections 44-29-60 to 44-29-140.

Section 44-29-135. All information and records held by the Department of Public Health and its agents relating to a known or suspected case of a sexually transmitted disease are strictly confidential except as provided in this section. The information must not be released or made public, upon subpoena or otherwise, except under the following circumstances:

(a) release is made of medical or epidemiological information for statistical purposes in a manner that no individual person can be identified;

(b) release is made of medical or epidemiological information with the consent of all persons identified in the information released;

(c) release is made of medical or epidemiological information to the extent necessary to enforce the provisions of this chapter and related regulations concerning the control and treatment of a sexually transmitted disease;

(d) release is made of medical or epidemiological information to medical personnel to the extent necessary to protect the health or life of any person;

(e) in cases involving a minor, the name of the minor and medical information concerning the minor must be reported to appropriate agents if a report of abuse or neglect is required by Section 63-7-310; or

(f) if a minor has Acquired Immunodeficiency Syndrome (AIDS) or is infected with Human Immunodeficiency Virus (HIV), the virus that causes AIDS, and is attending a public school in kindergarten through fifth grade, the department shall notify the superintendent of the school district and the nurse or other health professional assigned to the school the minor attends. This notification and information contained in the notification must not be recorded in the child’s permanent record.

However, if this information is in the child's permanent school record, the information must be purged from the child's record before the child enters the sixth grade.

Section 44-29-136. (A) A portion of a person's sexually transmitted disease test results disclosed to a solicitor or state criminal law enforcement agency pursuant to Section 44-29-135(c) must be obtained by court order upon a finding by the court that the request is valid under Section 44-29-135(c) and that there is a compelling need for the test results. In determining a compelling need, the court must weigh the need for disclosure against both the privacy interest of the test subject and the potential harm to the public interest if disclosure deters future Human Immunodeficiency Virus-related testing and counselling or blood, organ, and semen donation. No information regarding persons other than the subject of the test results must be released. The court shall provide the department and the person who is the subject of the test results with notice and an opportunity to participate in the court hearing.

(B) No court may issue an order solely on the basis of anonymous tips or anonymous information. A person who provides information relied upon by a law enforcement agency or solicitor to obtain records under Section 44-29-135(c) shall sign a sworn affidavit setting forth the facts upon which he bases his allegations. This person shall appear and be subject to examination and cross-examination at the hearing to determine whether an order requiring disclosure should be granted.

(C) Pleadings pertaining to disclosure of test results must substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject's true name must be communicated in documents sealed by the court. Court proceedings must be conducted in camera unless the subject of the test results requests a hearing in open court. All files regarding the court proceedings must be sealed unless waived by the subject of the test results.

(D) Upon issuance of an order to disclose the test results pursuant to Section 44-29-135(c), the court may impose appropriate safeguards against the unauthorized disclosure of the information including, but not limited to, specifying who may have access to the information, the purposes for which the information must be used, and prohibitions against further disclosure of the information.

Section 44-29-140. Any person who violates any of the provisions of Sections 44-29-60 to 44-29-140, other than Section 44-29-120, or any regulation made by the Department of Public Health pursuant to the authority granted by law, or fails or refuses to obey any lawful order issued by any state, county, or municipal health officer, pursuant to Sections 44-29-60 to 44-29-140, or any other law or the regulations prescribed by law, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or be imprisoned for not more than thirty days.

Section 44-29-145. It is unlawful for a person who knows that he is infected with Human Immunodeficiency Virus (HIV) to:

(1) knowingly engage in sexual intercourse, vaginal, anal, or oral, with another person without first informing that person of his HIV infection;

(2) knowingly commit an act of prostitution with another person;

(3) knowingly sell or donate blood, blood products, semen, tissue, organs, or other body fluids;

(4) forcibly engage in sexual intercourse, vaginal, anal, or oral, without the consent of the other person, including one's legal spouse; or

(5) knowingly share with another person a hypodermic needle, syringe, or both, for the introduction of drugs or any other substance into, or for the withdrawal of blood or body fluids from the other person's body without first informing that person that the needle, syringe, or both, has been used by someone infected with HIV.

A person who violates this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than ten years.

Section 44-29-146. A physician or state agency identifying and notifying a spouse or known contact of a person having Human Immunodeficiency Virus (HIV) infection or Acquired Immunodeficiency Syndrome (AIDS) is not liable for damages resulting from the disclosure.

"Contact" means the exchange of body products or body fluids by sexual acts or percutaneous transmission.

Section 44-29-150. No person will be initially hired to work in any public or private school, kindergarten, nursery or day care center for infants and children until appropriately evaluated for tuberculosis according to guidelines approved by the Department of Public Health. Re-evaluation will not be required for employment in consecutive years unless otherwise indicated by such guidelines.

Section 44-29-160. Any person applying for a position in any of the public or private schools, kindergartens, nurseries, or day care centers for infants and children of the State shall, as a prerequisite to employment, secure a health certificate from a licensed physician certifying that such person does not have tuberculosis in an active stage.

Section 44-29-170. The physician shall make the aforesaid certificate on a form supplied by the Department of Public Health, whose duty it shall be to provide such forms upon request of the applicant.

Section 44-29-180. (A) No superintendent of an institution of learning, no school board or principal of a school, and no owner or operator of a public or private childcare facility as defined in Section 63-13-20 may admit as a pupil or enroll or retain a child or person who cannot produce satisfactory evidence of having been vaccinated or immunized so often as directed by the Department of Public Health. Records of vaccinations or immunizations must be maintained by the institution, school, or day care facility to which the child or person has been admitted.

(B) The Department of Public Health shall monitor the immunization status of each child who is enrolled or retained in a licensed child day care facility or a registered church or religious child day care facility. The monitoring of day care facilities shall consist of a review of the immunization or vaccination records to insure that required immunizations are complete as recommended and routinely provided by the Department of Public Health for all infants and children.

(C) South Carolina Department of Public Health Regulation 60-8, as amended, "Immunization Requirements for School and Childcare Attendance," and its exemptions apply to this section.

(D) A South Carolina Certificate of Special Exemption signed by the school principal, authorized representative, or day care director may be issued to transfer students while awaiting arrival of medical records from their former area of residence or to other students who have been unable to secure immunizations or documentation of immunizations already received. A South Carolina Certificate of Special Exemption may be issued only once and is valid for only thirty calendar days from date of enrollment. At the expiration of this special exemption, the student must present a valid South Carolina Certificate of Immunization, a valid South Carolina Certificate of Medical Exemption, or a valid South Carolina Certificate of Religious Exemption.

(E) Registered family day care homes are exempt from requirements of this section.

Section 44-29-185. (A)(1) Beginning with the 2016-2017 school year, the Department of Public Health may offer the cervical cancer vaccination series for adolescent students. Adolescent students include children enrolling in the seventh grade in any school, public, private, or home schooling program in this State.

(2) No student is required to have the cervical cancer vaccination series before enrolling in or attending school. Consent of a parent or guardian is required for a student to receive the cervical cancer vaccination from the department, except as provided under Section 63-5-340.

(B)(1) The department may develop and provide, to each school and home schooling program whose grade levels include grade six, informational brochures concerning adolescent vaccinations, including the cervical cancer vaccination series. The brochure specifically must state the benefits and side effects of the cervical cancer vaccination series and that the vaccination series is optional. The brochure must encourage the parent or guardian of a student to take the child to the child's own healthcare provider to be vaccinated. At the beginning of the school year, each school and home schooling program may provide this informational brochure to the parents or guardians of all students in the sixth grade.

(2) The department shall disclose the benefits, adverse risks, and side effects of the adolescent vaccination series offered, which must take into account medical findings by the healthcare profession in this State, another state, or any other country. The department shall encourage the parent or guardian of a student to take the child to the child's own healthcare provider for a full discussion of the benefits and side effects of receiving any adolescent vaccination series.

(C) For the purposes of this section "cervical cancer vaccination series" means the human papillomavirus vaccination series.

(D) Implementation of this section is contingent upon the appropriation of state and federal funding to the department to fully cover the costs of providing this vaccination series to eligible students as well as the availability of funds to produce the informational brochure provided for in subsection (B)(1).

(E) The department may not contract with a healthcare provider to offer the vaccination series if the healthcare provider performs abortions.

Section 44-29-190. Any person who violates the provisions of Section 44-29-180 is guilty of a misdemeanor and, upon conviction, may be fined not more than two hundred dollars or imprisoned for not more than thirty days.

Section 44-29-195. (A) A student sent home from school for having pediculosis (head lice) only may return to school upon presentation of evidence of treatment and upon a physical screening conducted by the school nurse or other person designated by the principal indicating an absence of pediculosis.

(B) The department shall make available to eligible families, through the county health departments, products or vouchers for products for the treatment of pediculosis.

For purposes of this subsection, a family is eligible if a child in the family is a student in the public school system and the child receives Medicaid or free or reduced school meals.

Section 44-29-200. Any board of education, school trustees, or other body having control of a school, on account of the prevalence of any contagious or infectious diseases or to prevent the spread of disease, may prohibit or limit the attendance of any employee or student at any school or school-related activities under its control. The decision to prohibit or limit attendance must be based on sound medical evidence and must comply with the official procedures adopted by the board for this purpose. Before lifting a prohibition or restriction on attendance, the board may require a satisfactory certificate from one or more licensed physicians that attendance is no longer a risk to others attending school.

Any board acting in good faith and in compliance with the provisions of this section is not liable for damages which may result from its decision. Nothing in this section relieves a board from its responsibilities to provide a student with educational programs and services appropriate to his needs as required by Section 59-20-30.

Section 44-29-210. (A) If the Director of the Department of Public Health approves in writing a mass immunization project to be administered in any part of this State in cooperation with an official or volunteer medical or health agency, any authorized employee of the agency, any physician who does not receive compensation for his services in the project, and any licensed nurse who participates in the project, except as provided in subsection (B), is not liable to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine administered in the project by the employee, physician, or nurse. The director may not approve the project unless the director finds that the project conforms to good medical and public health practice.

For purposes of this section, a person is considered to be an authorized employee of an official or volunteer medical or health agency if he has

received the necessary training for and approval of the department for participation in the project.

(B) Nothing in this section exempts any physician, licensed nurse, or authorized public health employee participating in any mass immunization project from liability for gross negligence, and the provisions of this section do not exempt any drug manufacturer from any liability for any drug or vaccine used in the project.

Section 44-29-230. (A) While working with a person or a person's blood or body fluids, if a healthcare worker or emergency response employee is involved in an incident resulting in possible exposure to bloodborne diseases, and a healthcare professional based on reasonable medical judgment has cause to believe that the incident may pose a significant risk to the healthcare worker or emergency response employee, the healthcare professional may require the person, the healthcare worker, or the emergency response employee to be tested without his consent.

(B) The test results must be given to the healthcare professional who shall report the results and assure the provision of post-test counseling to the healthcare worker or emergency response employee, and the person who is tested. The test results also shall be reported to the Department of Public Health in a manner prescribed by law.

(C) No physician, hospital, or other healthcare provider may be held liable for conducting the test or the reporting of test results under this section.

(D) For purposes of this section:

(1) "Person" means a patient at a healthcare facility or healthcare professional's office, an inmate at a state or local correctional facility, an individual under arrest, or an individual in the custody of or being treated by a healthcare worker or an emergency response employee.

(2) "Emergency response employee" means firefighters, law enforcement officers, paramedics, emergency medical technicians, medical residents, medical trainees, trainees of an emergency response employee as defined herein, and other persons, including employees of legally organized and recognized volunteer organizations without regard to whether these employees receive compensation, who in the course of their professional duties respond to emergencies.

(3) "Bloodborne diseases" means Hepatitis B, Hepatitis C, or Human Immunodeficiency Virus infection, including Acquired Immunodeficiency Syndrome.

(4) "Significant risk" means a finding of facts relating to a human exposure to an etiologic agent for a particular disease, based on

reasonable medical judgments given the state of medical knowledge, about the:

(a) nature of the risk;

(b) duration of the risk;

(c) severity of the risk;

(d) probabilities the disease will be transmitted and will cause varying degrees of harm.

(5) "Healthcare professional" means a physician, a dentist, an epidemiologist, or infection control practitioner.

(6) "Healthcare worker" means a person licensed as a healthcare provider under Title 40, a person registered under the laws of this State to provide healthcare services, an employee of a healthcare facility as defined in Section 44-7-130(10), or an employee in a healthcare professional's office.

(E) The cost of any test conducted under this section must be paid by the:

(1) person being tested;

(2) State in the case of indigents; or

(3) public or private entity employing the healthcare worker or emergency response employee if the cost is not paid pursuant to items (1) and (2) above.

Section 44-29-240. A person, upon whom an invasive, exposure-prone procedure, as defined by the Department of Public Health, is scheduled to be performed, is encouraged to know his HIV antibody, HBsAG, and HBeAg status and disclose the status to the healthcare professionals rendering care so that precautionary measures may be taken. A person, upon whom an invasive, exposure-prone procedure is scheduled to be performed, who does not know his status, is encouraged to have his blood tested for the presence of HIV or HBV so as to protect the healthcare professionals rendering care.

Section 44-29-250. Notwithstanding any other provision of this chapter or a regulation promulgated under this chapter, a person who collects and anonymously submits a sample of the person's own body fluid or tissue for Human Immunodeficiency Virus (HIV) infection testing is not required to report a positive test result, and the test results are confidential. However, the person or laboratory performing the test on an anonymous sample shall report a positive HIV infection test result to the Department of Public Health, as well as certification to the Department of Public Health that counseling options, including community-based resources, and referrals to appropriate medical

providers have been made or offered to the positive subject, but the report must not contain any information identifying the subject of the report or any information that may lead to the identification of the subject of the report.

Healthcare Professional Compliance Act

SECTION 142.A. Section 44-30-20(3) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of Public Health.

B. Section 44-30-90 of the S.C. Code is amended to read:

Section 44-30-90. The department and each licensing board shall promulgate regulations necessary to accomplish the purposes set forth in this article and to comply with public law no later than October 1, 1992. All orders for medication dispensed or treatment provided in a hospital shall be authenticated according to hospital policy. The orders shall be taken by personnel qualified by hospital medical staff rules and shall include the date, time, and name of persons who gave the order, and the signature of the person taking the order. The Department of Public Health shall promulgate regulations consistent with this provision.

Tuberculosis

SECTION 143.A. Sections 44-31-10 through 44-31-30 of the S.C. Code are amended to read:

Section 44-31-10. Every attending physician and chief administrative officer having charge of any hospital, clinic, dispensary or other similar private or public institution in the State shall make a report in writing, on a form to be furnished by the Department of Public Health, on every person known by the physician to have tuberculosis or on every patient in the care of such administrator. Such report shall be filed within twenty-four hours after the patient is known by the physician to have tuberculosis or after such patient comes into the care of the administrator.

The report shall contain the name, age, sex, race, occupation, place where last employed if known, and the address or previous address in the case of a patient reported on, and the reporting physician or officer

shall also give evidence upon which the diagnosis of tuberculosis has been made, the part of the body affected, and the stage of the disease. All cases in which sputum, urine, feces, pus, or any other bodily discharge, secretion, or excretion contains the tubercle bacillus, shall be regarded as active infectious cases of tuberculosis.

Section 44-31-20. (1) All bacteriological and pathological laboratories rendering diagnostic service shall report to the Department of Public Health, within twenty-four hours after diagnosis, the full name and other available data relating to the person whose sputa, gastric contents, or other specimens submitted for examination reveal the presence of tubercle bacilli. Such report shall include the name and address of the physician or of any other person or agency referring such positive specimen for clinical diagnosis.

(2) All reports and records of clinical or laboratory examination, for the presence of tuberculosis, shall be confidential and recorded in a register maintained by the Department of Public Health.

Section 44-31-30. Authorized personnel of the Department of Public Health may inspect all medical records of all public and private institutions and clinics where tuberculosis patients are treated, and shall provide consultation services to officers of State educational, correctional, and medical institutions regarding the control of tuberculosis and the care of patients or inmates having tuberculosis.

B. Sections 44-31-105 and 44-31-110 of the S.C. Code are amended to read:

Section 44-31-105. (A) If the Department of Public Health determines that the public health or the health of any individual is endangered by a case of tuberculosis, or a suspected case of tuberculosis, the director, or his or her designee, may issue an emergency order he or she considers necessary to protect the public health or the health of any person, and law enforcement shall aid and assist the department in accordance with Section 44-1-100.

(B) An emergency order issued pursuant to this section may include, but is not limited to:

(1) authorizing the emergency removal to and detention in a hospital or other treatment facility for examination of a person who is unable or unwilling to voluntarily submit to an examination by a physician or by the department for the purpose of determining whether the person is infected with active tuberculosis and presents a danger to

himself or others;

(2) requiring compliance with an appropriate, prescribed course of medication for tuberculosis and contagion precautions;

(3) requiring compliance with a course of directly observed therapy in which the prescribed antituberculosis medication is administered under direct observation as specified by the department;

(4) authorizing the emergency removal to and isolation in a hospital or other treatment facility of a person who fails to comply with an emergency order issued by the department, fails to comply with a medically ordered treatment regimen, and presents a substantial risk and likelihood of exposure of active tuberculosis to other persons;

(5) requiring the emergency detention and isolation by a hospital of a hospital patient with active tuberculosis disease who is threatening or attempting to leave the hospital against medical advice.

(C) An emergency order issued pursuant to this section must include:

(1) an individualized assessment of the person's circumstances or behavior, or both, constituting the basis for the issuance of the order;

(2) the purposes of the isolation or detention;

(3) notice that the respondent has the right to request release from isolation and detention by contacting a person designated in the order; and

(4) in the absence of a court order, that the detention must not continue for more than thirty days.

(D) The probate court shall enforce the provisions of an emergency order issued pursuant to this section. If a person being isolated or detained pursuant to an emergency order requests release from isolation or detention, the department, within three working days of the request for release, shall file a petition in the probate court of the county in which the person is being held seeking continued isolation or detention. The probate court must schedule a hearing to review the request for continued isolation or detention within ten days of the filing of the petition.

Section 44-31-110. (A) When it is brought to the attention of a Department of Public Health health officer that a person with active tuberculosis is unable or unwilling to conduct himself so as not to expose others to danger, the department shall issue an emergency order pursuant to Section 44-31-105 or file a petition in the probate court of the county in which the person resides or is situated seeking commitment of the person to a facility for isolation and treatment. In case of the absence of the health officer or the department's failure to act, any other interested person may petition the probate court for commitment of the person for isolation and treatment. A petition seeking commitment must be based

on proper records and affidavits.

(B) The probate court may waive the requirement of notice to the person who is the subject of the emergency order or petition seeking commitment if the health officer demonstrates that the person is:

(1) hiding from the health department staff;

(2) evading attempts by health department staff or law enforcement to serve notice of the proceedings; or

(3) refusing to accept service of pleadings or motions.

C. Section 44-31-610 of the S.C. Code is amended to read:

Section 44-31-610. There is hereby created the Tuberculosis Control Advisory Committee to be appointed by the Governor, upon the recommendation of the Department of Public Health

The committee shall consist of six members who shall serve for terms of two years and until their successors are appointed and qualify. The present Chairman of the South Carolina Sanatorium Board shall be appointed as an original member of the committee.

The other five members shall consist of: two practicing physicians (one from the South Carolina Thoracic Society and one from the South Carolina Medical Association); one representative from the South Carolina Department of Social Services; one representative from the South Carolina Vocational Rehabilitation Department; and one representative from the South Carolina Tuberculosis Association.

The committee shall advise the Department of Public Health in all matters relating to the control, prevention and treatment of tuberculosis and chronic respiratory diseases.

Body piercing

SECTION 144.A. Section 44-32-10(2) of the S.C. Code is amended to read:

(2) “Department” means the Department of Public Health.

B. Section 44-32-20(A) of the S.C. Code is amended to read:

(A) The Department of Public Health shall establish sterilization, sanitation, and safety standards for persons engaged in the business of body piercing. The department shall provide the necessary resources to support the development of these standards. The standards must be directed at establishment and maintenance of sterile conditions and safe

disposal of instruments. The standards may be modified as appropriate to protect consumers from transmission of contagious diseases through cross-contamination of instruments and supplies.

C. Section 44-32-120(G) of the S.C. Code is amended to read:

(G) All fines collected must be remitted to the State Treasurer to be credited to the Department of Public Health in a separate and distinct account to be used solely to carry out and enforce the provisions of this chapter.

Sickle cell disease

SECTION 145. Section 44-33-10 of the S.C. Code is amended to read:

Section 44-33-10. The Department of Public Health is hereby authorized to initiate a sickle cell education and prevention program based entirely upon voluntary cooperation of the individuals involved. The program shall provide:

(1) laboratory testing of citizens in the reproductive ages to determine the presence of the sickle cell gene;

(2) counselling for persons identified as carriers of the sickle cell gene, for the purpose of educating these persons about the risk of a child of the person inheriting sickle cell disease;

(3) referral of persons with sickle cell disease, as necessary, so that they may obtain proper medical care and treatment, to include pain management; and

(4) basic education to the general public about sickle cell disease, so as to eradicate the stigma attached to the disease.

Sickle cell disease

SECTION 146. Section 44-33-310 of the S.C. Code is amended to read:

Section 44-33-310. The South Carolina Department of Public Health shall develop and maintain the Sickle Cell Disease Voluntary Patient Registry for residents of the State who have been diagnosed with sickle cell disease. The purpose of the registry is to:

(1) enable individuals diagnosed with sickle cell disease to register so that physicians and other healthcare practitioners providing care to the patient may confirm whether the individual has been diagnosed with sickle cell disease; and

(2) collect and study data on the incidence and nature of sickle cell disease in the State to improve patient care and access to services.

Tattooing

SECTION 147.A. Section 44-34-10(1) of the S.C. Code is amended to read:

(1) "Department" means the Department of Public Health.

B. Section 44-34-20(A) of the S.C. Code is amended to read:

(A) The Department of Public Health must establish by regulation sterilization, sanitation, and safety standards for persons engaged in the business of tattooing. The department must provide the necessary resources to support the development of these standards. The standards must be directed at establishment and maintenance of sterile conditions and safe disposal of instruments. The standards may be modified in accordance with the Administrative Procedures Act as appropriate to protect consumers from transmission of contagious diseases through cross-contamination of instruments and supplies.

C. Section 44-34-100(G) of the S.C. Code is amended to read:

(G) All licensing fees and monetary penalties collected must be remitted to the Department of Public Health in a separate and distinct account to be used solely to carry out and enforce the provisions of this chapter.

Cancer

SECTION 148. Sections 44-35-10 through 44-35-100 of the S.C. Code are amended to read:

Section 44-35-10. The Department of Public Health, in conjunction with hospitals and entities throughout the State, shall formulate a plan for cancer prevention, detection, and surveillance programs and for care of persons suffering from cancer to meet standards of care set forth by nationally recognized and approved accrediting bodies.

Section 44-35-20. (A) There is established the South Carolina Central Cancer Registry and, to the extent funds are available, the Department of Public Health shall administer this as a statewide population-based registry of cancer cases with a diagnosis date after December 31, 1995.

(B) The purpose of the registry is to provide statistical information that will reduce morbidity and mortality of cancer in South Carolina. This information must be used to guide cancer control effort in the State by assisting in prevention and early detection of cancer, extending the life of the cancer patient, identifying high-risk groups or areas in the State with cluster of cancer cases, and improving cancer treatment.

(C) The registry shall receive, compile, analyze, and make available epidemiological and aggregate clinical cancer case information collected from all healthcare providers who diagnose and/or treat cancer patients in this State. The registry shall meet national standards of completeness and timeliness of case reporting and quality of data. Annual reports of aggregate cancer data must be provided to reporting facilities and physicians in the State.

Section 44-35-30. (A) A provider who diagnoses and/or treats cancer patients and does not report to a regional cancer registry shall report specific case information to the registry in accordance with regulations promulgated by the Department of Public Health. These regulations shall include, but are not limited to, the reportable case listing, data elements to be collected, the content and design of forms and reports required by this section, the procedures for disclosure of information gathered by the registry, and other matters necessary to the administration of this section. The regulations shall include these data elements:

(1) complete demographic information;

(2) occupational and industrial information to the extent available;

(3) date and confirmation of initial diagnosis;

(4) pathological information characterizing the cancer, including cancer site and cell type, stage of disease, and initial treatment information, to the extent available, in the medical record.

A provider participating in a regional registry is not required to report to the Central Cancer Registry. Reporting providers must not incur additional expense in providing information to the registry.

(B) Regional registries shall report data on behalf of providers in their area to the Central Cancer Registry.

Section 44-35-40. Information that could identify the cancer patient must be kept strictly confidential in accordance with the administrative policy of the Department of Public Health. This information must not be open for inspection except by the individual patient or the patient's authorized representative. Procedures for the disclosure of confidential information to researchers for the purposes of cancer prevention, control, and research must be promulgated in regulations. The data release protocol developed in coordination with the Revenue and Fiscal Affairs Office, must be utilized by the registry to determine appropriate use and release of cancer registry data.

Section 44-35-50. The registry shall coordinate, to the fullest extent possible, with the Revenue and Fiscal Affairs Office, for the complete, timely, and accurate collection and reporting of cancer data.

Section 44-35-60. A provider or regional registry making a case report or providing access to cancer case information to the registry is immune from any civil or criminal liability that might otherwise be incurred or imposed.

Section 44-35-70. The Department of Public Health may, to the extent of and within the available funds which may be provided, acquire laboratories, hospitals, or other property, either real or personal, by gift, purchase, devise or otherwise, as the department considers advisable to afford proper treatment and care to cancer patients in this State and to carry out the intent and purpose of this chapter.

Section 44-35-80. The Department of Public Health may furnish aid to cancer patients who are residents of this State to the extent of and within the available funds as the department considers proper. The department may administer this aid in any manner which, in its judgment and with the approval of the Cancer Control Advisory Committee, provided for in Section 44-35-90, will afford greater benefit for the prevention, detection, and control of cancer throughout the State.

Section 44-35-90. There is established within the Department of Public Health the Cancer Control Advisory Committee. The department shall appoint the members of the committee which must consist of qualified physicians, researchers, other experts engaged professionally in cancer prevention and care in South Carolina, and healthcare consumers. The committee shall advise and make recommendations to the department about the formulation and implementation of a

comprehensive cancer prevention and control program through its review of cancer control services throughout the State. The committee shall:

(1) advise the department on professional issues pertaining to cancer prevention, detection, care and surveillance;

(2) participate in the evaluation of cancer programs and services offered through the department;

(3) serve as advocates for the poor and underserved patients through support of the state-aid cancer clinics;

(4) assist the department in maintaining liaison with the community and other healthcare providers; and

(5) advise the department on the administration of available funds for the prevention, detection, care, and surveillance of cancer.

Section 44-35-100. The reporting requirements provided for in Section 44-35-30 are suspended if adequate funding is not provided to the Department of Public Health.

Alzheimer's disease and related disorders

SECTION 149.A. Section 44-36-20(A)(5) of the S.C. Code is amended to read:

(5) Department of Public Health;

B. Section 44-36-30(B) of the S.C. Code is amended to read:

(B) Except for use in collecting data on deaths from the Bureau of Vital Statistics, Department of Public Health, no identifying information collected or maintained by the registry may be released unless consent is obtained from the subject or the subject's legal representative.

C. Section 44-36-50 of the S.C. Code is amended to read:

Section 44-36-50. The registry shall submit an annual report to the Alzheimer's Disease and Related Disorders Resource Coordination Center of the Department on Aging, the Department of Public Health, and the Revenue and Fiscal Affairs Office.

Alzheimer's disease and related disorders

SECTION 150. Section 44-36-320(10) of the S.C. Code is amended to read:

(10) when updating the statewide plan, the advisory council must solicit input from the Department of Public Health, the Department of Health and Human Services, and the Department of Social Services to ensure the formulation of a comprehensive statewide plan that meets the needs of the State; and

Alzheimer's disease and related disorders

SECTION 151. Section 44-36-520 of the S.C. Code is amended to read:

Section 44-36-520. A nursing home, community residential care facility, or day care facility for adults licensed by the Department of Public Health which offers to provide or provides an Alzheimer's special care unit or program must include in its policies and procedures and disclose to the responsible party seeking a placement within the Alzheimer's special care unit or program, the form of care or treatment provided that distinguishes it as being especially applicable to or suitable for persons with Alzheimer's disease. The information that distinguishes the form of care or treatment shall include criteria for admission, transfer, and discharge; care planning; staffing patterns; staff training; physical environment; resident and participant activities; family role in care; and unique costs to the resident or participant associated with specialized service delivery.

Newborn care

SECTION 152.A. Section 44-37-20 of the S.C. Code is amended to read:

Section 44-37-20. Every doctor, midwife, nurse or other person attending the delivery at birth of a child in this State shall instill, or have instilled, into the eyes of the baby, within one hour after birth, some effective prophylactic approved by the Department of Public Health, for prevention of blindness from ophthalmia neonatorum. A record of such administration or instillation shall be reported on the birth certificate, showing the time with respect to the birth and the kind of prophylactic administered.

B. Section 44-37-30(A) of the S.C. Code is amended to read:

(A) A child born in this State, except a child born of a parent who objects on religious grounds and indicates this objection before testing on a form promulgated in regulation by the Department of Public Health, shall have neonatal testing to detect inborn metabolic errors and hemoglobinopathies.

C. Section 44-37-40(B)(6) and (7) of the S.C. Code is amended to read:

(6) "Department" means the South Carolina Department of Public Health.

(7) "Director" means the Director of the South Carolina Department of Public Health.

D. Section 44-37-50 of the S.C. Code is amended to read:

Section 44-37-50. (A) Every hospital in this State must make available to the parents of each newborn baby delivered in the hospital a video presentation on safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, and the dangers associated with shaking infants and young children. Every hospital also must make available information on the importance of parents and caregivers learning infant CPR. The hospital must request that the maternity patient, the father, or the primary caregiver view the video. Those persons whom the hospital requested to view the video shall sign a document prescribed by the Department of Public Health stating that they have been offered an opportunity to view the video.

(B) The director, or his designee, of the Department of Public Health must approve the video to be utilized by a hospital, pursuant to subsection (A). Upon the request of a hospital, the Director of the Department of Public Health, or his designee, shall review a hospital's proposed video for possible approval. The Department of Public Health may not require a hospital to use a video that would require the hospital to pay royalties for use of the video, restrict viewing in order to comply with public viewing or other restrictions, or be subject to other costs or restrictions associated with copyrights. The department must provide a copy of any approved video, at cost, to a hospital or any interested individual.

(C) The Department of Public Health shall make available to all childcare facilities and childcare providers, regulated pursuant to Chapter 13, Title 63, a video presentation on safe sleep practices, the

causes of Sudden Unexpected Infant Death Syndrome, and the dangers associated with shaking infants and young children. Childcare facilities, as defined in Section 63-13-20, shall include this video presentation in the initial and ongoing training of caregivers in the childcare facility. Caregivers in a registered family childcare home or church or religious childcare facility may participate in presentations offered pursuant to this subsection. The Department of Public Health must provide a copy of any approved video, at cost, to a childcare facility or childcare provider or any interested individual.

(D) The Department of Public Health shall establish a protocol for healthcare providers to educate parents or primary caregivers about safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, and the dangers associated with shaking infants and young children. The Department of Public Health shall request family medicine physicians, pediatricians, and other pediatric healthcare providers to review these dangers with the parent or primary caregiver, who are present, of infants and young children up to the age of one at each well-baby visit.

(E) The Department of Social Services, Adoption Services must make available to all adopting parents a video presentation, approved by the Department of Public Health, on safe sleep practices, the causes of Sudden Unexpected Infant Death Syndrome, the dangers associated with shaking infants and young children, and the importance of parents and caregivers learning infant CPR. The department must request that the adopting parents view the video. The adopting parents must sign a document prescribed by the department stating that they have been offered an opportunity to view the video. This subsection only applies to adoptive placements administered by the Department of Social Services, Adoption Services.

(F) Nothing contained in this section may be construed to create any civil, criminal, or administrative cause of action or other liability against a healthcare facility or healthcare provider for any acts or omissions relating to compliance with this section.

E. Section 44-37-70 of the S.C. Code is amended to read:

Section 44-37-70. (A) The Department of Public Health shall require each birthing facility licensed by the department to perform on every newborn in its care a pulse oximetry or other department-approved screening to detect critical congenital heart defects when the baby is twenty-four to forty-eight hours of age, or as late as possible if the baby is discharged from the hospital before reaching twenty-four hours of age.

A department-approved screening must be based on standards set forth by the United States Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children, the American Heart Association, and the American Academy of Pediatrics. If a parent of a newborn objects, in writing, to the screening, for reasons pertaining to religious beliefs only, the newborn is exempt from the screening required by this subsection.

(B) The Department of Health and Human Services shall work with birthing facilities through its partnership with the Birth Outcomes Initiative to recommend policies for critical congenital heart defect screening. The Department of Health and Human Services shall provide reimbursement for services provided pursuant to this section.

(C) For purposes of this section, "birthing facility" means an inpatient or ambulatory healthcare facility licensed by the Department of Public Health that provides birthing and newborn care services.

(D) The department with advice from the Birth Outcome Initiative Leadership Team under the Department of Health and Human Services shall promulgate regulations necessary to implement the provisions of this section. In promulgating the regulations, the department must consider the best practices in screening, current scientific guidelines and recommendations, and advances in medical technology.

Head and spinal cord injuries

SECTION 153.A. Section 44-38-30(A) of the S.C. Code is amended to read:

(A) There is the South Carolina Head and Spinal Cord Injury Information System Council established for the purpose of overseeing the daily activities of the system which shall be under the Head and Spinal Cord Injury Division of the Department of Disabilities and Special Needs. The council is composed of the following ex officio members or their designees: the chairman, Developmental Disabilities Council, Office of the Governor, the chairman of the Joint Committee to Study the Problems of Persons with Disabilities, the State Director of the State Department of Mental Health, the Commissioner of the Department of Vocational Rehabilitation, the Director of the State Department of Disabilities and Special Needs, the Director of the South Carolina Department of Public Health, the Director of the South Carolina Department of Health and Human Services, Dean of the University of South Carolina School of Medicine, the Dean of the Medical University of South Carolina, the Executive Director of the South Carolina Hospital

Association, one representative from each of the head injury advocacy organizations, and one individual with a spinal cord injury. The council shall elect a chairman who may appoint such other nonvoting members who may serve in an advisory capacity to the council, including representatives from the private service delivery sector.

B. Section 44-38-380(A)(1)(k) of the S.C. Code is amended to read:

(k) Director of the South Carolina Department of Public Health;

Head and spinal cord injuries

SECTION 154. Section 44-38-630(A)(5) of the S.C. Code is amended to read:

(5) South Carolina Department of Public Health;

Diabetes Initiative of South Carolina

SECTION 155. Section 44-39-20(B) of the S.C. Code is amended to read:

(B) The board consists of:
(1) the following officials or their designees:
(a) the President of the Medical University of South Carolina;
(b) the Dean of the University of South Carolina School of Medicine;
(c) the Director of the Department of Public Health;
(d) the Director of the State Department of Health and Human Services;
(e) the President of the South Carolina Medical Association;
(f) the Vice President of the Southeastern Division of the American Diabetes Association;
(g) the President of the American Association of Diabetes Educators;
(h) the President of the South Carolina Academy of Family Physicians;
(i) the Head of the Office of Minority Health in the Commission for Minority Affairs;
(j) the Governor of the South Carolina Chapter of the American College of Physicians;
(k) the Chair of the Division of Endocrinology at the Medical

University of South Carolina;

(l) the President of the South Carolina Hospital Association;

(2) a representative of the Office of the Governor, to be appointed by the Governor; and

(3) six representatives appointed by the President of the Medical University of South Carolina, three of whom must be from the general public and one each from the Centers of Excellence Council, the Outreach Council, and the Surveillance Council, all of whom must be persons knowledgeable about diabetes and its complications.

Agent Orange Advisory Council

SECTION 156.A. Section 44-40-30 of the S.C. Code is amended to read:

Section 44-40-30. There is created the South Carolina Agent Orange Advisory Council to assist and advise the South Carolina Department of Public Health in its duties and functions as provided in this chapter and to assist and advise the Veterans' Affairs Department of the Governor's Office in its duties and functions as provided in Section 25-11-70. The council is composed of five voting members and five nonvoting ex officio members. The voting members must be veterans who served in Vietnam, Cambodia, Laos, or Thailand. Voting members are appointed by the Governor for terms of four years and until their successors are appointed and qualify. The Governor shall designate a chairman who shall serve for a term of two years. Vacancies on the council are filled by appointment in the same manner as the original appointment for the remainder of the unexpired term. Voting members of the council are paid the usual per diem, mileage, and subsistence as provided by law for members of boards, commissions, and committees. The following shall serve as ex officio members without voting rights:

(1) the Director of the Department of Public Health;

(2) the Director of Veterans' Affairs Department or his designee;

(3) one faculty member of the Medical University of South Carolina with expertise in a field relevant to the purpose of the council;

(4) one faculty member of the University of South Carolina with expertise in a field relevant to the purpose of the council.

B. Section 44-40-60 of the S.C. Code is amended to read:

Section 44-40-60. With the cooperation of the Department of Public Health and the Department of Veterans' Affairs, the council:

(1) shall make an annual report to the General Assembly containing:

(a) a comprehensive review and summary analysis of the scientific literature on the effects of exposure to chemical agents, including Agent Orange;

(b) a summary of the activities undertaken to inform and assist veterans who may have been exposed to chemical agents, including Agent Orange;

(c) a description and interpretation of the results of any study undertaken pursuant to this chapter;

(d) other comments or recommendations the council considers appropriate.

(2) may hold hearings consistent with the purposes of this chapter.

To assist it in carrying out these functions, the council may contract for an evaluation of the performance of the Department of Public Health and the Department of Veterans' Affairs in implementing this chapter and may contract for the compilation and editing of the annual report.

Abortions

SECTION 157.A. Section 44-41-10(c) of the S.C. Code is amended to read:

(c) "Department" means the South Carolina Department of Public Health.

B. Section 44-41-60 of the S.C. Code is amended to read:

Section 44-41-60. Any abortion performed in this State must be reported by the performing physician on the standard form for reporting abortions to the State Registrar, Department of Public Health, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the State Registrar. The form must indicate from whom consent was obtained, circumstances waiving consent, and, if an exception was exercised pursuant to Section 44-41-640, 44-41-650, or 44-41-660, which exception the physician relied upon in performing or inducing the abortion.

Woman's right to know

SECTION 158. Section 44-41-340(A) before the numbered items and (C) of the S.C. Code is amended to read:

(A) The South Carolina Department of Public Health shall cause to be published the following printed materials:

(C) The materials required under this section must be available from the South Carolina Department of Public Health and upon request and in appropriate number to any person, facility, or hospital.

Birth defects

SECTION 159.A. Section 44-44-20(2) of the S.C. Code is amended to read:

(2) "Department" means the South Carolina Department of Public Health.

B. Section 44-44-30(A) of the S.C. Code is amended to read:

(A) There is established the South Carolina Birth Defects Program within the Department of Public Health to promote increased understanding of birth defects, prevent and reduce birth defects, and assist families with children who have birth defects.

C. Section 44-44-40(A) before the numbered items of the S.C. Code is amended to read:

(A) There is established the Birth Defects Advisory Council composed of at least thirteen members to be appointed by the director of the department, with an odd total number of members. The members shall include at least one representative from each of the following organizations, upon the recommendation of the director of the respective organization:

Office of Substance Use Services

SECTION 160. Section 44-49-40(B) of the S.C. Code is amended to read:

(B) Results, information, and evidence received from the Department of Public Health relating to the regulatory functions of this chapter and Article 3, Chapter 53, Title 44, including results of inspections conducted by such department, may be relied upon and acted upon by the department in conformance with its administration and coordinating duties under this chapter and Article 3, Chapter 53, Title 44.

Substance use disorders

SECTION 161. Section 44-52-10(4) of the S.C. Code is amended to read:

(4) "Treatment facility" means any facility licensed or approved by the Department of Public Health equipped to provide for the care and treatment of chemically dependent persons including the Division of Alcohol and Drug Addiction Services of the South Carolina Department of Mental Health, and any other treatment facility approved by the Director of the Department of Mental Health.

Controlled substances

SECTION 162.A. Section 44-53-10 of the S.C. Code is amended to read:

Section 44-53-10. The Department of Public Health shall take cognizance of the interest of the public health as it relates to the sale of drugs and the adulteration thereof and shall make all necessary inquiries and investigations relating thereto. For such purpose it may appoint inspectors, analysts and chemists who shall be subject to its supervision and removal. The Department shall adopt such measures as it may deem necessary to facilitate the enforcement of this chapter. It shall prepare rules and regulations with regard to the proper method of collecting and examining drugs.

B. Section 44-53-50 of the S.C. Code is amended to read:

Section 44-53-50. (A) Except as otherwise provided in this section, a person may use, sell, manufacture, or distribute for use or sale in this State no cleaning agent that contains more than zero percent phosphorus by weight expressed as elemental phosphorus except for an amount not exceeding five-tenths of one percent. For the purposes of this section, "cleaning agent" means a household or commercial laundry detergent, dishwashing compound, household cleaner, household or commercial dishwashing detergent, metal cleaner, industrial cleaner, phosphate compound, or other substance that is intended to be used for cleaning purposes.

(B) A person may use, sell, manufacture, or distribute for use or sale a cleaning agent that contains greater than zero percent phosphorus by weight but does not exceed eight and seven-tenths percent phosphorus by weight that is a substance excluded from the zero percent phosphorus limitation of this section by regulations adopted by the Department of Public Health which are based on a finding that compliance with this section would:

(1) create a significant hardship on the user; or

(2) be unreasonable because of the lack of an adequate substitute cleaning agent.

(C) This section does not apply to a cleaning agent that is:

(1) used in dairy, beverage, or food processing equipment;

(2) used in hospitals, veterinary hospitals, clinics, or healthcare facilities or in agricultural or dairy production or in the manufacture of healthcare supplies;

(3) used by industry for metal, fabric, or fiber cleaning or conditioning;

(4) manufactured, stored, or distributed for use or sale outside of this State;

(5) used in a laboratory, including a biological laboratory, research facility, chemical laboratory, or engineering laboratory; or

(6) used as a water softening chemical, antiscale chemical, or corrosion inhibitor intended for use in closed systems such as boilers, air conditioners, cooling towers, or hot water heating systems.

(D) The Department of Public Health shall promulgate regulations to administer and enforce the provisions of this section. A cleaning agent held for sale or distribution in violation of this section may be seized by appropriate administrative or law enforcement personnel. The seized cleaning agents are considered forfeited.

(E) A person who knowingly sells, manufactures, or distributes any

cleaning agent in violation of the provisions of this section shall receive a written warning from the Department of Public Health for the first violation. For a subsequent violation, the person is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year. Each unlawful sale constitutes a separate violation.

(F) The provisions of this section may not restrict sale by a retailer of a household dishwashing detergent product from inventory existing and in stock at the retailer on July 1, 2012.

Controlled substances

SECTION 163.A. Section 44-53-110(11) of the S.C. Code is amended to read:

(11) "Department" means the Department of Public Health.

B. Section 44-53-160(C) of the S.C. Code is amended to read:

(C) If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law or regulation, the Director of the Department of Public Health shall 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 Chairman of the Medical, Military, Public and Municipal Affairs Committee, the Chairman of the Judiciary Committee of the House of Representatives, 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. Section 44-53-280(C) and (D) of the S.C. Code is amended to read:

(C) A class 20-28 registration, as provided for by the department in regulation, expires October first of each year. The registration of a registrant who fails to renew by October first is canceled. However, registration may be reinstated upon payment of the renewal fees due and a penalty of one hundred dollars if the registrant is otherwise in good standing and presents a satisfactory explanation for failure to renew.

(D) All registrations other than class 20-28, as provided for by the department in regulation, expire on April first of each year. The registration of a registrant who fails to renew by April first is canceled. However, registration may be reinstated upon payment of the renewal fees due and a penalty of one hundred dollars if the registrant is otherwise in good standing and presents a satisfactory explanation for failure to renew.

D. Section 44-53-290(i) of the S.C. Code is amended to read:

(i) Practitioners who dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment shall obtain annually a separate registration for that purpose. The department shall register an applicant to dispense but not prescribe narcotic drugs to individuals for maintenance treatment or detoxification treatment, or both:

(1) if the applicant is a practitioner who is otherwise qualified to be registered under the provisions of this article to engage in the treatment with respect to which registration has been sought;

(2) if the department determines that the applicant will comply with standards established by the department respecting security of stocks of narcotic drugs for such treatment, and the maintenance of records in accordance with Section 44-53-340 and the rules issued by the department on such drugs; and

(3) if the department determines that the applicant will comply with standards established by the department respecting the quantities of narcotic drugs which may be provided for unsupervised use by individuals in such treatment.

E. Section 44-53-310(a) of the S.C. Code is amended to read:

(a) An application for a registration or a registration granted pursuant to Section 44-53-300 to manufacture, distribute, or dispense a controlled substance, may be denied, suspended, or revoked by the department upon a finding that the registrant:

(1) Has materially falsified any application filed pursuant to this article;

(2) Has been convicted of a felony or misdemeanor under any state or federal law relating to any controlled substance;

(3) Has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) Has failed to comply with any standard referred to in Section 44-53-290(i).

F. Section 44-53-320(b) of the S.C. Code is amended to read:

(b) The department, without an order to show cause, may suspend any registration simultaneously with the institution of proceedings under Section 44-53-310, or where renewal of registration is refused if it finds that there is an imminent danger to the public health or safety which warrants this action. A failure to comply with a standard referred to in Section 44-53-290(i) may be treated under this subsection as grounds for immediate suspension of a registration granted under such section. The suspension shall continue in effect until withdrawn by the department or dissolved by a court of competent jurisdiction.

G.Section 44-53-360(c) and (g) of the S.C. Code is amended to read:

(c) No controlled substances included in any schedule may be distributed or dispensed for other than a medical purpose. No practitioner may dispense a Schedule II narcotic controlled substance for the purpose of maintaining the addiction of a narcotic dependent person outside of a facility or program approved by the Department of Public Health. No practitioner may dispense a controlled substance outside of a bona fide practitioner-patient relationship.

(g) The department shall, by rules and regulations, specify the manner by which prescriptions are filed.

H.Section 44-53-362(B) of the S.C. Code is amended to read:

(B) The Department of Public Health shall develop guidance for pharmacies and other entities qualified to register as a collector to encourage participation. The department shall coordinate with law enforcement, healthcare providers, and the U.S. Drug Enforcement Administration to encourage registration as a collector and to promote public awareness of controlled substance take-back events and

mail-back programs.

I. Section 44-53-375(E)(2)(c) of the S.C. Code is amended to read:

(c) products that the Drug Enforcement Administration and the Department of Public Health, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, its salts, isomers, salts of isomers, or its precursors, or the precursors' salts, isomers, or salts of isomers, or a combination of any of these substances.

J. Section 44-53-430 of the S.C. Code is amended to read:

Section 44-53-430. Any person may appeal from any order of the department in accordance with Section 44-1-60 and applicable law.

K.Section 44-53-480(b) of the S.C. Code is amended to read:

(b) The Department of Public Health shall be primarily responsible for making accountability audits of the supply and inventory of controlled substances in the possession of pharmacists, doctors, hospitals, healthcare facilities and other practitioners as well as in the possession of any individuals or institutions authorized to have possession of such substances and shall also be primarily responsible for such other duties in respect to controlled substances as shall be specifically delegated to the Department of Public Health by the General Assembly. Drug inspectors and special agents of the Department of Public Health as provided for in Section 44-53-490, while in the performance of their duties as prescribed herein, shall have:

(1) statewide police powers;

(2) authority to carry firearms;

(3) authority to execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses;

(4) authority to make investigations to determine whether there has been unlawful dispensing of controlled substances or the removal of such substances from regulated establishments or practitioners into illicit traffic;

(5) authority to seize property; and

(6) authority to make arrests without warrants for offenses committed in their presence.

L. Section 44-53-490 of the S.C. Code is amended to read:

Section 44-53-490. The Department of Public Health shall designate persons holding a degree in pharmacy to serve as drug inspectors. Such inspectors shall, from time to time, but no less than once every three years, inspect all practitioners and registrants who manufacture, dispense, or distribute controlled substances, including those persons exempt from registration but who are otherwise permitted to keep controlled substances for specific purposes. The drug inspector shall submit an annual report by the first day of each year to the department and a copy to the Department of Alcohol and Other Drug Abuse Services specifying the name of the practitioner or the registrant or such exempt persons inspected, the date of inspection and any other violations of this article.

The department may employ other persons as agents and assistant inspectors to aid in the enforcement of those duties delegated to the department by this article.

M. Section 44-53-500(b) of the S.C. Code is amended to read:

(b) The Department of Public Health is authorized to make administrative inspections of controlled premises in accordance with the following provisions:

(1) For the purposes of this article only, "controlled premises" means:

(a) Places where persons registered or exempted from registration requirements under this article are required to keep records, and

(b) Places including factories, warehouses, establishments, and conveyances where persons registered or exempted from registration requirements under this article are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.

(2) When so authorized by an administrative inspection warrant issued pursuant to this section an officer or employee designated by the Department of Alcohol and Other Drug Abuse Services upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.

(3) When so authorized by an administrative inspection warrant, an officer or employee designated by the department may:

(a) Inspect and copy records required by this article to be kept;

(b) Inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in item (5), all other things therein including records, files, papers, processes, controls, and facilities bearing on violation of this article; and

(c) Inventory any stock of any controlled substance therein and obtain samples of any such substance.

(4) This section shall not be construed to prevent entries and administrative inspections (including seizures of property) without a warrant:

(a) With the consent of the owner, operator or agent in charge of the controlled premises;

(b) In situations presenting imminent danger to health or safety;

(c) In situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(d) In any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; and

(e) In all other situations where a warrant is not constitutionally required.

(5) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to:

(a) Financial data;

(b) Sales data other than shipment data;

(c) Pricing data;

(d) Personnel data; or

(e) Research data.

Controlled substances therapeutic research

SECTION 164.A. Section 44-53-630(A) of the S.C. Code is amended to read:

(A) There is established in the Department of Public Health a controlled substances therapeutic research program. The program shall be administered by the director. The program shall distribute to cancer chemotherapy and radiology patients and to glaucoma patients who are certified pursuant to this article marijuana under the terms and conditions of this article for the purpose of alleviating the patient's discomfort, nausea and other painful side effects of their disease or chemotherapy treatments. The department shall promulgate regulations necessary for

the proper administration of this article and in such promulgation, the department shall take into consideration those pertinent regulations promulgated by the Drug Enforcement Agency, U. S. Department of Justice; Food and Drug Administration; the National Institute on Drug Abuse, and the National Institutes of Health.

B. Section 44-53-620(a) of the S.C. Code is amended to read:

(a) "Director" means the Director of the Department of Public Health;

Methadone

SECTION 165. Sections 44-53-710 through 44-53-750 of the S.C. Code are amended to read:

Section 44-53-710. The South Carolina Department of Public Health has exclusive control over the controlled substance methadone.

Section 44-53-720. Methadone and its salts are restricted to:

(1) use in treatment, maintenance, or detoxification programs as approved by the Department of Public Health, including narcotic treatment programs operating pursuant to Section 40-43-72.

(2) dispensing by a hospital for analgesia, pertussis, and detoxification treatment as approved by the Department of Public Health.

(3) dispensing by a retail pharmacy for analgesia as provided for by R. 60-4, Section 507.5.

Section 44-53-730. No supplier, distributor, or manufacturer may sell or distribute methadone or its salts to an entity for use, except as provided for in Section 44-53-720.

Section 44-53-740. The Department of Public Health shall promulgate regulations necessary to carry out the provisions of this article.

Section 44-53-750. An autopsy shall be performed on any person on a methadone program who dies while enrolled in such program. A report concerning the autopsy shall be filed with the Department of Public Health. Each person enrolling in such program shall be notified of the autopsy provision as a part of such person's consent which is required prior to admission to such program.

Hypodermic needles and syringes

SECTION 166. Section 44-53-930 of the S.C. Code is amended to read:

Section 44-53-930. Sales at retail of hypodermic needles or syringes shall be made only by a registered pharmacist or registered assistant pharmacist through a permitted pharmacy as authorized by Section 40-43-370, except that syringes and hypodermic needles may be sold by persons lawfully selling veterinary medicines as authorized by Section 40-69-270(A)(8) if they register annually with the Department of Public Health and pay such registration fee as may be required by the department and they shall be subject to the provisions of Section 44-53-920.

Childhood lead poisoning

SECTION 167. Section 44-53-1320(4) and (13) of the S.C. Code is amended to read:

(4) "Department" means the Department of Public Health.

(13) "Lead poisoning" means a blood lead level at an elevation hazardous to health as established by the Department of Public Health.

Prescription monitoring program

SECTION 168.A. Section 44-53-1630(4) of the S.C. Code is amended to read:

(4) "Drug control" means the Department of Public Health, Bureau of Drug Control.

B. Section 44-53-1640(A) of the S.C. Code is amended to read:

(A) The Department of Public Health, Bureau of Drug Control shall establish and maintain a program to monitor the prescribing and dispensing of all Schedule II, III, and IV controlled substances by professionals licensed to prescribe or dispense these substances in this State and the administering of opioid antidotes pursuant to Sections 44-130-60 and 44-130-80.

Safe Drinking Water Act

SECTION 169.A. Section 44-55-20(1), (2), and (7) of the S.C. Code is amended to read:

(1) Reserved.
(2) "Director" means the Director of the Department of Environmental Services or an authorized agent.

(7) "Department" means the Department of Environmental Services, which is charged with responsibility for implementation of the Safe Drinking Water Act, including personnel authorized and empowered to act on behalf of the department.

B. Section 44-55-30 of the S.C. Code is amended to read:

Section 44-55-30. In general, the design and construction of any public water system must be in accord with modern engineering practices for these installations. The department shall establish regulations, procedures, or standards as may be necessary to protect the health of the public and to ensure proper operation and function of public water systems. These regulations may prescribe minimum design criteria, the requirements for the issuance of construction and operation permits, operation and maintenance standards, and bacteriological, chemical, radiological, and physical standards for public water systems, and other appropriate regulations.

C. Section 44-55-40(G), (K), (L), and (O) of the S.C. Code is amended to read:

(G) The department may authorize variances or exemptions from the regulations issued pursuant to this section under conditions and in such manner as the department considers necessary and desirable; however, these variances or exemptions must be permitted under conditions and in a manner which is not less stringent than the conditions under, and the manner in which, variances and exemptions may be granted under the Federal Safe Drinking Water Act.

(K) The Director of the Department of Environmental Services shall classify all public water system treatment facilities giving due regard to the size, type, complexity, physical condition, source of supply, and treatment process employed by the public water system treatment facility

and the skill, knowledge, and experience necessary for the operation of these facilities. Each treatment facility must be classified at the highest applicable level of the following classification system, with Group VII Treatment being the highest classification level:

Group I Treatment. A facility which provides disinfection treatment using a sodium hypochlorite or calcium hypochlorite solution as the disinfectant.

Group II Treatment. A facility which provides disinfection treatment using gaseous chlorine or chloramine disinfection or includes sequestering, fluoridation, or corrosion control treatment.

Group III Treatment. A facility treating a groundwater source which is not under the direct influence of surface water, utilizing aeration, coagulation, sedimentation, lime softening, filtration, chlorine dioxide, ozone, ultra-violet light disinfection, powdered activated carbon addition, granular activated carbon filtration or ion exchange, or membrane technology or that includes sludge storage or a sludge dewatering process.

Group IV Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing aeration, coagulation, clarification with a minimum detention time of two hours in the clarification unit, lime softening, rapid rate gravity filtration (up to four gallons per minute per square foot), slow sand filtration, chlorine dioxide, powdered activated carbon addition, or granular activated carbon filtration or ion exchange or that includes sludge storage or a sludge dewatering process. This classification also includes any treatment facility which does not provide filtration for a surface water source or a groundwater source which is under the direct influence of surface water.

Group V Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing high rate gravity filtration (greater than four gallons per minute per square foot), clarification with a detention time of less than two hours in the clarification unit, diatomaceous earth filtration, or ultraviolet light disinfection.

Group VI Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing direct filtration, membrane technology, or ozone.

Group VII Treatment. Drinking water dispensing stations and vending machines which utilize water from an approved public water system or bottled water plants which treat water from the distribution system of a public water system or from a groundwater source which is not under the direct influence of surface water.

(L) The Director of the Department of Environmental Services shall classify all public water distribution systems giving due regard to the size, type, and complexity of the public water distribution system and the skill, knowledge, and experience necessary for the operation of these systems. The classification must be based on:

Group I Distribution. Distribution systems associated with state and transient noncommunity water systems.

Group II Distribution. Distribution systems associated with community and nontransient noncommunity public water systems which have a reliable production capacity not greater than six hundred thousand gallons a day and which do not provide fire protection.

Group III Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than six hundred thousand gallons a day but not greater than six million gallons a day (MGD) or have a reliable production capacity not greater than six hundred thousand gallons a day and provide fire protection.

Group IV Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity than six MGD, but not greater than twenty MGD.

Group V Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than twenty MGD.

(O) The department, to ensure that underground sources of drinking water are not contaminated by improper well construction and operation, may promulgate regulations as developed by the Advisory Committee established pursuant to Section 44-55-45, setting standards for the construction, maintenance, operation, and abandonment of any well except for wells where well construction, maintenance, and abandonment are regulated by the Groundwater Use Act of 1969, Sections 49-5-10, et seq.; the Oil and Gas Exploration, Drilling, Transportation, and Production Act, Sections 48-43-10, et seq.; or the Water Use Reporting and Coordination Act, Section 49-4-10, et seq. For these excepted wells, the department may promulgate regulations. The department shall further ensure that all wells are constructed in accordance with the standards. The department shall make available educational training on the standards to well drillers who desire this training.

D.Sections 44-55-45 through 44-55-70 of the S.C. Code are amended to read:

Section 44-55-45. An advisory committee to the department must be appointed for the purpose of advising the department during development or subsequent amendment of regulatory standards for the construction, maintenance, operation, and abandonment of wells subject to the jurisdiction of the department. The advisory committee is composed of eight members appointed by the director. Five members must be active well drillers; one member must be a registered professional engineer with experience in well design and construction; one member must be a consulting hydrogeologist with experience in well design and construction; and one member must be engaged in farming and shall represent the public at large. Three ex officio members shall also serve on the advisory committee, one of whom must be an employee of the Department of Environmental Services, and appointed by the director; and two of whom must be employees of the South Carolina Department of Natural Resources and appointed by the Director of the Department of Natural Resources.

The term of office of members of the advisory committee is for four years and until their successors are appointed and qualify. No member may serve more than two consecutive terms. The initial terms of office must be staggered and any member may be removed for cause after proper notification and an opportunity to be heard.

Section 44-55-50. (A) In establishing regulations, procedures, and standards under Section 44-55-30 and in exercising supervisory powers under Section 44-55-40 the department must not prohibit or fail to include provisions for recreational activities including boating, water skiing, fishing, and swimming in any reservoir without first making and publishing specific findings that these recreational activities would be injurious to the public health and assigning with particularity the factual basis and reasons for these decisions.

(B) If the department determines that these recreational activities would be injurious to the public health it shall cause to have published at least once a week for six consecutive weeks in a newspaper of general circulation in the county or area affected a summary of its findings. Any citizen of this State who objects to the findings of the department is entitled to request a public hearing, which the department shall conduct within thirty days after the request. The public hearing must be a formal evidentiary hearing where testimony must be recorded. After the hearing the department shall review its initial findings and shall within thirty

days after the hearing affirm or reevaluate its findings in writing and give notice to known interested parties. The findings of the department may be appealed in accordance with Section 48-6-30 and the Administrative Procedures Act to the Administrative Law Court, which is empowered to modify or overrule the findings if the court determines the findings to be arbitrary or unsupported by the evidence. Notice of intention to appeal must be served on the department in accordance with Section 48-6-30 and the Administrative Procedures Act and copies also must be served on known interested parties.

(C) A public water system utilizing a fully owned and protected watershed as its water supply is exempt from this section.

Section 44-55-60. (A) An imminent hazard is considered to exist when in the judgment of the director there is a condition which may result in a serious immediate risk to public health in a public water system.

(B) In order to eliminate an imminent hazard, the director may, without notice or hearing, issue an emergency order requiring the water system to immediately take such action as is required under the circumstances to protect the public health. A copy of the emergency order must be served by certified mail or other appropriate means. An emergency order issued by the director must be effected immediately and binding until the order is reviewed and modified or rescinded by a court of competent jurisdiction.

Section 44-55-70. A public water system shall, as soon as practicable, give public notice if it:

(1) is not in compliance with the State Primary Drinking Water Regulations;

(2) fails to perform required monitoring;

(3) is granted a variance for an inability to meet a maximum contaminant level requirement;

(4) is granted an exemption; or

(5) fails to comply with the requirements prescribed by a variance or exemption.

The department shall prescribe procedures for the public notice, including procedures for notification by publication in a newspaper of general circulation, notification to be given in the water bills of the systems, as long as a condition of violation exists, and other notification as is considered appropriate by the department.

E. Section 44-55-120(C) of the S.C. Code is amended to read:

(C) There is established a Safe Drinking Water Advisory Committee for the purpose of advising and providing an annual review to the department and General Assembly on the fee schedule and the use of revenues deposited in the Drinking Water Trust Fund. The Governor shall appoint the advisory committee which must be composed of one member representing water systems with fifty thousand or more service connections, one member representing water systems with at least twenty-five thousand but fewer than fifty thousand service connections, one member representing water systems with at least ten thousand but fewer than twenty-five thousand water service connections, one member representing water systems with at least one thousand but fewer than ten thousand service connections, one member representing water systems with fewer than one thousand service connections, and the Executive Director of the Office of Regulatory Staff and the Director of the Department of Environmental Services, or a designee.

Privies

SECTION 170. Sections 44-55-210 through 44-55-290 of the S.C. Code are amended to read:

Section 44-55-210. The term "privy" as used in this article shall be understood to include any and all buildings which are not connected with a system of sewage or with septic tanks of such construction and maintenance as are approved by the Department of Environmental Services and which are used for affording privacy in acts of urination or defecation. For the purpose of this article the term "watershed" shall include the entire watershed of all streams, creeks and rivers that have a daily average flow of less than ten million gallons, but for watersheds of streams, creeks or rivers that have a daily average flow of more than ten million gallons, the watershed shall include only such drainage areas as lie within fifteen miles of the waterworks intake.

Section 44-55-220. The provisions of this article shall apply to all residences, institutions and establishments and all privies, without regard to their distance from the homes of persons, which are located on the watershed of a public surface water supply.

Section 44-55-230. Every privy, located on property occupied by the owner or a tenant or by any person employed by the owner, shall be

maintained in a sanitary manner and in accordance with rules and regulations prescribed by the Department of Environmental Services and posted in a suitable form inside of the privy by an officer of the department.

Section 44-55-240. The person in charge of a dwelling, office building, establishment or institution shall be responsible for the sanitary maintenance of any privy which is used by his household, guests, customers, pupils, passengers, occupants, employees, workers or other persons.

Section 44-55-250. The Department of Environmental Services, through its officers and inspectors, shall exercise such supervision over the sanitary construction and maintenance of privies as may be necessary to enforce the provisions of this article.

Section 44-55-260. Duly authorized agents of the Department of Environmental Services may enter upon any premises and into any buildings or institutions for the purposes of inspection as provided for or required by State laws or regulations of the department pursuant to such laws, but the privacy of no person shall be violated. Any person who wilfully interferes with or obstructs the officers of the department in the discharge of any of their duties under this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned not more than thirty days.

Section 44-55-270. If an officer or an inspector of the Department of Environmental Services shall find a privy which is not constructed in accordance with the provisions of this article or not being maintained in a sanitary manner and in accordance with the rules and regulations of the department, the officer or inspector shall securely fasten on the privy a notice reading, “Unsanitary, Unlawful To Use.”

Section 44-55-275. On the effective date of this section any provision of law or regulation relating to outdoor toilet facilities or privies which would require the destruction or discontinued use of such facilities shall not apply to facilities at campgrounds or parks used exclusively for religious purposes.

Section 44-55-280. No person shall remove or deface an official notice fastened on or in a privy by an officer of the Department of Environmental Services.

Section 44-55-290. The Department of Environmental Services shall designate agents for the enforcement of the terms of this article and the rules and regulations issued pursuant thereto within one mile outside the corporate limits of such town or city. Such agents shall enforce such rules and regulations as may be issued by the department under the terms of this article. In counties having health units it shall be the duty of such health units to enforce the rules and regulations of the department in the territory of such counties lying beyond the distance of one mile from the corporate limits of towns or cities having local health inspectors. Provided, that nothing herein shall affect the Richland County board of health from having concurrent jurisdiction with the designated local health inspectors to implement the rules and regulations within one mile of the boundary of a city or town.

Sewage systems

SECTION 171. Section 44-55-410 of the S.C. Code is amended to read:

Section 44-55-410. In order to protect the public health and environment, all persons engaged in manufacturing in this State and furnishing, by renting and otherwise, directly or indirectly, houses to their employees shall furnish to their employees occupying such houses sewage closets with necessary sewage connections for them.

Sewage systems

SECTION 172. Sections 44-55-420 through 44-55-460 of the S.C. Code are amended to read:

Section 44-55-420. The construction of the sewage connections and the sanitary closets and the method of keeping such connections and closets in sanitary condition shall be under the supervision and control of the Department of Environmental Services.

Section 44-55-430. The Department of Environmental Services may make rules and regulations necessary for the enforcement of the provisions of this article.

Section 44-55-440. In case a person subject to the provisions of this article shall have installed, prior to June 3, 1951, in his tenement or mill village an adequate sewage system with adequate water closets in compliance with the law as it then existed on the subject, such person

shall be exempt from the provisions hereof, except the requirement of maintenance in compliance with the rules and regulations of the Department of Environmental Services.

Section 44-55-450. This article shall not apply to sawmills, manufacturing enterprises operating on a temporary basis or manufacturing firms operating under an order of court or in receivership.

Section 44-55-460. Any person refusing or neglecting to carry into effect the provisions of this article, to obey the rules and regulations as established by the Department of Environmental Services or to obey any order issued by said department relative to the provisions of this article shall, upon conviction, be fined in a sum not exceeding one hundred dollars or not less than twenty-five dollars, and each day of such violation shall constitute a separate offense.

Septic tanks

SECTION 173. Sections 44-55-610 through 44-55-700 of the S.C. Code are amended to read:

Section 44-55-610. In each county in this State containing a city having a population of more than seventy thousand according to the official United States census, the construction, installation and use of septic tanks shall be regulated by the provisions of this article and specifications and rules and regulations adopted by the Department of Environmental Services and shall be approved by the department, whose certificate of approval shall be accepted by all agencies and the courts of this State as evidence of such approval and of installation in compliance with the provisions of this article and of such specifications, rules and regulations.

Section 44-55-620. The Department of Environmental Services of any such county may promulgate specifications, rules and regulations governing septic tanks and their installation which shall accord with approved engineering standards in general and shall contain the following standards and requirements in particular:

(1) No septic tank shall be installed which has a net liquid capacity of less than five hundred gallons;

(2) The length of each tank shall be at least two but not more than three times the width;

(3) The uniform liquid depth of each tank shall be not less than two

feet six inches; and

(4) The theoretical detention period of each tank shall be not less than twenty-four hours based upon the average daily flow.

Section 44-55-630. The plans for each septic tank having a capacity of one thousand gallons or more shall have the approval of the Department of Environmental Services before the tank is installed. Each such tank shall have a second or effluent compartment not longer than one third the total length of the tank nor shorter than three feet and shall be equipped with a dosing chamber and siphon if a tile field or filter is used for secondary treatment of the tank effluent.

Section 44-55-640. Each septic tank shall be installed so as to receive the approval of the Department of Environmental Services through a duly authorized agent.

Section 44-55-650. All septic tanks shall be constructed of such materials as shall be required by the rules and regulations and specifications promulgated by the Department of Environmental Services.

Section 44-55-660. A grease trap shall be installed on the kitchen waste line preceding the septic tank when the tank serves a boardinghouse, cafe, restaurant, hotel or other public eating place. The grease trap shall have a theoretical detention period of at least thirty minutes.

Section 44-55-670. All septic tanks shall have a minimum of one hundred feet of distribution pipe laid and installed in the manner required by the specifications, rules and regulations promulgated by the Department of Environmental Services.

Section 44-55-680. No septic tank effluent shall be discharged into any stream without special approval of the Department of Environmental Services through a duly authorized agent.

Section 44-55-690. The Department of Environmental Services may permit and approve the installation of temporary septic tanks in the case of unusual, temporary or emergency conditions. Such temporary septic tank shall be constructed and installed in accordance with the specifications, rules and regulations promulgated by the department relating to the use of such tanks, and the department may determine the

period of time for which such temporary septic tank may be used.

Section 44-55-700. The use, construction or installation of any septic tank in any such county without the prior approval of the Department of Environmental Services as herein provided for shall be deemed a misdemeanor, punishable by a fine of not less than ten dollars nor more than fifty dollars or imprisonment of not less than five days nor more than twenty days, and each day during which such violation shall continue shall constitute a separate offense.

Sewage disposal

SECTION 174. Section 44-55-820 of the S.C. Code is amended to read:

Section 44-55-820. No private or public utility, municipality, or electric cooperative supplying power shall connect temporary or permanent power to a new site of any mobile, modular or permanently constructed building or facility until such time as the power supplier is presented with a certificate, license, or permit by the county or municipality when the proposed connection is to be made within the corporate limits thereof authorizing such connection. No such certificate, license, or permit shall be issued by the county or municipality without a permit from the Department of Environmental Services approving the method of sewage disposal; nor shall such permit, certificate or license be issued until evidence is presented that all other appropriate safety and health regulations, permits, codes and ordinances have been complied with. Such permits, certificates or licenses shall state the location of the approved site. The governing body of each county or municipality shall provide one office to issue evidence that all such requirements have been met by the applicant.

Sewage disposal and public swimming pools

SECTION 175.A. Section 44-55-822(A)(1) and (B)(1) of the S.C. Code is amended to read:

(1) The Department of Environmental Services may issue a preliminary tract evaluation for tracts of land that may be developed in the future. For purposes of this section, a tract of land is any tract of land that is not yet divided into individual lots for the immediate or future purpose of building development. A preliminary tract evaluation will determine whether a tract of land is conceptually appropriate for the use

of onsite wastewater systems. If the proposed subdivision is found to be suitable for onsite waste treatment systems, the department shall issue a preliminary subdivision approval letter.

(1) The Department of Environmental Services may issue a preliminary subdivision approval letter for subdivisions where the use of onsite wastewater systems is proposed as the method of sewage treatment and disposal. For purposes of this section, a subdivision is any tract of land divided into five or more lots for the immediate or future purpose of building development where onsite wastewater systems are to be considered except where all of the lots are five acres or larger, regardless of the number of lots.

B. Section 44-55-825(C) of the S.C. Code is amended to read:

(C) Onsite wastewater systems must be installed pursuant to construction and operation permits issued by the department pursuant to regulation. Deviation from the installation design and conditions in onsite wastewater permits may be considered by the department to be a violation. Violation of an onsite wastewater system permit installation must be enforced in accordance with the following:

(1) First offense violations may be enforced under Section 48-6-70 or by suspension of the installer's license by a period not to exceed one year.

(2) Second offense violations may be enforced under Section 48-6-70 or by suspension of the installer's license by a period not to exceed three years.

(3) Third offense violations may be enforced under Section 48-6-70 or by permanent revocation of the installer's license.

C. Section 44-55-827(C) of the S.C. Code is amended to read:

(C) Nothing in this chapter or regulations promulgated pursuant to this chapter affect the department's authority, under Section 48-6-60 and regulation, to issue permits for the installation and construction of individual onsite wastewater systems.

D. Section 44-55-830 of the S.C. Code is amended to read:

Section 44-55-830. The purchaser or owner shall obtain the permit and provide to any person who sells a mobile home a copy of the certificate of the Department of Environmental Services' approval

required by Section 44-55-820 before placing such mobile home upon the new site for occupancy.

E. Section 44-55-860 of the S.C. Code is amended to read:

Section 44-55-860. Whenever any lot or parcel of land without improvement thereon upon which an owner intends to construct a building or place a mobile home is not accessible to a sewer line for a tap-on and the Department of Environmental Services or other appropriate agency in which the lot or parcel of land is situated certifies that such lot or land is not suitable to accommodate a septic tank or other individual sewage disposal system, the Department of Environmental Services or agency shall state in writing to the owner within thirty days following inspection of the property the reason such septic tank or system cannot be used. At the same time the Department of Environmental Services or agency shall inform the owner of the property in detail of any corrective measures that may be taken to remedy the sewage problem.

F. Section 44-55-1310(2) of the S.C. Code is amended to read:

(2) "Department" means the South Carolina Department of Environmental Services.

G.Section 44-55-2320(1), (2), and (3) of the S.C. Code is amended to read:

(1) Reserved.
(2) "Director" means the director of the department or an authorized agent.
(3) "Department" means the Department of Environmental Services.

State Recreational Waters Act

SECTION 176.A. Section 44-55-2360 of the S.C. Code is amended to read:

Section 44-55-2360. It is unlawful for a person to fail to comply with the requirements of this article and regulations promulgated by the department including a permit or order issued by the director or department.

B. Section 44-55-2390(B) and (D) of the S.C. Code is amended to read:

(B) All Type "E" public swimming pools, as defined in Regulation 61-51, shall submit to the Department of Environmental Services a lifeguard coverage plan. Upon approval by the department, Type "E" public swimming pools shall provide lifeguards in accordance with their approved plan.

(D) Any request for a variance from these provisions must be made in writing and must include a site-specific evaluation that demonstrates proof of equivalency with these provisions. The Department of Environmental Services will consider the variance request and will provide written notice of its decision.

Hazardous waste management

SECTION 177.A. Section 44-56-20(1) and (3) of the S.C. Code is amended to read:

(1) Reserved.

(3) "Department" means the Department of Environmental Services, which is charged with responsibility for implementation of the Hazardous Waste Management Act, including personnel thereof authorized to act on behalf of the department.

B. Section 44-56-30 of the S.C. Code is amended to read:

Section 44-56-30. The department shall promulgate such regulations, procedures or standards as may be necessary to protect the health and safety of the public, the health of living organisms and the environment from the effects of improper, inadequate, or unsound management of hazardous wastes. Such regulations may prescribe contingency plans; the criteria for the determination of whether any waste or combination of wastes is hazardous; the requirements for the issuance of permits required by this chapter; standards for the transportation, containerization, and labeling of hazardous wastes consistent with those issued by the United States Department of Transportation; operation and maintenance standards; reporting and record keeping requirements; and other appropriate regulations.

C. Section 44-56-60(a)(1) of the S.C. Code is amended to read:

(1) In order to provide the General Assembly with the information it needs to accomplish the above goals, the Department of Environmental Services shall evaluate annually the effects of new and existing waste management technologies, alternate methods of storage or disposal, recycling, incineration, waste minimization laws and practices, and other factors that tend to reduce the volume of hazardous waste. The results of the department's evaluation must be reported to the General Assembly not later than February first of each year, beginning in 1991, in a form that will permit the General Assembly to determine whether or not hazardous waste landfill capacity in this State should be reduced.

D. Section 44-56-100 of the S.C. Code is amended to read:

Section 44-56-100. The department may issue, modify or revoke any order to prevent any violation of this chapter.

E. Section 44-56-130(3) of the S.C. Code is amended to read:

(3) It shall be unlawful for any person to fail to comply with this chapter and rules and regulations promulgated pursuant to this chapter; to fail to comply with any permit issued under this chapter; or to fail to comply with any order issued by the director or department.

F. Section 44-56-160(A) of the S.C. Code is amended to read:

(A) The Department of Environmental Services is directed to establish a Hazardous Waste Contingency Fund to ensure the availability of funds for response actions necessary at permitted hazardous waste landfills and necessary from accidents in the transportation of hazardous materials and to defray the costs of governmental response actions at uncontrolled hazardous waste sites. The contingency fund must be financed through the imposition of fees provided in Sections 44-56-170, 44-56-215, and 44-56-510 and annual appropriations which must be provided by the General Assembly.

G. Section 44-56-200(B) of the S.C. Code is amended to read:

(B) The Department of Environmental Services is empowered to implement and enforce the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Public Law 96-510), and

subsequent amendments to Public Law 96-510 as of the effective date of the amendments.

H.Section 44-56-210 of the S.C. Code is amended to read:

Section 44-56-210. The Department of Environmental Services, in its discretion, shall assign not more than two full-time health inspectors to serve at each commercial hazardous waste treatment, storage, and disposal facility located in South Carolina for the purpose of assuring the protection of the health and safety of the public by monitoring the receipt and handling of hazardous waste at these sites. For any facilities to which a full-time inspector is not assigned, there must be one or more inspectors who shall monitor these facilities on a rotating basis.

The department shall implement a fee schedule to cover the costs of implementing this inspection program and the fees must be collected by the facilities from the hazardous waste generators utilizing these sites.

Drycleaning Facility Restoration Trust Fund

SECTION 178.A. Section 44-56-405 of the S.C. Code is amended to read:

Section 44-56-405. The purpose of the South Carolina Drycleaning Facility Restoration Trust Fund is to collect and manage funds for the investigation and remediation of environmental contamination arising from the operation of eligible drycleaning facilities and eligible wholesale supply facilities. The Department of Revenue shall collect, and enforce the payment of surcharges and fees, which constitute the fund, as required by this article. The Department of Environmental Services shall administer the fund to ensure that the sites that pose the greatest threat to human health and the environment are remediated first and that the remediation is accomplished in compliance with this article.

B.Section 44-56-410(2) of the S.C. Code is amended to read:

(2) “Department” means the Department of Environmental Services.

C.Section 44-56-420(B) of the S.C. Code is amended to read:

(B) The Department of Environmental Services shall establish a moratorium on administrative and judicial actions by the department concerning drycleaning facilities and wholesale supply facilities

resulting from the release of drycleaning solvent to soil or waters of the State. This moratorium applies only to those sites deemed eligible as defined in Section 44-56-470. The department may review and determine the appropriateness of the moratorium as needed. The review by the department must include, but is not limited to, consideration of these factors:

(1) the solvency of the fund as described in this article;

(2) prioritization of the sites;

(3) public health concerns related to the sites;

(4) eligibility of the sites; and

(5) corrective action plans submitted to the department. After review, the department may suspend all or a portion of the moratorium if necessary.

D.Section 44-56-495(C) of the S.C. Code is amended to read:

(C) Members enumerated in subsections (B)(1) through (B)(3) are appointed by the Director of the Department of Environmental Services and shall serve terms of two years and until their successors are appointed. The chairman of the council is elected by the members of the council at the first meeting of each new term.

Hazardous Waste Management Research Fund

SECTION 179. Section 44-56-840(A)(6) of the S.C. Code is amended to read:

(6) the Director of the Department of Environmental Services or a designee;

River basin commissions

SECTION 180.A. Section 44-59-10(1) of the S.C. Code is amended to read:

(1) “River basins” means that land area designated as the Catawba/Wateree, Yadkin/Pee Dee River Basins by the North Carolina Department of Environmental and Natural Resources and the South Carolina Department of Environmental Services.

B. Section 44-59-30 of the S.C. Code is amended to read:

Section 44-59-30. (A) The North Carolina Department of Environmental and Natural Resources and the South Carolina Department of Environmental Services shall provide staff support and facilities to each commission within the existing programs of the respective agencies.

(B) All agencies of the State of North Carolina and the State of South Carolina shall cooperate with the commissions and, upon request, shall assist each commission in fulfilling its responsibilities. The North Carolina Secretary of Environmental and Natural Resources and the Director of the South Carolina Department of Environmental Services or their designees shall each serve as the liaison between their respective state agencies and each commission.

Emergency medical services

SECTION 181.A. Section 44-61-20(5) and (8) of the S.C. Code is amended to read:

(5) Reserved.

(8) "Department" means the administrative agency known as the Department of Public Health.

B. Section 44-61-30(A) and (C) of the S.C. Code is amended to read:

(A) The Department of Public Health, with the advice of the Emergency Medical Services Advisory Council and the State Medical Control Physician, shall develop standards and promulgate regulations for the improvement of emergency medical services (hereinafter referred to as EMS) in the State. All administrative responsibility for this program is vested in the department.

(C) An Emergency Medical Services Advisory Council must be established composed of representatives of the Department of Public Health, the South Carolina Medical Association, the South Carolina Trauma Advisory Council, the South Carolina Hospital Association, the South Carolina Heart Association, Medical University of South Carolina, University of South Carolina School of Medicine, South Carolina College of Emergency Physicians, South Carolina Emergency Nurses Association, Emergency Management Division of the Office of

the Adjutant General, South Carolina Emergency Medical Services Association, State Board for Technical and Comprehensive Education, Governor's Office of Highway Safety, Department of Health and Human Services, four regional Emergency Medical Services councils, and one EMT first responder agency. Membership on the council must be by appointment by the Director of the Department of Public Health. Three members of the advisory council must be members of organized rescue squads operating in this State, three members shall represent the private emergency services systems, and three members shall represent the county emergency medical services systems. The advisory council shall serve without compensation, mileage, per diem, or subsistence.

C. Section 44-61-40(B) of the S.C. Code is amended to read:

(B) Applicants shall file license applications with the appropriate official of the department having authority over emergency services. At a minimum, license applications shall contain evidence of ability to conform to the standards and regulations established by the department and such other information as may be required by the department. If the application is approved, the license will be issued. If the application is disapproved, the applicant may appeal in a manner pursuant to Article 3, Chapter 23, Title 1.

D. Section 44-61-50 of the S.C. Code is amended to read:

Section 44-61-50. A vehicle must not be operated as an ambulance, unless its licensed owner applies for and receives an ambulance permit issued by the department for that vehicle. Prior to issuing an original permit for an ambulance, the vehicle for which the permit is issued shall meet all requirements as to vehicle design, construction, staffing, medical and communication equipment and supplies, and sanitation as set forth in this article or in the standards and regulations promulgated by the department. Absent revocation or suspension, permits issued for ambulances are valid for a period not to exceed two years.

E. Section 44-61-60 of the S.C. Code is amended to read:

Section 44-61-60. (A) Such equipment as deemed necessary by the department must be required of organizations applying for ambulance permits. Each licensee of an ambulance shall comply with regulations as may be promulgated by the department and shall maintain in each ambulance, when it is in use as such, all equipment as may be prescribed

by the department.

(B) The transportation of patients and the provision of emergency medical services shall conform to standards promulgated by the department.

F. Section 44-61-70(C) of the S.C. Code is amended to read:

(C) Whoever hinders, obstructs, or interferes with a duly authorized agent of the department while in the performance of his duties or violates a provision of this article or regulation of the department promulgated pursuant to this article is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than five hundred dollars and not more than five thousand dollars or by imprisonment for not less than ten days nor more than six months for each offense. Information pertaining to the license or permit is admissible in evidence in all prosecutions under this article if it is consistent with applicable statutory provisions.

G.Section 44-61-80(G) of the S.C. Code is amended to read:

(G) All instructors of emergency medical technician training courses must be certified by the department pursuant to requirements established by the department; and all such training courses shall be supervised by certified instructors.

H.Section 44-61-130 of the S.C. Code is amended to read:

Section 44-61-130. A certified emergency medical technician may perform any function consistent with his certification, according to guidelines and regulations that the department may prescribe. Emergency medical technicians, trained to provide advanced life support and possessing current Department of Public Health certification while on duty with a licensed service, are authorized to possess limited quantities of drugs, including controlled substances, as may be approved by the Department of Public Health for administration to patients during the regular course of duties of emergency medical technicians, pursuant to the written or verbal order of a physician possessing a valid license to practice medicine in this State; however, the physician must be registered pursuant to state and federal laws pertaining to controlled substances.

Children's emergency medical services

SECTION 182.A. Section 44-61-310(3), (4), (5), and (9) of the S.C. Code is amended to read:

(3) Reserved.
(4) "Department" means the Division of Emergency Medical Services and Trauma within the Department of Public Health.
(5) "Director" means the Director of the Department of Public Health.

(9) "Manager" means the person coordinating the EMSC Program within the Department of Public Health.

B. Section 44-61-320 of the S.C. Code is amended to read:

Section 44-61-320. There is established within the Department of Public Health, Division of Emergency Medical Services, the Emergency Medical Services and Trauma for Children Program.

C. Section 44-61-340(C) of the S.C. Code is amended to read:

(C) Except as otherwise authorized in this section, patient information must not be released except to:
(1) appropriate staff of the Division of Emergency Medical Services and Trauma within the Department of Public Health, South Carolina Data Oversight Council, and Revenue and Fiscal Affairs Office;
(2) submitting hospitals or their designees;
(3) a person engaged in an approved research project, except that no information identifying a subject of a report or a reporter may be made available to a researcher unless consent is obtained pursuant to this section.

D. Section 44-61-350(B) of the S.C. Code is amended to read:

(B) Committee members must be appointed by the director of the department.

Trauma care system

SECTION 183.A. Section 44-61-510(1) of the S.C. Code is amended to read:

(1) "Department" means the South Carolina Department of Public Health

B. Section 44-61-520(A) of the S.C. Code is amended to read:

(A) The Department of Public Health, with the advice of the Trauma Advisory Council, established pursuant to Section 44-61-530, may develop standards and promulgate regulations for the creation and establishment of a State Trauma Care System to promote access to trauma care for all residents of the State.

C. Section 44-61-530(A)(6) and (11) of the S.C. Code is amended to read:

(6) the Chairman of the South Carolina Department of Public Health's Medical Control Committee;

(11) the Chairman of the Emergency Medical Services Advisory Council of the South Carolina Department of Public Health;

D. Section 44-61-540(B) of the S.C. Code is amended to read:

(B) The fund must be a separate and distinct fund for the payment of the Department of Public Health's expenses in establishing, administering, and overseeing the Trauma Care System. After the payment of the department's operating expenses from the fund, the department may authorize and allocate the distribution of any remaining funds for any or all of the following purposes:

(1) distribution of financial aid to participating providers using a formula based on criteria and factors identified in regulations promulgated by the department pursuant to this article. All providers receiving funds must be located within this State;

(2) distribution of any remaining funds for grants for proposals related to trauma care in this State which may include, but are not limited to, research, injury prevention, education, and planning and development of related services under this article;

(3) other expenses or providers considered appropriate by the

department related to the purposes of this article.

Stroke system of care

SECTION 184.A. Section 44-61-630 of the S.C. Code is amended to read:

Section 44-61-630. As used in this article:

(1) "Department" means the South Carolina Department of Public Health.

(2) "Director" means the Director of the South Carolina Department of Public Health.

(3) "Joint Commission" means the Joint Commission, formerly known as the Joint Commission on Accreditation of Healthcare Organizations, a not-for-profit organization that accredits hospitals and other healthcare organizations.

B. Section 44-61-650(A)(6) of the S.C. Code is amended to read:

(6) a licensed emergency medical services agency representative, upon the recommendation of the South Carolina Emergency Medical Services Advisory Council of the Department of Public Health;

Vital statistics

SECTION 185.A. Sections 44-63-10 through 44-63-30 of the S.C. Code are amended to read:

Section 44-63-10. The Department of Public Health shall prepare the necessary methods and forms for obtaining vital statistics.

Section 44-63-20. The Department of Public Health shall establish a bureau of vital statistics and provide an adequate system for the registration and certification of births, deaths, marriages, and divorces by formulating, promulgating, and enforcing regulations prescribing the method and form of making the registration and certification.

Section 44-63-30. The Director of the Department of Public Health is the state registrar of vital statistics and shall carry into effect the regulations and orders of the department. The department shall provide suitable apartments properly equipped with fireproof vaults and filing cases for the permanent preservation of all official records.

B. Section 44-63-80(C) of the S.C. Code is amended to read:

(C) The Department of Social Services may obtain a birth certificate by requesting the certificate in writing pursuant to the terms of a written agreement that shall be entered into between the Department of Public Health and the Department of Social Services, and no copies of court orders or other third-party records shall be required when the Department of Social Services requests a birth certificate pursuant to the written agreement.

C. Section 44-63-86 of the S.C. Code is amended to read:

Section 44-63-86. Copies of marriage certificates and reports of divorce registered with the Department of Public Health must be issued to the parties married or divorced, their adult children, a present or former spouse of either party married or divorced, their respective legal representative, or upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. Other applicants may be provided with a statement that the marriage or divorce occurred, the date, and county of the event.

D. Section 44-63-110 of the S.C. Code is amended to read:

Section 44-63-110. For making, furnishing, or certifying any card, certificate, or certified copy of the record, for filing a record amendment according to the provisions of Section 44-63-60, 44-63-80, 44-63-90 or 44-63-100, or for searching the record, when no card, certificate, or certified copy is made, a fee in an amount as determined by the Department of Public Health must be paid by the applicant, except that the Department of Social Services or its designee is not required to pay a fee when the information is needed for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation. The amount of the fee established by the Department of Public Health may not exceed the cost of the services performed and to the extent possible must be charged on a uniform basis throughout the State. When verification of the facts contained in these records is needed for Veterans Administration purposes in connection with a claim, it must be furnished without charge to the Veterans' Affairs Department of the Governor's Office or to a county veterans affairs officer upon request and upon the furnishing of satisfactory evidence that the request is for the purpose authorized in this chapter.

E. Section 44-63-161(A)(1) of the S.C. Code is amended to read:

(1) other than the Department of Public Health and county health departments to issue copies or certified copies of birth and death certificates or a document purporting to be a birth or death certificate;

F. Section 44-63-163 of the S.C. Code is amended to read:

Section 44-63-163. Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to Section 63-17-70(A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Public Health showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Public Health. A new certificate must be prepared for a child born in this State to reflect the name of the father determined by the court or an administrative agency of competent jurisdiction upon receipt of a certified copy of a court or administrative determination of paternity pursuant to Section 63-17-10. Orders modifying, vacating, or amending paternity orders must be handled by the clerk of court and State Registrar in the same manner. If the surname of the child is not decreed by the court, the surname must not be changed on the certificate. When an amended certificate is prepared, the original certificate and certified copy of the court order must be placed in a sealed file not to be subject to inspection except by order of the family court.

Home health agencies

SECTION 186.A. Section 44-69-20(1) and (3) of the S.C. Code is amended to read:

(1) Reserved.

(3) "Department" shall mean South Carolina Department of Public Health.

B. Section 44-69-30 of the S.C. Code is amended to read:

Section 44-69-30. No person, private or public organization, political subdivision, or other governmental agency shall establish, conduct, or maintain a home health agency or represent itself as providing home health services without first obtaining a license from the Department of

Public Health. This license is effective for a twelve-month period following the date of issue. A license issued under this chapter is not assignable or transferable and is subject to suspension or revocation at any time for failure to comply with this act. Subunits of parent home health agencies must be separately licensed.

The department may enter into public and private joint partnerships or enter into other appropriate cooperative agreements or arrangements or negotiate and effect these partnerships and agreements to include the sale of the entity and/or the transfer of licenses held by the department or its subdivisions to other qualified providers, if appropriate, when doing so would result in continued high quality patient care, continued provision of services to indigent patients, assurance of the employment of the department's home health employees, and provision of home care services adequate to meet the needs of the State. The department may facilitate the negotiation, contracting, or transfer of these activities through licensure and without requirement of a Certificate of Need as set out in Section 44-69-75 and without regard to the Procurement Code, Section 11-35-10, et. seq. However, a sale of the entity is subject to the provisions of the Procurement Code.

At least thirty days before entering any negotiations regarding a contractual agreement or a public/private partnership concerning the provision of home health services, the department shall place a public notice in a newspaper of general circulation for a period of no less than three consecutive days within the area where the services will be performed.

The department may establish requirements and conditions upon those entities joined in partnership or receiving transfer of the home care services, licensing, and Certificate of Need including, but not limited to, transfer of employees, coverage of indigent patients, and payments or contributions to the department to continue the provision of basic public health services as determined by the department. All agreements must be reviewed and approved by the department. The department may monitor and enforce the contract or partnership provisions and/or conditions of transfer or any other conditions or requirements of agreements entered into pursuant to this section.

All funds paid to or received by the department pursuant to this section must be deposited in an account separate and distinct from the general fund entitled the Public Health Fund (PHF). The funds deposited in this fund must be used solely by the department to support basic public health services determined to be necessary by the department. The appropriation of the funds must be through the General Appropriations Act.

Notwithstanding any of the provisions of this section, the department may continue to provide public health services in the clinic, the home, and the community necessary to ensure the protection and promotion of the public's health.

C. Section 44-69-50 of the S.C. Code is amended to read:

Section 44-69-50. Reasonable fees shall be established by the department. Such fees shall be paid into the State Treasury or refunded to the applicant if the license is denied. Governmental home health agencies are exempt from payment of license fees.

In-home care providers

SECTION 187. Section 44-70-20(1) of the S.C. Code is amended to read:

(1) "Department" means the South Carolina Department of Public Health Control.

Hospice care

SECTION 188.A. Section 44-71-20 (1) and (2) of the S.C. Code is amended to read:

(1) Reserved.
(2) "Department" means the South Carolina Department of Public Health.

B. Section 44-71-70(A) and (D) of the S.C. Code is amended to read:

(A) The department is authorized to issue, deny, suspend, or revoke licenses in accordance with regulations promulgated pursuant to this section.

(D) A department decision denying, suspending, or revoking a license or approval made pursuant to this section may be appealed in accordance with Section 44-1-60 and applicable law.

Medical radiation

SECTION 189.A. Section 44-74-50(A) of the S.C. Code is amended to read:

(A) Any person employing or allowing a person to operate x-ray machinery without possessing a certificate must be reported to the Department of Environmental Services. The Department of Environmental Services must take appropriate action against the registrant of the x-ray machinery pursuant to regulations of the Department of Environmental Services. Reports of violations can be made to the Department of Environmental Services by members of the public, licensed healthcare professionals, hospitals, or the South Carolina Radiation Quality Standards Association. The Department of Environmental Services must act on these complaints within ninety days. A current copy of the operators' certificate must be reviewed by the Department of Environmental Services at the time of inspection. The registrant of the equipment must display the current operators' certificates in public view.

B. Section 44-74-60(B) of the S.C. Code is amended to read:

(B) The board must be composed of thirteen members from the below listed trade associations as follows: one member shall be a representative from the South Carolina Society of Medical Assistants, Incorporated, who is also a certified limited practice radiographer and a certified medical assistant; one member shall be a consumer from the South Carolina Radiation Standards Association; two members shall be radiologic technologists from the South Carolina Society of Radiologic Technologists (SCSRT), one of whom is employed by a hospital and from the South Carolina Health Care Alliance; one member shall be a radiologic technologist educator from the SCSRT; one member shall be a radiologic technologist of nuclear medicine from the South Carolina Society of Nuclear Medicine; one member shall be a radiation therapist from the SCSRT; three members shall be medical doctors, one doctor shall be a licensed family physician from the South Carolina Academy of Family Physicians, one doctor shall be a licensed radiologist from the South Carolina Radiological Society, and one doctor shall be a medical doctor of another specialty from the South Carolina Medical Association; one member shall be a chiropractor from the South Carolina Chiropractic Association; one member shall be a podiatrist from the South Carolina Podiatric Medical Association; and one member shall be

a nonvoting representative from the Department of Environmental Services, ex officio.

Medical directives

SECTION 190.A. Section 44-78-15(3) of the S.C. Code is amended to read:

(3) "EMS personnel" means emergency medical personnel certified by the South Carolina Department of Public Health including first responders who have completed a Department of Public Health approved medical first responder program.

B. Section 44-78-65 of the S.C. Code is amended to read:

Section 44-78-65. The South Carolina Department of Public Health shall promulgate regulations necessary to provide direction to emergency personnel in identifying patients who have a "do not resuscitate order for emergency services."

C. Section 44-80-10(3) and (4) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of Public Health.

(4) "Director" means the Director of the South Carolina Department of Public Health.

Long-term care facilities

SECTION 191. Section 44-81-30(1) of the S.C. Code is amended to read:

(1) "Long-term care facility" means an intermediate care facility, nursing care facility, or residential care facility subject to regulation and licensure by the State Department of Public Health (department).

Asbestos abatement

SECTION 192. Section 44-87-10(4) of the S.C. Code is amended to read:

(4) "Department" means the Department of Environmental Services.

Birthing centers

SECTION 193.A. Section 44-89-30(2) and (4) of the S.C. Code is amended to read:

(2) Reserved.

(4) "Department" means the South Carolina Department of Public Health.

B. Section 44-89-90 of the S.C. Code is amended to read:

Section 44-89-90. Any applicant or licensee who is aggrieved with a final decision of the department issued pursuant to Section 44-89-80 may appeal in accordance with Section 44-1-60 and applicable law.

Infectious waste management

SECTION 194.A. Section 44-93-20(C) and (F) of the S.C. Code is amended to read:

(C) Reserved.

(F) "Department" means the Department of Environmental Services, including personnel of the department authorized to act on behalf of the department, which is charged with responsibility for implementation of the Infectious Waste Management Act.

B. Section 44-93-160(B) of the S.C. Code is amended to read:

(B) The owner or operator of a facility required to be permitted pursuant to this chapter treating infectious waste shall submit, not later than the tenth day of each month, to the Department of Environmental Services:

(1) a report detailing the total weight of infectious waste received for treatment during the preceding month and its point of origin;

(2) a check made payable to the department for the fee due for the preceding month;

(3) in case of failure to file a return on or before the date prescribed by law or failure to pay a fee on or before the date prescribed by law, there must be added a penalty of twenty-five percent of the amount of fee due. The department may revoke a permit to operate for failure to

pay any fees, penalties, or interest required by law. Upon payment the department may reinstate the permit to an operator of a permitted treatment facility treating infectious waste in this State. The penalty provided by this item may be reduced or waived by the department for reasonable cause.

Solid waste policy

SECTION 195.A. Section 44-96-40(9), (24), (29), (51), and (55) of the S.C. Code is amended to read:

(9) "Department" means the Department of Environmental Services.

(24) "Lead-acid battery collection facility" means a facility authorized by the Department of Environmental Services to accept lead-acid batteries from the public for temporary storage prior to recycling.

(29) "Office" means the Office of Solid Waste Reduction and Recycling established within the Department of Environmental Services pursuant to Section 44-96-110.

(51) "Solid Waste Management Trust Fund" means the trust fund established within the Department of Environmental Services pursuant to Section 44-96-120.

(55) "State solid waste management plan" means the plan which the Department of Environmental Services is required to submit to the General Assembly and to the Governor pursuant to Section 44-96-60.

B. Section 44-96-60(C)(3) of the S.C. Code is amended to read:

(3) one member to represent the Department of Environmental Services;

C. Section 44-96-85(A) of the S.C. Code is amended to read:

(A) There is established a Solid Waste Emergency Fund to be administered by the Department of Environmental Services.

(1) Beginning the state fiscal year after the effective date of this section, the department shall transfer two and one-half percent of the funds remitted quarterly to the Solid Waste Management Trust Fund pursuant to Sections 44-96-160, 44-96-170, 44-96-180, and 44-96-200

to a special sub-fund designated as the Solid Waste Emergency Fund.

(2) The department shall deposit quarterly payments into the Solid Waste Emergency Fund until the unencumbered balance equals $1,500,000.

(3) When expenditures from the account occur, the department shall, on a quarterly basis, transfer funds in accordance with this section until such time as the unencumbered balance of the fund equals $1,500,000.

D.Section 44-96-100(A) of the S.C. Code is amended to read:

(A) Whenever the department determines that a person is in violation of a regulation promulgated pursuant to this article regarding Sections 44-96-160(X) (Used Oil), 44-96-170(H) (Waste Tires), or 44-96-190(A) (Yard trash, compost), the department may issue an order requiring the person to comply with the regulation or the department may bring civil action for injunctive relief in the appropriate court or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties not to exceed ten thousand dollars, for each day of violation, for violations of the regulations promulgated pursuant to this article regarding Sections 44-96-160(X), 44-96-170(H), or 44-96-190(A). After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department in accordance with Section 48-6-30 and applicable law.

E. Section 44-96-120(C) of the S.C. Code is amended to read:

(C) The department shall report on a quarterly basis to the State Solid Waste Advisory Council, House Ways and Means Committee, Senate Finance Committee, and the Joint Legislative Committee on Energy on the condition of the Solid Waste Management Trust Fund and on the use of all funds allocated from the Solid Waste Management Trust Fund. Quarterly reports shall be made not later than sixty days after the last day of each fiscal quarter beginning with the first full quarter after this chapter is effective. Notwithstanding Chapter 39 of Title 11, the Department of Environmental Services, through the Office of Solid Waste Reduction and Recycling, shall make decisions on the allocation of oil overcharge funds transferred to the Solid Waste Management Trust Fund pursuant to Section 44-96-120(B)(9). The department's decisions shall be made upon the approval of the statewide Solid Waste Advisory

Council and after consultation with the Governor's Office and the Joint Legislative Committee on Energy to ensure that the funds are administered according to decisions of the federal courts and requirements of the United States Department of Energy. If all oil overcharge funds transferred to the Solid Waste Management Trust Fund are not committed for projects or programs authorized by this chapter five years from the date this chapter is effective, they shall be returned to the Governor's Office.

F. Section 44-96-165 of the S.C. Code is amended to read:

Section 44-96-165. The Department of Environmental Services, with the approval of the State Auditor, shall contract with one or more qualified, independent certified public accountants on a one-year basis to audit revenues and disbursements from the Solid Waste Management Trust Fund and the Waste Tire Trust Fund established pursuant to Section 44-96-120 and from the Petroleum Fund established pursuant to Section 44-96-160(V). The auditors may audit relevant records of a public or private entity that has submitted, kept, handled, or tracked monies for any of the three funds. This contract must be funded by the Solid Waste Management Trust Fund, the Petroleum Fund, and the Waste Tire Trust Fund.

G.Section 44-96-170(N), (P), and (Q) of the S.C. Code is amended to read:

(N) For sales made on or after November 1, 1991, there is imposed a fee of two dollars for each new tire sold with a Department of Transportation number to the ultimate consumer, whether or not the tire is mounted by the seller. The wholesaler or retailer receiving new tires from unlicensed wholesalers is responsible for paying the fee imposed by this subsection.

The Department of Revenue shall administer, collect, and enforce the tire recycling fee in the same manner that the sales and use taxes are collected pursuant to Chapter 36, Title 12. The fee imposed by this subsection must be remitted on a monthly basis. Instead of the discount allowed pursuant to Section 12-36-2610, the taxpayer may retain three percent of the total fees collected as an administrative collection allowance. This allowance applies whether or not the return is timely filed.

The department shall deposit all fees collected to the credit of the State Treasurer who shall establish a separate and distinct account from the

state general fund.

The State Treasurer shall distribute one and one-half dollars for each tire sold, less applicable credit, refund, and discount, to each county based upon the population in each county according to the most recent United States Census. The county shall use these funds for collection, processing, or recycling of waste tires generated within the State.

The remaining portion of the tire recycling fee is to be credited to the Solid Waste Management Trust Fund by the State Treasurer for the Waste Tire Grant Trust Fund, established under the administration of the Department of Environmental Services.

The General Assembly shall review the waste tire disposal recycling fee every five years.

(P) The Office of Solid Waste Reduction and Recycling of the Department of Environmental Services may provide grants from the Waste Tire Trust Fund to counties which have exhausted all funds remitted to counties under Section 44-96-170(N), to regions applying on behalf of those counties and to local governments within those counties to assist in the following:

(1) constructing, operating, or contracting with waste tire processing or recycling facilities;

(2) removing or contracting for the removal of waste tires for processing or recycling;

(3) performing or contracting for the performance of research designed to facilitate waste tire recycling; or

(4) the purchase or use of recycled products or materials made from waste tires generated in this State.

(Q) Waste tire grants must be awarded on the basis of written grant request proposals submitted to and approved, not less than annually, by the committee consisting of ten members appointed by the director representing:

(1) the South Carolina Tire Dealers and Retreaders Association;

(2) the South Carolina Association of Counties;

(3) the South Carolina Association of Regional Councils;

(4) the Department of Environmental Services;

(5) tire manufacturers;

(6) the general public;

(7) a public interest environmental organization;

(8) the South Carolina Department of Natural Resources;

(9) the Office of the Governor; and

(10) the South Carolina Municipal Association.

Members of the committee shall serve for terms of three years and

until their successors are appointed and qualify.

Vacancies must be filled in the manner of original appointment for the unexpired portion of the term. The representative of the department shall serve as chairman. The committee shall review grant requests and proposals and make recommendations on grant awards to the State Solid Waste Advisory Council. Grants must be awarded by the State Solid Waste Advisory Council.

Solid waste management

SECTION 196.A. Section 44-96-250(B)(4) of the S.C. Code is amended to read:

(4) "Director" means the Director of the Department of Environmental Services.

B. Section 44-96-440(C) of the S.C. Code is amended to read:

(C) It shall be unlawful for any person to fail to comply with this article and any regulations promulgated pursuant to this article, or to fail to comply with any permit issued under this article, or to fail to comply with any order issued by the director or department.

C. Section 44-96-450(A) of the S.C. Code is amended to read:

(A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or requirement under this article, the department may issue an order requiring the person to comply with the permit, regulation, standard, or requirement, or the department may bring civil action for injunctive relief in the appropriate court, or the department may request that the Attorney General bring civil or criminal enforcement action under this section. The department also may impose reasonable civil penalties established by regulation, not to exceed ten thousand dollars for each day of violation, for violations of the provisions of this article, including any order, permit, regulation, or standard. After exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the department may appeal the decision of the department in accordance with Section 48-6-30 and applicable law.

Emergency anaphylaxis treatment

SECTION 197.A. Section 44-99-10(3) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of Public Health.

B. Section 44-99-30 of the S.C. Code is amended to read:

Section 44-99-30. Notwithstanding any other provision of law, an authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this chapter. Epinephrine auto-injectors acquired pursuant to this chapter must be stored in a location readily accessible in an emergency and in accordance with the epinephrine autoinjector's instructions for use, requirements that may be established by the South Carolina Department of Public Health, and recommendations included as part of an approved training. An authorized entity shall designate employees or agents who have completed the training required by Section 44-99-50, to be responsible for the storage, maintenance, control, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

C. Section 44-99-50(A) of the S.C. Code is amended to read:

(A) An employee, agent, or other individual described in Section 44-99-30 or 44-99-40, before undertaking an act authorized by this chapter, shall complete an anaphylaxis training program and must complete an anaphylaxis training program at least every two years following completion of the initial anaphylaxis training program. The training must be conducted by the South Carolina Department of Public Health, a licensed medical provider, a nationally recognized organization experienced in training laypersons in emergency health treatment, the manufacturer of an epinephrine auto-injector, an organization with a training program that has been approved in at least three states, or an entity or individual approved by the department. The department also may approve specific entities or individuals or may approve classes of entities or individuals to conduct training.

Provider self-referral

SECTION 198. Section 44-113-20(3) of the S.C. Code is amended to read:

(3) "Department" means the South Carolina Department of Public Health.

Patient medical records

SECTION 199.A. Section 44-115-80(A)(3) of the S.C. Code is amended to read:

(3) All fees allowed by this section, including the maximum, must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI-U), published by the U.S. Department of Labor. The Department of Public Health is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2015.

B. Section 44-115-130 of the S.C. Code is amended to read:

Section 44-115-130. A physician may not sell medical records to someone other than a physician or osteopath licensed by the South Carolina State Board of Medical Examiners or a hospital licensed by the South Carolina Department of Public Health. Exceptions to this prohibition may be granted and approved by the South Carolina State Board of Medical Examiners.

Before a physician may sell medical records, he must cause to be published a public notice of his intention to sell the records in a newspaper of general circulation in the area of his practice at least three times in the ninety days preceding the sale. The notice shall advise patients that they may retrieve their records if they prefer that their records not be included in the sale.

Prescription patient information

SECTION 200. Section 44-117-50(d) of the S.C. Code is amended to read:

(d) the authority of the Department of Public Health to obtain medical records or patient prescription drug information as provided by state and

federal law.

Pregnancy prevention

SECTION 201. Section 44-122-50(E) of the S.C. Code is amended to read:

(E) The Department of Public Health shall:

(1) provide technical assistance and training to county governments and contractors, as needed, related to adolescent pregnancy prevention issues; and

(2) if a community health assessment has been conducted in a county, share information with county governments, contractors, and program applicants about the nature of the problem, available resources, and potential barriers to the development of teen pregnancy prevention projects and activities.

Osteoporosis

SECTION 202. Section 44-125-20(A) of the S.C. Code is amended to read:

(A) There is established the Osteoporosis Education Fund, separate and distinct from the general fund, in the State Treasury and to be administered by the Department of Public Health. The purpose of the fund is to promote public awareness, prevention, and treatment of osteoporosis.

Youth smoking prevention

SECTION 203.A. Section 44-128-20(A) of the S.C. Code is amended to read:

(A) The Department of Public Health shall develop and implement a Youth Smoking Prevention Plan for the purpose of preventing and reducing cigarette smoking by minors.

B. Section 44-128-50(B)(3) of the S.C. Code is amended to read:

(3) eleven members appointed by the Governor as follows:

(a) one representative of the Department of Public Health;

(b) one representative of the Department of Alcohol and Other

Drug Abuse Services;

(c) three health professionals;

(d) two youths between the ages of twelve and eighteen; and

(e) five citizens of the State with knowledge, competence, experience, or interest in youth smoking prevention, or other relevant background including, but not limited to, youth education, public health, social science, and business expertise.

Overdose prevention

SECTION 204.A. Section 44-130-20(3) of the S.C. Code is amended to read:

(3) "Department" means the Department of Public Health.

B. Section 44-130-70(C)(3) of the S.C. Code is amended to read:

(3) The Board of Medical Examiners and the Board of Pharmacy must appoint an advisory committee to advise and assist in the development of the joint protocol for their consideration. The membership of the committee must include, but not be limited to, a representative of the Department of Public Health, a representative of the Department of Alcohol and Other Drug Abuse Services, and healthcare professionals licensed in the State.

Medical ethics and diversity

SECTION 205.A. Section 44-139-40(A)(1) of the S.C. Code is amended to read:

(1) provided, caused to be provided, or is about to provide or cause to be provided to the practitioner's employer, the Attorney General of South Carolina, the Department of Public Health, the South Carolina Board of Medical Examiners, any state agency charged with protecting healthcare rights of conscience, the U.S. Department of Health and Human Services Office of Civil Rights, or any other federal agency charged with protecting healthcare rights of conscience information relating to any violation of, or any act or omission the medical practitioner reasonably believes to be a violation of, any provision of this chapter;

B. Section 44-139-50(B) of the S.C. Code is amended to read:

(B) The State Human Affairs Commission must investigate reports of alleged violations of this chapter. If the State Human Affairs Commission finds that a respondent has engaged in an unlawful discriminatory practice pursuant to this chapter, the State Human Affairs Commission will assist respondent with appropriate corrective action. If, despite assistance, corrective action is not satisfactory, the State Human Affairs Commission shall consult other public officers as the commission deems proper regarding options to overcome the effects of such violations. At a minimum, the State Human Affairs Commission must provide a copy of its report to:

(1) the Director of the Department of Public Health, if the respondent is a healthcare facility;

(2) the Director of the Department of Labor, Licensing and Regulation, if the respondent is a medical practitioner.

Hotel and bed and breakfast safety

SECTION 206.A. Section 45-4-30(B) of the S.C. Code is amended to read:

(B) Regulations promulgated by the Department of Public Health pursuant to Section 44-1-140(2) or other provision of law and by the Department of Agriculture pursuant to Section 46-57-50(1) or other provision of law regarding food service do not apply to a bed and breakfast providing only the food service identified in subsection (A) of this section. Instead of those regulations, a bed and breakfast must comply with the provisions of Section 45-4-40.

B. Section 45-4-70 of the S.C. Code is amended to read:

Section 45-4-70. If a bed and breakfast has a swimming pool which is available to guests, it must be constructed and operated in accordance with Department of Environmental Services standards for residential swimming pools.

Migrant agricultural workers and irrigation systems

SECTION 207.A. Section 46-1-130 of the S.C. Code is amended to read:

Section 46-1-130. (a) Notwithstanding any other provisions of the law, any person having knowledge of the death of a person who engages in seasonal agricultural work as his primary source of income and does not normally return to his permanent place of residence each night shall, without delay, report the fact of such death to the Department of Public Health in the county in which the body is located together with any information he may possess respecting the deceased including his identity, place of employment, permanent residence, and the name, address, and telephone number of any relatives. The County Department of Public Health shall within a reasonable amount of time of receiving such report transmit to the State Department of Public Health notice of the death of the deceased worker and information pertaining thereto. The State Department of Public Health shall upon such notification make every effort to inform the nearest relative of such death.

(b) In the event that the identity of the deceased cannot be determined within a reasonable period of time, or in the event that the body of the deceased is unclaimed seven days after death, or in the event that the estate or the relatives are unable to provide for the burial of the deceased, the Department of Public Health is authorized to allocate a sum of not more than three hundred and fifty dollars for the burial of such worker.

(c) In the event that the estate or the relatives of the deceased are able to provide for the burial but are unable to provide for the transportation of the body of the deceased to his legal residence or the legal residence of the relatives, the Department of Public Health is authorized to allocate a sum of not more than two hundred dollars to defray the transportation expenses.

(d) The Department of Public Health is authorized to file a claim with the Social Security Administration for reimbursement of the maximum amount allowable in behalf of the deceased and to use such funds or any assets belonging to the deceased to defray the burial or transportation expenses.

B. Section 46-1-140 of the S.C. Code is amended to read:

Section 46-1-140. Any irrigation system which is designed or used for the applications of fertilizer, pesticide, or chemicals must be equipped with an antisyphon device adequate to protect against

contamination of the water supply. The minimum acceptable antisyphon device shall include a check valve, vacuum breaker, and low pressure drain on the irrigation supply line between the irrigation pump and the point of injection of fertilizer, pesticide, or chemicals. The vacuum breaker must be upstream from the check valve. The low pressure drain must be upstream from the vacuum breaker. The injection pump must be tied to the irrigation pump either mechanically or electrically so that the injection pump shall stop operating if the irrigation pump fails to function.

Any person who uses an irrigation system for the application of fertilizer, pesticide, or chemicals which is not equipped with an antisyphon device as required by this section is subject to a civil penalty of not more than five hundred dollars. Each day's violation is subject to an additional fine.

The Division of Regulatory and Public Service Programs at Clemson University shall promulgate regulations with the advice of the Department of Environmental Services as it considers necessary to implement this section and is also charged with enforcing this section. The provisions of this section do not apply to residential yard use.

Commissioner of Agriculture

SECTION 208. Section 46-3-240 of the S.C. Code is amended to read:

Section 46-3-240. The Commissioner of Agriculture and all inspectors and chemists employed under Chapter 27 of this Title shall be charged with the enforcement of such regulations relating to food and drugs, in addition to those with which they are expressly charged by law, as the Department of Public Health may issue under the authority of law. And such inspectors shall also assist in the enforcement of all of the provisions of this chapter.

Clemson University

SECTION 209.A. Section 46-7-100 of the S.C. Code is amended to read:

Section 46-7-100. Every veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person having the care of animals must report animals having or suspected of having any disease that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents

and might pose a substantial risk of a significant number of human or animal fatalities or incidents of permanent or long-term disability. The report must be made by telephone, in writing, or by compatible electronic format within twenty-four hours to the State Veterinarian and must include as much of the following information as is available: the geographical location of the animal or the exposure, the name and address of any known owner, and the name and address of the reporting individual. The State Veterinarian must report to the Department of Public Health any incidents which affect public health, or which create a public health emergency, as defined in Section 44-4-130. For purposes of this section, the terms chemical terrorism, bioterrorism, and radiological terrorism have the same meanings as provided in Section 44-4-130.

B. Section 46-7-110(A) and (B) of the S.C. Code is amended to read:

(A) Clemson University, in conjunction with the Department of Environmental Services, shall create a training and certification program for owners or operators of an animal facility as defined in Regulation 61-43 which must include, but is not limited to, understanding relevant regulations, issues, standards, principles, and practices regarding siting and management of an animal facility and land application of animal waste; controlling vectors, testing for toxic metals, organic materials, and other elements; and implementing emergency procedures and spill prevention protocols.

(B) An operator of an animal facility and waste utilization area must be trained and certified according to Department of Environmental Services Regulations on the operation of animal waste management under the program created in subsection (A).

Agricultural products

SECTION 210. Section 46-9-120 of the S.C. Code is amended to read:

Section 46-9-120. Every farmer, agriculturalist, county extension agent, agricultural products processor, crop advisor, or other person working in agriculture, or person having responsibility for agricultural production or processing must report agricultural products having or suspected of having any disease or infection from any crop pest whatsoever that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly infectious agents and which might cause serious agricultural

threat to the State. The report must be made by telephone, in writing, or by compatible electronic format within twenty-four hours to the Director, Regulatory and Public Service Programs, Clemson University, and must include as much of the following information as is available: the geographic location of the agricultural product and/or its origin; the name and address of any known owner, the name and address of any known shipper; the name and address of the owner of the point of origin; and the name and address of the reporting individual. The director must report to the Department of Public Health any incidents which affect public health, or which create a public health emergency, as defined in Section 44-4-130. The director must report to the Director of the Department of Environmental Services any incidents related to radiological terrorism. For purposes of this section, the terms chemical terrorism, bioterrorism, and radiological terrorism have the same meanings as provided in Section 44-4-130.

Pesticides

SECTION 211.A. Section 46-13-110 of the S.C. Code is amended to read:

Section 46-13-110. The director may by regulation require the reporting of significant pesticide accidents or incidents to the Department of Environmental Services.

B. Section 46-13-150 of the S.C. Code is amended to read:

Section 46-13-150. There is created a pesticide advisory committee consisting of five licensed commercial applicators residing in the State, one of whom must be licensed to operate horticultural ground equipment, one must be licensed to operate agricultural ground equipment, one must be licensed to operate aerial equipment, and two must be licensed for structural pest control; one entomologist in public service; one toxicologist in public service; one herbicide specialist in public service; two members from the agrichemical industry, one of whom must be a pesticide dealer; two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides; one representative of the South Carolina Department of Natural Resources; one plant pathologist in public service; one representative of the South Carolina State Forestry Commission; one representative of the South Carolina Department of Agriculture; one representative of the Department of Environmental

Services; and two citizens from the State at large. The members must be residents of this State and must be appointed by the Governor on the recommendation of the following organizations:

(1) The South Carolina Aerial Applicators' Association shall recommend the pesticide applicator licensed to operate aerial equipment.

(2) The South Carolina Pest Control Operator's Association shall recommend the pesticide applicator licensed to operate horticultural ground equipment and two pesticide applicators licensed for structural pest control.

(3) The Vice President and Vice Provost of Agriculture and Natural Resources of Clemson University shall recommend the herbicide specialist in public service, the entomologist in public service, and the plant pathologist in public service.

(4) The members of the South Carolina Fertilizer and Agrichemical Association shall recommend the member from the agrichemical industry and the pesticide dealer.

(5) The South Carolina Farm Bureau shall recommend the two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides, and the commercial applicator licensed to operate agricultural ground equipment.

(6) The Director of the South Carolina Department of Natural Resources shall recommend the member from the South Carolina Department of Natural Resources.

(7) The State Forester shall recommend the member from the South Carolina State Forestry Commission.

(8) The Commissioner of Agriculture shall recommend the member from the South Carolina Department of Agriculture.

(9) The Director of the Department of Environmental Services shall recommend the member from that department.

(10) The administrator of the Department of Consumer Affairs shall recommend the two citizens at large.

Such members shall be appointed for terms of four years and may be appointed for successive terms; provided, that at the inception of this chapter the pesticide applicator licensed to operate aerial equipment, the entomologist in public service, the herbicide specialist, one of the two producers of agricultural crops, and the representative from the South Carolina Department of Agriculture shall be appointed for two years; the pesticide applicator licensed for structural pest control, one of the two pesticide applicators licensed to operate ground equipment, one of the two producers of agricultural crops, the pesticide dealer representing the South Carolina Pesticide Association, and the plant pathologist in public

service shall be appointed for a period of three years; one of the two pesticide applicators licensed to operate ground equipment, the toxicologist in public service, the member of the agrichemical industry representing the South Carolina Pesticide Association, the representative of the South Carolina Department of Natural Resources, the representative from the South Carolina Commission of Forestry and the representative from the Department of Environmental Services shall be appointed for a period of four years. All subsequent terms for appointment to such committee shall be for a period of four years.

The appointing organizations shall have the authority to recommend the removal of the appointees prior to the expiration of their term of appointment for cause.

Upon the death, resignation, or removal for cause of any member of the committee, such vacancy shall be filled within thirty days of its creation for the remainder of its term in the manner herein prescribed for appointment to the committee.

The committee shall elect one of its members chairman. The members of the committee shall meet at such time and at such place as shall be specified by the call of the director, chairman, or a majority of the committee.

The committee shall advise the director on any or all problems relating to the use and application of pesticides. This may include pest control problems, environmental or health problems related to pesticide use, and review of needed legislation, regulations and agency programs.

Agricultural operations

SECTION 212.A. Section 46-45-10(5) of the S.C. Code is amended to read:

(5) With the exception of new swine operations and new slaughterhouse operations, in the interest of homeland security and in order to secure the availability, quality, and safety of food produced in South Carolina, it is the intent of the General Assembly that state law and the regulations of the Department of Environmental Services preempt the entire field of and constitute a complete and integrated regulatory plan for agricultural facilities and agricultural operations as defined in Section 46-45-20, thereby precluding a county from passing an ordinance that is not identical to the state provisions.

B. Section 46-45-60 of the S.C. Code is amended to read:

Section 46-45-60. (A) Notwithstanding any local law or ordinance, an agricultural operation or facility is considered to be in compliance with the local law or ordinance if the operation or facility would otherwise comply with state law or regulations governing the facility or operation. With the exception of new swine operations and new slaughterhouse operations, to the extent an ordinance of a unit of local government:

(1) attempts to regulate the licensing or operation of an agricultural facility in any manner that is not identical to the laws of this State and regulations of the Department of Environmental Services and amendments thereto;

(2) makes the operation of an agricultural facility or an agricultural operation at an agricultural facility a nuisance or providing for abatement as a nuisance in derogation of this chapter; or

(3) is not identical to state law and regulations governing agricultural operations or agricultural facilities, is null and void. The provisions of this section do not apply whenever a nuisance results from the negligent, illegal, or improper operation of an agricultural facility. The provisions of this section do not apply to an agricultural facility or agricultural operation at an agricultural facility located within the corporate limits of a city.

(B) The provisions of this section shall not preclude any right a county may have to determine whether an agricultural use is a permitted use under the county's land use and zoning authority; provided, if an agricultural facility or an agricultural operation is a permitted use, or is approved as a use pursuant to any county conditional use, special exception or similar county procedure, county development standards, or other ordinances that are not identical with the laws of this State or the regulations of the Department of Environmental Services are null and void to the extent they (a) apply to agricultural operations or facilities otherwise permitted by this chapter, the laws of this State, and the regulations of the Department of Environmental Services, and (b) are not identical to this chapter, the laws of this State, and the regulations of the Department of Environmental Services.

C. Section 46-45-80 of the S.C. Code is amended to read:

Section 46-45-80. Any setback distances given in R. 61-43, Standards for the Permitting of Agricultural Animal Facilities, are minimum siting requirements as established by the Department of

Environmental Services. As long as the established setbacks are achieved, the department may not require additional setback distances. Such distances from property lines or residences may be waived or reduced by written consent of the adjoining property owners. All animal facilities affected by these setback provisions must have an evergreen buffer between the facility and the affected residence as established by DES unless otherwise agreed to in writing by the adjoining landowners.

Milk products

SECTION 213. Section 46-49-60 of the S.C. Code is amended to read:

Section 46-49-60. A distributor shall not engage, either directly or indirectly, in doing business in any market until he has applied for and obtained a license from the department. A store is not required to make application for a license but is considered to be a de facto licensee as required in this chapter. The department may classify licensees and may issue licenses to distributors to produce, receive, process, manufacture, or sell any of the products covered by this chapter in any particular market.

The department may decline to grant a license or may suspend or revoke a license already granted upon due notice and after a hearing before the department whenever the applicant or licensee has violated regulations issued by the department, or any provisions of this chapter.

The department may, in lieu of license suspensions, invoke a penalty of not less than fifty dollars nor more than five thousand dollars. All receipts from the penalties must be paid by the department to the State Treasurer.

Aquaculture

SECTION 214. Section 46-51-20 of the S.C. Code is amended to read:

Section 46-51-20. Within ninety days after the creation of the office, the facilitator shall meet with the Director of the Department of Environmental Services, the Director of the South Carolina Department of Natural Resources and the Director of the Department of Administration to establish one application form which must be used by all the permitting agencies when a potential aquaculturist is seeking permits, licenses, and certifications to begin an aquaculture operation. The permit facilitator shall recognize the value and integrity of the permitting programs of each of the state’s regulatory agencies listed

above and seek to maintain the division of authority.

Home-based food operations

SECTION 215.A. Section 46-57-20(E) and (G) of the S.C. Code is amended to read:

(E) Home-based food operations only may sell, or offer to sell, food items directly to a person, including online and by mail order, or to retail stores, including grocery stores. Food produced from a home-based food production operation shall be considered to be from an approved source, as required of a retail food establishment pursuant to Regulation 61-25. Any retail stores, including grocery stores, that sell or offer to sell home-based food products must post clearly visible signage indicating that home-based food products are not subject to commercial food regulations.

(G) The provisions of this section do not apply to an operation with net earnings of less than one thousand five hundred dollars annually but that would otherwise meet the definition of a home-based food operation provided in subsection (A)(1).

B. Section 46-57-20 of the S.C. Code is amended by adding:

(H) The provisions of this section apply in the absence of a local ordinance to the contrary.

Department of Agriculture

SECTION 216. Section 46-57-50 of the S.C. Code is amended to read:

Section 46-57-50. The Department of Agriculture may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, and all other places or establishments providing eating or drinking facilities operated for gain or profit, except that this section does not apply to food services provided at healthcare facilities or other facilities regulated by the Department of Public Health pursuant to the State Health Facility Licensure Act unless such services are provided to the general public;

(2) the production, storing, labeling, transportation, and selling of milk

and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives, and any other products made in semblance for milk or milk products; and

(3) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other businesses, and bottling plants.

Animal cruelty prevention

SECTION 217. Section 47-1-80 of the S.C. Code is amended to read:

Section 47-1-80. Any agent or officer of the Department of Public Health or police officer or officer of the South Carolina Society for the Prevention of Cruelty to Animals or of any society duly incorporated for that purpose may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for, appearing to be glandered, injured or diseased past recovery for any useful purpose.

Animal euthanasia

SECTION 218. Section 47-3-420(A)(1)(i) of the S.C. Code is amended to read:

(i) an animal shelter or governmental animal control agency may obtain sodium pentobarbital or a derivative or tranquilizing agent by direct licensing. The animal shelter or governmental animal control agency must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement Administration (DEA) and a State Controlled Substances Registration from the Department of Public Health (DPH). If an animal shelter or governmental animal control agency is issued a certificate by the DEA and a registration by DPH pursuant to this subitem, the animal shelter or governmental animal control agency director or his designee are responsible for maintaining their respective records regarding the inventory, storage, and administration of controlled substances. An animal shelter or governmental animal control agency and its certified euthanasia technician are subject to inspection and audit by DPH and the DEA regarding the recordkeeping, inventory, storage, and administration of controlled substances used under authority of this article;

State Livestock-Poultry Health Commission

SECTION 219. Section 47-4-150 of the S.C. Code is amended to read:

Section 47-4-150. The commission by regulation may establish advisory committees which fairly reflect the particular portion of the industry being regulated as well as other concerned groups or agencies. The members of these committees serve at the pleasure of the commission. In nominating the members of the advisory committees the director shall consult with officials of representative trade associations, the Administrator of the South Carolina Department of Consumer Affairs, the Commissioner of Agriculture, and the Director of the Department of Environmental Services. The committee members serve at no cost to the State.

Rabies control

SECTION 220. Section 47-5-20(2) of the S.C. Code is amended to read:

(2) "Department" means the South Carolina Department of Public Health, including county health departments.

Livestock and poultry facilities

SECTION 221. Section 47-9-60 of the S.C. Code is amended to read:

Section 47-9-60. Notwithstanding any other provision of law, only property owners and residents within a two-mile radius of a permitted livestock or poultry facility, with the exception of a swine facility, may appeal a permit issued by the Department of Environmental Services pertaining to the facility.

Meat and meat food

SECTION 222.A. Section 47-17-40(b) of the S.C. Code is amended to read:

(b) The Director shall refuse to render inspection to any establishment whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section. The Director shall immediately notify the South Carolina Department of Agriculture of the name and

address of any establishment for which the Director shall refuse to render veterinary inspection service.

B. Section 47-17-120(D) of the S.C. Code is amended to read:

(D) The commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130. Veterinary inspection must not be conducted in an establishment whose permit has been denied, suspended, or revoked. The commission immediately shall notify the South Carolina Department of Agriculture of action upon a permit.

C. Section 47-17-130 of the S.C. Code is amended to read:

Section 47-17-130. The Director shall promulgate such rules and regulations and appoint such veterinarians and other qualified personnel as are necessary to carry out the purposes or provisions of this article. Such rules and regulations shall be in conformity with the rules and regulations under the Federal Meat Inspection Act and the South Carolina Department of Agriculture as now in effect and with subsequent amendments thereof unless they are considered by the Director as not to be in accord with the objectives of this article.

D. Section 47-17-140(b) and (c) of the S.C. Code is amended to read:

(b) The Director shall cooperate with the South Carolina Department of Agriculture and may cooperate with the Federal Government in carrying out the provisions of this article or the Federal Meat Inspection Act.

(c) The provisions of this article shall be applied in such a manner as to maintain the support and cooperation of all State and local agencies dealing with animals, animal diseases and human diseases, and in no way shall this article restrict the authority given to the Department of Public Health, the State Department of Agriculture or any other agency under the General Statutes of South Carolina.

Importation of meat

SECTION 223. Section 47-17-320 of the S.C. Code is amended to read:

Section 47-17-320. The Department of Agriculture is charged with the enforcement of the provisions of this article. All meat found by the

Department of Agriculture which is landed within the boundaries of the State and does not comply with the provisions of this article shall be confiscated and destroyed.

Poultry products

SECTION 224. Section 47-19-35(D) of the S.C. Code is amended to read:

(D) The commission, for cause, may refuse to grant a permit, may suspend, revoke, or modify the permit, or may assess a civil penalty in accordance with Section 47-4-130. Veterinary inspection must not be conducted in an establishment whose permit has been denied, suspended, or revoked. The commission immediately shall notify the South Carolina Department of Agriculture of permit actions.

Confined swine feeding operations

SECTION 225. Section 47-20-165(A) of the S.C. Code is amended to read:

(A) In addition to any regulations authorized to be promulgated pursuant to this chapter, the Department of Environmental Services shall promulgate regulations regarding confined swine feeding operations which are separate and distinct from the regulations promulgated pursuant to this chapter.

Pollution Control Act

SECTION 226.A. Section 48-1-10(9) of the S.C. Code is amended to read:

(9) "Department" means the Department of Environmental Services;

B. Section 48-1-20 of the S.C. Code is amended to read:

Section 48-1-20. It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources. It is further

declared that to secure these purposes and the enforcement of the provisions of this chapter, the Department of Environmental Services shall have authority to abate, control and prevent pollution.

C. Section 48-1-55 of the S.C. Code is amended to read:

Section 48-1-55. On any navigable river in this State where an oyster factory is located, the Department of Environmental Services may utilize qualified personnel of the county or municipality in whose jurisdiction the factory operates to assist with the monitoring of water quality and other environmental standards the department is required to enforce. The assistance may be provided at the request of the department and upon the consent of the county or municipality concerned.

D. Section 48-1-85(D) of the S.C. Code is amended to read:

(D) Houseboat holding tanks may be emptied only by a pump-out system permitted by the Department of Environmental Services.

E. Section 48-1-95(A)(4) of the S.C. Code is amended to read:

(4) "Department" means the Department of Environmental Services.

F. Section 48-1-100(B) and (C) of the S.C. Code is amended to read:

(B) The Department of Environmental Services is the agency of state government having jurisdiction over the quality of the air and waters of the State of South Carolina. It shall develop and enforce standards as may be necessary governing emissions or discharges into the air, streams, lakes, or coastal waters of the State, including waste water discharges.

(C) The Department of Environmental Services is the agency of state government having jurisdiction over those matters involving real or potential threats to the health of the people of South Carolina, including the handling and disposal of garbage and refuse; septic tanks; and individual or privately owned systems for the disposal of offal and human or animal wastes.

G. Section 48-1-110(b) before the numbered items of the S.C. Code is amended to read:

(b) The Director of the Department of Environmental Services shall

classify all public wastewater treatment plants, giving due regard to size, types of work, character, and volume of waste to be treated, and the use and nature of the water resources receiving the plant effluent. Plants may be classified in a group higher than indicated at the discretion of the classifying officer by reason of the incorporation in the plant of complex features which cause the plant to be more difficult to operate than usual or by reason of a waste unusually difficult to treat, or by reason of conditions of flow or use of the receiving waters requiring an unusually high degree of plant operation control or for combinations of such conditions or circumstances. The classification is based on the following groups:

H.Section 48-1-280 of the S.C. Code is amended to read:

Section 48-1-280. Nothing herein contained shall be construed to postpone, stay or abrogate the enforcement of the provisions of the public health laws of this State and rules and regulations promulgated hereunder in respect to discharges causing actual or potential hazards to public health nor to prevent the Department of Public Health from exercising its right to prevent or abate nuisances.

Environmental Protection Fund

SECTION 227.A. Section 48-2-20(2) of the S.C. Code is amended to read:

(2) “Department” means the Department of Environmental Services.

B.Section 48-2-60 of the S.C. Code is amended to read:

Section 48-2-60. A person required to pay the fees set forth in this article who disagrees with the calculation or applicability of the fee may request a contested case hearing before the Administrative Law Court in accordance with Section 48-6-30 and the Administrative Procedures Act. If it is finally determined that the amount in dispute was improperly assessed, the department shall return the amount determined to be improperly assessed with interest not to exceed the statutory rate.

C.Section 48-2-70 of the S.C. Code is amended to read:

Section 48-2-70. Under each program for which a permit processing fee is established pursuant to this article, the promulgating

authority also shall establish by regulation a schedule for timely action by the Department of Environmental Services on permit applications under that program. These schedules shall contain criteria for determining in a timely manner when an application is complete and the maximum length of time necessary and appropriate for a thorough and prompt review of each category of permit applications and shall take into account the nature and complexity of permit application review required by the act under which the permit is sought. If the department fails to grant or deny the permit within the time frame established by regulation, the department shall refund the permit processing fee to the permit applicant.

D.Section 48-2-80 of the S.C. Code is amended to read:

Section 48-2-80. Fees collected pursuant to Section 48-2-50 do not supplant or reduce in any way the general fund appropriation to the department from the state or federal program; and the total amount of fees authorized by this article collected in any fiscal year, may not exceed thirty-three and one-third percent of the "Total Funds" appropriated to the Department of Environmental Services in the annual appropriations act.

Emergency Environmental Fund

SECTION 228. Sections 48-2-320 through 48-2-340 of the S.C. Code are amended to read:

Section 48-2-320. As used in this article:

(1) "Director" means the Director of the Department of Environmental Services.

(2) "Department" means the Department of Environmental Services.

(3) "Environmental Emergency" means a situation, to be determined by the director, that constitutes an immediate threat to the environment or public health, or both, and providing immediate, but temporary relief to the situation may require the expenditure of funds to effect a solution, provide temporary relief, or retain the services of appropriate technical personnel or contractors.

(4) "Fund" means the "Environmental Emergency Fund" established pursuant to this article.

(5) "Responsible party" means a person determined to be legally responsible for any environmental pollution or threat to public health which requires expenditures from the fund.

Section 48-2-330. (A) There is created within the Department of Environmental Services a restricted account to be known as the Environmental Emergency Fund.

(B) The fund must be financed through the collection and deposit of fines and penalties levied by the department. However, a fine or penalty collected under any statute which provides explicitly for distribution of the fine or penalty, other than to the general fund including, but not limited to, those penalties distributed to the counties pursuant to Section 48-1-350, must not be deposited in the fund.

(C) Fines and penalties must be credited to the fund until the fund reaches two hundred fifty thousand dollars, at which time all subsequent fines and penalties must be deposited to the general fund or as otherwise prescribed by law. At no time shall the balance in the fund exceed two hundred fifty thousand dollars, and no more than two hundred fifty thousand dollars may be deposited to the fund in any fiscal year.

(D) Interest accruing to the fund must be remitted to the general fund of the State.

Section 48-2-340. (A) The department, through the director or the director's designee, shall certify that funding for a specific emergency was necessary to protect the environment or public health, or both. Annually, the department shall prepare an independent accounting of all revenue in the fund. The report must be made available to the public upon request.

(B) Nothing in this section precludes the department from seeking appropriate enforcement action, including civil penalties and recovery of costs expended from the fund, against a party determined to be responsible for the environmental emergency. Costs recovered pursuant to an enforcement action must be deposited in the fund in accordance with the limitation prescribed in Section 48-2-330.

Pollution control facilities

SECTION 229.A. Section 48-3-10(6) of the S.C. Code is amended to read:

(6) "Department" shall mean the Department of Environmental Services of South Carolina.

B. Section 48-3-140(A)(2) of the S.C. Code is amended to read:

(2) a statement setting forth the action taken by the Department of

Environmental Services in connection with the pollution control facilities;

Clean water fund

SECTION 230. Section 48-5-20(6) of the S.C. Code is amended to read:

(6) "Department" means the Department of Environmental Services.

Department of Environmental Services

SECTION 231.A. Section 48-6-50 of the S.C. Code is amended to read:

Section 48-6-50. All rules and regulations promulgated by the department must be promulgated in compliance with the Administrative Procedures Act.

B. Section 48-6-60(A) of the S.C. Code is amended to read:

(A) The Department of Environmental Services may make, adopt, promulgate, and enforce reasonable rules and regulations from time to time requiring and providing for:

(1) the classification of waters;

(2) the control of industrial plants, including the protection of workers from fumes, gases, and dust, whether obnoxious or toxic;

(3) the use of water in air humidifiers;

(4) the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town, or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction, or otherwise;

(5) the alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes;

(6) the safety and sanitation in the harvesting, storing, processing, handling, and transportation of mollusks, fin fish, and crustaceans; and

(7) the safety, safe operation, and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs.

Erosion and sediment reduction

SECTION 232.A. Section 48-18-20(8) and (11) of the S.C. Code is amended to read:

(8) "Department" means the Department of Environmental Services.

B. Section 48-18-50(1) of the S.C. Code is amended to read:

(1) A state Advisory Council on Erosion and Sediment Reduction (State Advisory Council), which may include, but not be limited to, a representative of each of the following, must be appointed by the Governor upon the advice of the following agencies and organizations:
South Carolina Association of Counties
South Carolina Municipal Association
South Carolina Association of Conservation Districts
South Carolina Home Builders Association
Associated General Contractors, Inc.
South Carolina Association of Realtors
South Carolina Chapter, American Society of Landscape Architects
South Carolina Chapter, American Society of Civil Engineers
Council of Governments Executive Director's Committee
South Carolina Farm Bureau
South Carolina State Grange
Office of the Governor
USDA-Soil Conservation Service
Clemson University
South Carolina Department of Environmental Services
South Carolina Forestry Commission
South Carolina Forestry Association
South Carolina Chapter, American Institute of Architects

Mining

SECTION 233.A. Section 48-20-30 of the S.C. Code is amended to read:

Section 48-20-30. The Department of Environmental Services is responsible for administering the provisions and requirements of this chapter. This includes the process and issuance of mining permits, review and approval of reclamation plans, collection of reclamation performance bonds, conduct of environmental appraisals, technical

assistance to mine operators and the public, implementation of research and demonstration projects, and inspections of all mining operations and reclamation as set forth in this chapter. Proper execution of these responsibilities may necessitate that the department seek comment from other relevant state agencies regarding matters within their respective areas of statutory responsibility or primary interests. The department has ultimate authority, subject to the appeal provisions of this chapter, over all mining, as defined in this chapter, and the provisions of this chapter regulating and controlling such activity.

B. Section 48-20-40(3) of the S.C. Code is amended to read:

(3) "Department" means the Department of Environmental Services. Whenever in this chapter the department is assigned duties, they may be performed by the director or by subordinates as he designates.

C. Section 48-20-70(3) of the S.C. Code is amended to read:

(3) the operation will violate standards of air quality, surface water quality, or groundwater quality which have been promulgated by the Department of Environmental Services;

Interstate mining

SECTION 234. Section 48-21-20(b) and (c) of the S.C. Code is amended to read:

(b) The council shall be composed of eleven members. One member shall be the State Geologist and one member shall be the Secretary of Commerce or his designee. Three members, appointed by the Governor, shall be representatives of mining industries; three members, appointed by the Governor, shall be representatives of nongovernmental conservation interests; two members, appointed by the Governor, shall be representatives of the Department of Environmental Services who shall be knowledgeable in the principles of water and air resources management; and one member, appointed by the Governor, shall be his official representative to the Interstate Mining Compact Commission. Any public official appointed to the council shall serve ex officio. The term of office for the Secretary of Commerce or his designee and the Governor's official representative to the Interstate Mining Compact Commission shall be coterminous with that of the Governor. Of the remaining eight members appointed by the Governor, six shall be

appointed for terms of six years, two shall be appointed for terms of two years and beginning July 1, 1976, the term of office for all new appointments and reappointments to these eight positions shall be for four years. The term of each member of the council shall expire on June thirtieth of the year in which his term expires. Any vacancy occurring on the council by death, resignation, or otherwise shall be filled for the unexpired term of the person creating the vacancy by the Governor.

(c) In accordance with Article V (i) of the compact, the commission shall file copies of its bylaws and any amendments thereto with the Director of the Department of Environmental Services.

Prescribed fires

SECTION 235. Section 48-34-40(B)(3) of the S.C. Code is amended to read:

(3) are considered in the public interest and do not constitute a public or private nuisance when conducted pursuant to the South Carolina Smoke Management Guidelines, Chapters 1 and 35, Title 48, and Chapter 2, Title 50; prescribed fires that are purposefully set in accordance with these chapters and the South Carolina Smoke Management Guidelines are exempt from the open fire prohibition pursuant to R. 61-62.2 and are acceptable to the Department of Environmental Services if the fire is for:

(a) burning forest lands for specific management practices;

(b) agricultural control of diseases, weeds, and pests and for other specific agricultural purposes;

(c) open burning of trees, brush, grass, and other vegetable matter for game management purposes;

Coastal tidelands and wetlands

SECTION 236.A. Section 48-39-10(C), (D), (V), and (W) of the S.C. Code is amended to read:

(C) "Division" means the Division of Coastal Management of the Department of Environmental Services.

(D) "DCMPS" means the Division of Coastal Management permitting staff.

(V) "Department" means the Department of Environmental Services.

(W) "Director" means the Director of the Department of

Environmental Services.

B. Section 48-39-35 of the S.C. Code is amended to read:

Section 48-39-35. The Coastal Division of the Department of Health and Environmental Control was created July 1, 1994. The Division of Coastal Management is transferred to the Department of Environmental Services effective July 1, 2024.

C. Section 48-39-45(A)(1) and (D)(1) of the S.C. Code is amended to read:

(1) On July 1, 2010, there is created the Coastal Zone Management Advisory Council that consists of fifteen members, which shall act as an advisory council to the department's Division of Coastal Management.

(1) The council shall provide advice and counsel to the staff of the Division of Coastal Management in implementing the provisions of the South Carolina Coastal Zone Management Act. The department and the public may bring a matter concerning implementation of the provisions of this act by operation of its permitting and certification process, including the promulgation of regulations, to the council's attention.

D. Section 48-39-50(A), (S), and (V) of the S.C. Code is amended to read:

(A) To employ the DCMPS consisting of, but not limited to, the following professional members: An administrator and other staff members to include those having expertise in biology, civil and hydrological engineering, planning, environmental engineering and environmental law.

(S) To monitor, in coordination with the South Carolina Department of Natural Resources, the waters of the State for oil spills. If such Department observes an oil spill in such waters it shall immediately report such spill to the Department of Environmental Services, the United States Coast Guard and Environmental Protection Agency. This in no way negates the responsibility of the spiller to report a spill.

(V) To delegate any of its powers and duties to the DCMPS.

E. Section 48-39-250(4) of the S.C. Code is amended to read:

(4) Chapter 39 of Title 48, Coastal Tidelands and Wetlands, prior to 1988, did not provide adequate jurisdiction to the South Carolina Division of Coastal Management to enable it to effectively protect the integrity of the beach/dune system. Consequently, without adequate controls, development unwisely has been sited too close to the system. This type of development has jeopardized the stability of the beach/dune system, accelerated erosion, and endangered adjacent property. It is in both the public and private interests to protect the system from this unwise development.

F. Section 48-39-270(3) of the S.C. Code is amended to read:

(3) Department means the Department of Environmental Services.

G. Section 48-39-280(F) of the S.C. Code is amended to read:

(F)(1) A landowner claiming ownership of property adversely affected by the establishment of a baseline or setback line, upon submittal of substantiating evidence, must be granted a review of the baseline or setback line. Alternatively, the municipality or county in which the property is situated, acting on behalf of the landowner with his written authorization, or an organization acting on behalf of the landowner with his written authorization, upon submittal of substantiating evidence, must be granted a review of the baseline and setback line. A review is initiated by filing a request with the Division of Coastal Management via certified mail within one year of the establishment of the baseline or setback line and must include a one hundred-dollar-review fee per property.

(2) The landowner or the county, municipality, or organization acting on behalf of the landowner may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1, for a contested case hearing within thirty calendar days after the Division of Coastal Management issues the final agency decision resulting from the review.

H. Section 48-39-290(D)(2) and (3) of the S.C. Code is amended to read:

(2) The department's Division of Coastal Management shall consider applications for special permits.

(3) In granting a special permit, the division may impose reasonable

additional conditions and safeguards as, in its judgment, will fulfill the purposes of Sections 48-39-250 through 48-39-360.

I. Section 48-39-320(C) of the S.C. Code is amended to read:

(C) Notwithstanding any other provision of law contained in this chapter, the Division of Coastal Management may allow the use in a pilot project of any technology, methodology, or structure, whether or not referenced in this chapter, if it is reasonably anticipated that the use will be successful in addressing an erosional issue in a beach or dune area. If success is demonstrated, the Division of Coastal Management, may allow the continued use of the technology, methodology, or structure used in the pilot project location and additional locations.

J. Section 48-39-345 of the S.C. Code is amended to read:

Section 48-39-345. Any funds reimbursed to nonfederal project sponsors under the terms of a Local Cooperative Agreement (LCA) with the Army Corps of Engineers for a federally cost-shared beach renourishment project, where the reimbursement is for credit to the nonfederal sponsor for federally approved effort and expenditures toward the nonfederal project sponsor obligations detailed in the LCA and where the State has provided funding to the nonfederal sponsor to meet the financial cost-sharing responsibilities under the LCA, must be refunded by the nonfederal sponsor to the State with the State and the nonfederal sponsor sharing in this reimbursement in the same ratio as each contributed to the total nonfederal match specified in the LCA. The Division of Coastal Management of the Department of Environmental Services shall administer these funds and make these funds available to other beach renourishment projects.

Beach restoration

SECTION 237.A. Section 48-40-20(2) of the S.C. Code is amended to read:

(2) “Division” means the Division of Coastal Management of the Department of Environmental Services.

B. Section 48-40-40(B) of the S.C. Code is amended to read:

(B) The trust fund must be administered by the Division of Coastal

Management of the Department of Environmental Services pursuant to this chapter and its regulations governing application, review, ranking, and approval procedures for grants.

C. Section 48-40-50(E), (F), and (G) of the S.C. Code is amended to read:

(E) An application for trust fund monies for a public beach restoration or maintenance project or project to improve and enhance public beach access may be accepted by the division only from a municipal or county government with a Local Beach Management Plan approved by the division.

(F) An application pursuant to this section for matching funds for a public beach renourishment project may be accepted and ranked by the division only if the project first has been fully permitted and approved as otherwise provided by law.

(G) Allocations of trust fund monies may be made to approved public beach restoration or maintenance projects or projects for improvement and enhancement of public beach access only through properly executed written agreements between the division and all the municipal and county project sponsors. All the trust fund monies and the nonstate matching funds required for financing the projects must be deposited in an escrow account within five business days of the execution of the agreement and receipt of the monies from the trust fund. The division must be given quarterly financial status reports of this account and annual and final audit reports throughout the project's duration and at completion.

D. Section 48-40-60(B) of the S.C. Code is amended to read:

(B) This emergency reserve fund must be administered by the division in consultation with the State Emergency Management Division and impacted municipal, county, and federal officials.

E. Section 48-40-70(A) and (E) of the S.C. Code is amended to read:

(A) The accumulated data from annual monitoring and evaluation of erosion rates and hazard areas for all beach areas as required of the division in Sections 48-39-280, 48-39-320, and 48-39-330 must be analyzed and used in the determination of priorities of need for storm damage reduction, property protection, recreational beach restoration, and public notification of erosion and hazardous conditions.

(E) The division and local governments must use the annual analysis to document beach restoration needs and for restoration project design.

Oil and gas exploration and drilling

SECTION 238.A. Section 48-43-10(B), (W), and (X) of the S.C. Code is amended to read:

(B) "Department" means the Department of Environmental Services.

(W) "Sanitary landfill" means a solid waste disposal facility regulated by the Department of Environmental Services.

B. Section 48-43-30(B)(5) and (6) of the S.C. Code is amended to read:

(5) To promulgate, after hearing and notice as hereinafter provided, such rules and regulations, and issue such orders reasonably necessary to prevent waste and oil discharges from drilling and production platforms, pipelines, gathering systems, processing facilities, storage facilities, refineries, port facilities, tankers and other facilities and vessels that may be a source of oil spills and to protect correlative rights, to govern the practice and procedure before the department and to fulfill its duties and the purposes of this chapter.

(6) To regulate the exploration, drilling, production, and transportation of methane gas in and related to sanitary landfills. The department is authorized to exercise discretion in regulating such activities and may impose any requirement of this chapter as is necessary, in the opinion of the department, to prevent waste of oil and gas, to protect correlative rights and to prevent pollution of the water, air, and land by oil and gas. The department is further authorized to require any person applying for a drilling permit or otherwise producing methane gas in a sanitary landfill to comply with one of the following requirements for financial responsibility in an amount deemed sufficient by the department in its discretion in order to achieve the purpose specified in Section 48-43-30(A)(1):

(i) furnish a bond consistent with the requirements of Section 48-43-30(B)(1)(e); or

(ii) furnish proof of insurance with the State of South Carolina as beneficiary. Before the issuance of drilling permits for methane gas recovery from sanitary landfills, the department must certify that the proposed activity is consistent with the Department of Environmental Services' regulations governing the operation, monitoring, and

maintenance of the landfills and applicable permit conditions.

C. Section 48-43-40(D) of the S.C. Code is amended to read:

(D) All rules, regulations and orders made by the Department of Environmental Services shall be in writing, shall be entered in full and indexed in books to be kept by the department for that purpose, and shall be public records open for inspection at all times during office hours. In addition, all rules and regulations shall be filed with the Secretary of State. A copy of any rule, regulation or order, certified by any member of the department or the department, under its seal, shall be received in evidence in all courts of this State with the same effect as the original.

D. Section 48-43-50 of the S.C. Code is amended to read:

Section 48-43-50. The Administrative Law Court shall have the power to conduct hearings, to summon witnesses, to administer oaths and to require the production of records, books and documents for examination at any hearing or investigation.

E. Section 48-43-60 of the S.C. Code is amended to read:

Section 48-43-60. Any person, who is aggrieved and has a direct interest in the subject matter of any final order issued by the department, may appeal such order in accordance with Section 48-6-30 and applicable law.

F. Section 48-43-100 of the S.C. Code is amended to read:

Section 48-43-100. All rules and regulations adopted by the Department of Environmental Services, as provided for in this chapter, must be approved by the General Assembly before they shall be effective; provided, however, no regulation approved by the General Assembly shall conflict, at the time of approval, with any requirement or be in excess of any statute, rule or regulation of the federal government or any department or agency thereof.

G. Section 48-43-390(A) of the S.C. Code is amended to read:

(A) The South Carolina State Fiscal Accountability Authority, upon review by the Joint Bond Review Committee as necessary, hereinafter

referred to as the authority, is hereby designated as the State Agency with the authority, responsibility and power to lease all State lands to persons for the purpose of drilling for and producing oil and gas. The Department of Environmental Services is hereby designated as the exclusive agent for the authority in selecting lands to be leased, administering the competitive bidding for leases, administering the leases, receiving and compiling comments from other state agencies concerning the desirability of leasing the state lands proposed for leasing and such other activities that pertain to oil and gas leases as may be included herein as responsibilities of the authority.

H.Section 48-43-510(1) and (13) of the S.C. Code is amended to read:

(1) "Department" means the Department of Environmental Services.

(13) Reserved.

I. Section 48-43-520(4) of the S.C. Code is amended to read:

(4) The General Assembly intends by the enactment of this article to exercise the police power of the State by conferring upon the Department of Environmental Services power to:

(a) deal with the hazards and threats of danger and damage posed by such transfers and related activities;

(b) require the prompt containment and removal of pollution occasioned thereby.

J. Section 48-43-570(a) of the S.C. Code is amended to read:

(a) The Department of Transportation, the Department of Natural Resources, and any other agency of this State, shall cooperate with and lend assistance to the Department of Environmental Services by assigning, upon request, personnel, equipment and material to be utilized in any project or activity related to the containment, collection, dispersal or removal of oil discharged upon the land or into the waters of this State.

Radioactive waste

SECTION 239.A. Section 48-46-30(7), (10), and (22) of the S.C. Code is amended to read:

(7) "Extended care maintenance fund" means the "escrow fund for

perpetual care" that is used for custodial, surveillance, and maintenance costs during the period of institutional control and any post-closure observation period specified by the Department of Environmental Services and for activities associated with closure of the site as provided for in Section 13-7-30(4).

(10) "Maintenance" means active maintenance activities as specified by the Department of Environmental Services, including pumping and treatment of groundwater and the repair and replacement of disposal unit covers.

(22) "Waste" means Class A, B, or C low-level radioactive waste, as defined in Title I of Public Law 99-240 and Department of Environmental Services Regulation 61-63, 7.2.22, that is eligible for acceptance for disposal at a regional disposal facility.

B. Section 48-46-40(B)(7)(a) and (9) of the S.C. Code is amended to read:

(a) If the office, upon the advice of the compact commission or the site operator, concludes based on information provided to the office, that the volume of waste to be disposed during a forthcoming period of time does not appear sufficient to generate receipts that will be adequate to reimburse the site operator for its costs of operating the facility and its operating margin, then the office shall direct the site operator to propose to the compact commission plans including, but not necessarily limited to, a proposal for discontinuing acceptance of waste until such time as there is sufficient waste to cover the site operator's operating costs and operating margin. Any proposal to suspend operations must detail plans of the site operator to minimize its costs during the suspension of operations. Any such proposal to suspend operations must be approved by the Department of Environmental Services with respect to safety and environmental protection.

(9) In all proceedings held pursuant to this section, the office shall participate as a party representing the interests of the State of South Carolina, and the compact commission may participate as a party representing the interests of the compact states. The Executive Director of the Office of Regulatory Staff and the Attorney General of the State of South Carolina shall be parties to any such proceeding. Representatives from the Department of Environmental Services shall participate in proceedings where necessary to determine or define the

activities that a site operator must conduct in order to comply with the regulations and license conditions imposed by the department. Other parties may participate in the PSC's proceedings upon satisfaction of standing requirements and compliance with the PSC's procedures. Any site operator submitting records and information to the PSC may request that the PSC treat such records and information as confidential and not subject to disclosure in accordance with the PSC's procedures.

C. Section 48-46-50(A) of the S.C. Code is amended to read:

(A) The Governor shall appoint two commissioners to the Atlantic Compact Commission and may appoint up to two alternate commissioners. These alternate commissioners may participate in meetings of the compact commission in lieu of and upon the request of a South Carolina commissioner. Technical representatives from the Department of Environmental Services, the office, the PSC, and other state agencies may participate in relevant portions of meetings of the compact commission upon the request of a commissioner, alternate commissioner, or staff of the compact commission, or as called for in the compact commission bylaws.

D. Section 48-46-80 of the S.C. Code is amended to read:

Section 48-46-80. Pursuant to Section 48-2-10, et seq., the Department of Environmental Services may adjust the radioactive materials license fee for Low-Level Radioactive Waste Shallow Land Disposal in Regulation 61-30 in an amount that will offset changes to its annual operating budget caused by projected increases or decreases in the number of permittees expected to pay fees for Radioactive Waste Transport Permits under the same regulation for shipment of low-level radioactive waste for disposal within the State.

E. Section 48-46-90 of the S.C. Code is amended to read:

Section 48-46-90. (A) In accordance with Section 13-7-30, the office, or its designee, is responsible for extended custody and maintenance of the Barnwell site following closure and license transfer from the facility operator. The Department of Environmental Services is responsible for continued site monitoring.

(B) Nothing in this chapter may be construed to alter or diminish the existing statutory authority of the Department of Environmental Services to regulate activities involving radioactive materials and radioactive

wastes.

Energy independence and sustainable construction

SECTION 240.A. Section 48-52-810(10)(b)(v) of the S.C. Code is amended to read:

(v) a building project funded by the Department of Public Health and the Department of Environmental Services in which the primary purpose of the building project is for the storage of archived documents.

B. Section 48-52-865(A)(1)(c) of the S.C. Code is amended to read:

(c) the Director of the Department of Environmental Services, or his designee;

Environmental Awareness Award

SECTION 241. Section 48-55-10(A)(1), (4), and (7) of the S.C. Code is amended to read:

(1) South Carolina Department of Environmental Services by its director;

(4) Water Resources Division of the Department of Environmental Services by the department's director;

(7) Division of Coastal Management of the Department of Environmental Services by the department's director;

Environmental innovation

SECTION 242. Section 48-56-20(3) of the S.C. Code is amended to read:

(3) "Department" means the Department of Environmental Services.

Environmental audits

SECTION 243. Section 48-57-20(1) of the S.C. Code is amended to read:

(1) "Department" means the Department of Environmental Services.

Electronic waste

SECTION 244. Section 48-60-20(11) of the S.C. Code is amended to read:

(11) "Department" means the Department of Environmental Services.

Office of Resilience

SECTION 245. Section 48-62-30(1)(a) of the S.C. Code is amended to read:

(a) describe known flood risks for each of the eight major watersheds of the State, as delineated in the Department of Environmental Services' South Carolina Watershed Atlas;

Waterways

SECTION 246.A. Section 49-1-15(A) and (B) of the S.C. Code is amended to read:

(A) Except as otherwise provided herein, no person may erect, construct, or build any structure or works in order to dam or impound the waters of a navigable stream or any waters which are tributary to a navigable stream for the purpose of generating hydroelectricity without securing a permit from the Department of Environmental Services. Any projects that are subject to Chapter 33, Title 58 of the Utility Facility Siting and Environmental Protection Act are exempted from this section. Further exempted are projects where the project developer without exercising condemnation authority is the existing owner of the property upon which the project is to be constructed and projects which do not exceed sixty acres including in both cases inundated land.

(B) The Department of Environmental Services may issue a permit for the projects in this subsection after a thorough review of the proposed project and a finding that it meets any regulations of the board and the

following standards:

(1) The proposed project does not halt or prevent navigation by watercraft of the type ordinarily frequenting the reach of the watercourse in question.

(2) The projects proposed for shoaled areas of the watercourse provide a means of portage or bypass of the project structure.

(3) The need for the proposed project far outweighs the historical and current uses of the stream in question.

(4) The impact of the proposed project will not threaten or endanger plant or animal life.

(5) The recreational and aesthetic benefits or detriments caused by the proposed project do not alter the watercourse or damage riparian lands.

B. Section 49-1-16 of the S.C. Code is amended to read:

Section 49-1-16. The Department of Environmental Services may charge a fee to an applicant for a permit for any construction, alteration, dredging, filling, or other activity in navigable waters of the State. If the project is commercial or industrial and is in support of operations that charge for the production, distribution, or sale of goods or services, a fee of five hundred dollars must be charged, except if the aerial crossing of navigable waters by conductors or other wires supported solely by structures outside the navigable waters the fee shall be one hundred dollars. If the work is noncommercial in nature and provides personal benefits that have no connection with a commercial enterprise the fee must be fifty dollars. The department shall remit the fees to the State Treasurer and shall be issued a credit for any portion of the fees necessary to offset its costs in processing, investigating and taking final action on each permit application. Any remaining portion shall be credited to the general fund of the State.

C. Section 49-1-18 of the S.C. Code is amended to read:

Section 49-1-18. The General Assembly, pursuant to Section 7, Article I of the South Carolina Constitution, suspends the authority of the South Carolina Department of Health and Environmental Control and its successor agency, the Department of Environmental Services, hereinafter the department, for all decisions subsequent to 2007 related to all matters pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or

commerce vessels, in particular the approval by the department of the application of the United States Army Corps of Engineers for a Construction in Navigable Waters Permit for the dredging of the South Carolina portion of the Savannah River, because the authority of the Savannah River Maritime Commission, hereinafter the Maritime Commission, superseded the responsibilities of the department for such approval, as established by Act 56 of 2007, and the approval by the department could present imminent and irreversible public health and environmental concerns for the South Carolina portion of the Savannah River. The Department of Environmental Services retains authority for all matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels.

Water resources

SECTION 247. Section 49-3-60 of the S.C. Code is amended to read:

Section 49-3-60. (A) Notwithstanding another provision of law, an entity that has contracted for the right to store water in a reservoir owned by the United States Army Corps of Engineers has exclusive rights to any return flows generated directly or indirectly to that reservoir by the entity. The rights conferred by this subsection must be subject to any regulatory requirements imposed by the South Carolina Department of Environmental Services and to the availability to the entity of unused storage capacity within the reservoir to store such return flows.

(B) For purposes of this section, "return flow" means water that is discharged directly or indirectly to a reservoir from a water reclamation facility.

Surface water withdrawal

SECTION 248.A. Section 49-4-20(5) of the S.C. Code is amended to read:

(5) "Department" means the Department of Environmental Services.

B. Section 49-4-80(C), (E), and (F) of the S.C. Code is amended to read:

(C) The department shall determine the safe yield of the surface water source and the volume of supplemental water supply, if needed,

necessary to sustain the applicant's proposed water use. In making the safe yield determination, the department may perform stream flow modeling.

(E) The department must determine which, if any, existing stream flow measuring devices should be utilized to quantify the stream flow at the point of the proposed withdrawal. If no existing measuring device is suitable, the department will determine the appropriate location of a new measuring device.

(F) The department must quantify the stream flow measured at the specified measuring device that will require a reduction in the applicant's water withdrawal because of inadequate stream flow at the point of withdrawal.

C. Section 49-4-170(B)(1) of the S.C. Code is amended to read:

(1) The department may negotiate agreements, accords, or compacts on behalf of and in the name of the State with other states or the United States, or both, with any agency, department, or commission of either, or both, relating to transfers of water that impact waters of this State, or are connected to or flowing into waters of this State. Any agreements, accords, or compacts made by the department pursuant to this section must be approved by concurrent resolution of the General Assembly prior to being implemented. The department also may represent the State in connection with water withdrawals, diversions, or transfers occurring in other states which may affect this State. The provisions in this section do not apply to the Office of Attorney General or any pending or future criminal or civil actions, lawsuits, or causes in which the State is a party or interested.

Groundwater use

SECTION 249.A. Section 49-5-30(3) and (5) of the S.C. Code is amended to read:

(3) Reserved.

(5) "Department" means the Department of Environmental Services.

B. Section 49-5-60 of the S.C. Code is amended to read:

Section 49-5-60. (A) In the State where excessive groundwater withdrawal presents potential adverse effects to the natural resources or poses a threat to public health, safety, or economic welfare or where conditions pose a significant threat to the long-term integrity of a groundwater source, including salt water intrusion, the department, after notice and public hearing, in accordance with the Administrative Procedures Act, shall designate a capacity use area. The department, local government authorities, other government agencies, or groundwater withdrawers may initiate the capacity use area designation process. The notice and public hearing must be conducted such that local government authorities, groundwater withdrawers, or the general public may provide comments concerning the capacity use area designation process. A capacity use area must be designated by the department based on scientific studies and evaluation of groundwater resources and may or may not conform to political boundaries.

(B) After notice and public hearing, the department shall coordinate the affected governing bodies and groundwater withdrawers to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20. In those areas where the affected governing bodies and withdrawers are unable to develop a plan, the department shall take action to develop the plan. The plan must be approved by the department before the department may issue groundwater withdrawal permits for the area.

(C) Once the department approves the groundwater management plan for a designated capacity use area, each groundwater withdrawer shall make application for a groundwater withdrawal permit. The department shall issue groundwater withdrawal permits in accordance with the approved plan.

(D) A person or entity affected may appeal a decision of the department on a capacity use area designation within thirty days after the filing of the decision to the court of common pleas of any county which is included in whole or in part within the disputed capacity use area. The department shall certify to the court the record in the hearing. The court shall review the record and the regularity and the justification for the decision. The court may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(1) in violation of constitutional or statutory provisions;

(2) in excess of the statutory authority of the agency;

(3) made upon unlawful procedure;

(4) affected by other error of law;

(5) clearly erroneous in view of the reliable, probative, and substantial evidence on the record; or

(6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Aquatic plant management

SECTION 250.A. Section 49-6-10 of the S.C. Code is amended to read:

Section 49-6-10. There is hereby created the South Carolina Aquatic Plant Management Program for the purpose of preventing, identifying, investigating, managing, and monitoring aquatic plant problems in public waters of South Carolina. The program will coordinate the receipt and distribution of available federal, state, and local funds for aquatic plant management activities and research in public waters.

The Department of Environmental Services (department) is designated as the state agency to administer the Aquatic Plant Management Program and to apply for and receive grants and loans from the federal government or such other public and private sources as may be available for the Aquatic Plant Management Program and to coordinate the expenditure of such funds.

B. Section 49-6-30 of the S.C. Code is amended to read:

Section 49-6-30. There is hereby established the South Carolina Aquatic Plant Management Council, hereinafter referred to as the council, which shall be composed of ten members as follows:

(1) The council shall include one representative from each of the following agencies, to be appointed by the chief executive officer of each agency:

(a) Water Resources Division of the Department of Environmental Services;

(b) Department of Environmental Services;

(c) Wildlife and Freshwater Fish Division of the Department of Natural Resources;

(d) South Carolina Department of Agriculture;

(e) Division of Coastal Management of the Department of

Environmental Services;

(f) South Carolina Public Service Authority;

(g) Land Resources and Conservation Districts Division of the Department of Natural Resources;

(h) South Carolina Department of Parks, Recreation and Tourism;

(i) Clemson University, Department of Fertilizer and Pesticide Control.

(2) The council shall include one representative from the Governor's Office, to be appointed by the Governor.

(3) The representative of the Water Resources Division of the Department of Environmental Services shall serve as chairman of the council and shall be a voting member of the council.

The council shall provide interagency coordination and serve as the principal advisory body to the department on all aspects of aquatic plant management and research. The council shall establish management policies, approve all management plans, and advise the department on research priorities.

Dams

SECTION 251.A. Section 49-11-120(3) of the S.C. Code is amended to read:

(3) "Department" means the Department of Environmental Services or its staff or agents.

B. Section 49-11-170(E) of the S.C. Code is amended to read:

(E) The owner of a dam or reservoir determined through a preliminary inspection not to be maintained in good repair or operating condition or to be unsafe and a danger to life or property may request a hearing before the Administrative Law Court in accordance with Section 48-6-30 and the Administrative Procedures Act within thirty days after notice of the findings are mailed.

C. Section 49-11-260(B) and (D) of the S.C. Code is amended to read:

(B) The department may assess an administrative fine of not less than one hundred nor more than one thousand dollars against a person who violates this article or an order issued or regulation promulgated pursuant to it. In determining the amount of the fine the department shall consider the degree and extent of harm caused by the violation and the cost of

rectifying the damage. Fines assessed under this subsection may be appealed to the Administrative Law Court pursuant to Section 48-6-30 and the Administrative Procedures Act, and the Administrative Law Court may reduce them based on information presented at the appeal hearing.

(D) A person against whom a final order or decision has been made, except for emergencies specified in Section 49-11-190, may appeal to the Administrative Law Court pursuant to Section 48-6-30 and the Administrative Procedures Act. The burden of proof is on the party attacking an order or a decision of the department to show that the order is unlawful or unreasonable.

Drought response

SECTION 252. Section 49-23-60(A)(1) of the S.C. Code is amended to read:

(1) a statewide committee composed of the following state agencies: South Carolina Emergency Management Division of the Office of the Adjutant General, Department of Environmental Services, Department of Agriculture, South Carolina Forestry Commission, and South Carolina Department of Natural Resources;

Marine resources

SECTION 253. Section 50-5-35(B) of the S.C. Code is amended to read:

(B) Except as provided in Section 50-5-955(B), nothing in this chapter alters, reduces, or amends the authority of the Department of Environmental Services to regulate for public health and environmental protection.

Marine resources, licenses and permits

SECTION 254. Section 50-5-360(A) and (C) of the S.C. Code is amended to read:

(A) Except as provided in subsection (G), a person or entity who buys, receives, or handles any live or fresh saltwater fish or any saltwater fishery products landed in this State regardless of where taken and packs,

processes, ships, consigns, or sells such items at other than retail, and not solely as bait, must first obtain a wholesale seafood dealer license. A person who buys or receives such product solely from licensed wholesale seafood dealers is not required to obtain a wholesale seafood dealer license. The fee for a resident wholesale seafood dealer license is one hundred dollars, and the fee for a nonresident license is five hundred dollars. Each location at which products are to be packed, processed, shipped, consigned, or bought, or to be sold at wholesale must be a permanent, nonmobile establishment, and must be separately licensed. The department may require applicants to specify the activities in which the applicant intends to engage. The department may provide information provided in the application to the South Carolina Department of Agriculture and the Department of Environmental Services.

(C) A person or entity required to obtain a wholesale seafood dealer license who receives molluscan shellfish must first be licensed for molluscan shellfish. The fee for a resident to acquire a molluscan shellfish license is an additional ten dollars, and the fee for a nonresident is an additional fifty dollars. Prior to obtaining a molluscan shellfish license, a person or entity must complete any shellfish training required by regulations promulgated by the Department of Environmental Services pursuant to Section 48-6-60.

Shellfish

SECTION 255.A. Section 50-5-910(C) of the S.C. Code is amended to read:

(C) Persons and entities granted Shellfish Culture Permits and Shellfish Mariculture Permits must submit a sworn statement stating the permittee has a wholesale seafood dealer's license, a molluscan shellfish license, and a shellfish facility certified by the Department of Environmental Services or that all shellfish harvested for sale shall be handled through a licensed wholesale seafood dealer having a molluscan shellfish license and a Department of Environmental Services approved facility.

B. Section 50-5-955(B) of the S.C. Code is amended to read:

(B) No area currently containing a structure permitted by the Department of Environmental Services or its successor agency may be

designated pursuant to this section. The Department of Environmental Services or its successor agency may not issue a permit for utilization of a critical area designated as a Public Shellfish Ground.

C.Section 50-5-965(B) of the S.C. Code is amended to read:

(B) In order to obtain an individual harvesting permit, a person must be a licensed commercial saltwater fisherman, hold all other appropriate valid commercial licenses, and complete any shellfish training required by regulations promulgated by the Department of Environmental Services pursuant to Section 48-6-60.

D.Section 50-5-997(B) and (D) of the S.C. Code is amended to read:

(B) In order to obtain an out-of-season harvest permit, a mariculture permittee must provide the following to the department:

(1) a shellfish operations plan that meets requirements established by regulations promulgated by the Department of Environmental Services pursuant to Section 48-6-60; and

(2) a list of authorized harvesters and wholesale dealers that will possess the permittee's out-of-season shellfish.

(D) An authorized harvester acting under the provisions of a permittee's out-of-season harvest permit must first complete any shellfish training required by regulations promulgated by the Department of Environmental Services pursuant to Section 48-6-60. A Mariculture permittee must ensure that an authorized harvester acting under the permittee's out-of-season harvest permit abides by the conditions of the permit, receives proper training, and holds all required permits and licenses.

Protection of wildlife

SECTION 256. Section 50-11-90 of the S.C. Code is amended to read:

Section 50-11-90. The department may obtain and utilize Schedule III nonnarcotics and Schedule IV controlled substances for the capture and immobilization of wildlife. The department must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement and Administration (DEA) and a State Controlled Substances Registration from the Department of Public Health (DPH). The administration of tranquilizing agents must be done only by

department employees trained and certified for this purpose. Department applicants issued a certificate by the DEA and a registration by DPH are responsible for maintaining their respective records regarding the inventory, storage, and administration of controlled substances and are subject to inspection and audit by DPH and the DEA.

Alligator farms

SECTION 257. Section 50-15-430(B) of the S.C. Code is amended to read:

(B) Water quality and waste impacts caused by alligator farms shall be subject to regulations issued by the Department of Environmental Services.

Importation of wildlife

SECTION 258. Section 50-16-30 of the S.C. Code is amended to read:

Section 50-16-30. It is unlawful for a person to possess, transport, or otherwise bring into the State or release or introduce into the State any diseased wildlife or other animal that reasonably might be expected to pose a public health or safety hazard as determined by the South Carolina Department of Public Health after consultation with the department.

Fishing

SECTION 259. Section 50-19-1935 of the S.C. Code is amended to read:

Section 50-19-1935. The Department of Environmental Services, in conjunction with the Department of Natural Resources shall, from the funds appropriated in the General Appropriations Act, monitor the striped bass fishery in the Wateree-Santee riverine system.

Both departments shall have oversight responsibility for any studies which may be required as a condition of a DES permit.

Watercraft laws

SECTION 260. Section 50-21-30(C)(1)(b) of the S.C. Code is amended to read:

(b) moored to a mooring buoy that is permitted by the Department of Environmental Services with permission from the buoy owner; or

Savannah River Maritime Commission

SECTION 261. Section 54-6-10(B)(5) and (F) of the S.C. Code is amended to read:

(5) the Director of the Department of Environmental Services to serve ex officio or his designee;

(F) Except as provided below, nothing in this section shall supersede the authority of other state agencies, departments, or instrumentalities including the Department of Natural Resources, the Department of Environmental Services, or the State Ports Authority to exercise all powers, duties, and functions within their responsibilities as provided by law. However, on an interstate basis and specifically in regard to the State of Georgia, the responsibilities granted to the Savannah River Maritime Commission in this joint resolution supersede any other concurrent responsibilities of a particular state agency or department. Any requirements for permitting and constructing new terminal facilities on the Savannah River in Jasper County are declared not to be the responsibility of this commission, except as they may relate to this state's responsibility for the navigability or depth of the South Carolina portion of the Savannah River.

Aeronautics

SECTION 262. Section 55-1-100(B) of the S.C. Code is amended to read:

(B) A person who operates or acts as a flight crew member of an aircraft in this State may consent to a chemical test of his breath for the purpose of determining the alcoholic content of his blood if arrested for violating the provisions of subsection (A). The test must be administered at the direction of a law enforcement officer who has apprehended a person while or after operating or acting as a flight crew member of any

aircraft in this State while under the influence of alcohol. The test must be administered by a person trained and certified by and using methods approved by the South Carolina Law Enforcement Division, using methods approved by the division. The arresting officer may not administer the test, and no test may be administered unless the defendant has been informed that he does not have to take the test. A person who refuses to submit to the test violates the provisions of this subsection and is subject to a civil fine of two thousand dollars. The penalties provided for in this subsection are in addition to those provided for in subsection (E).

No person is required to submit to more than one test for any one offense for which he has been charged, and the test must be administered as soon as practicable without undue delay.

The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his own choosing conduct a test or tests in addition to the test administered by the law enforcement officer. The failure or inability of the person tested to obtain an additional test does not preclude the admission of evidence relating to the test taken at the direction of the law enforcement agency or officer.

The arresting officer and the person conducting the test shall inform the person tested of his right to obtain an additional test, and the arresting officer or the person conducting the chemical test of the person apprehended promptly shall assist that person to contact a qualified person to conduct additional tests.

The division shall administer the provisions of this subsection and may make regulations as may be necessary to carry out its provisions. The Department of Public Health and SLED shall cooperate with the division in carrying out its duties.

Drivers' licenses

SECTION 263. Section 56-1-221(A) of the S.C. Code is amended to read:

(A) There is created an advisory board composed of thirteen members. One member must be selected by the Director of the Department of Public Health from department staff, ten members must be appointed by the South Carolina Medical Association, and two members must be appointed by the South Carolina Optometric Association. The member selected by the Director of the Department of Public Health must be the administrative officer of the advisory board. To the maximum extent possible, the members of the board appointed by the South Carolina

Medical Association and the South Carolina Optometric Association must be representative of the disciplines of the medical and optometric community treating the mental or physical disabilities that may affect the safe operation of motor vehicles. The identity of physicians and optometrists serving on the board, other than the administrative officer, may not be disclosed except as necessary in proceedings under Sections 56-1-370 or 56-1-410. The members of the board may receive no compensation.

License plates

SECTION 264. Section 56-3-9800(A) and (B) of the S.C. Code is amended to read:

(A) The Department of Motor Vehicles may issue a special commemorative Breast Cancer Awareness motor vehicle license plate to establish a special fund to be used by the Department of Public Health for the purpose of expanding the services provided by the Best Chance Network. The special license plates, which must be of the same size and general design of regular motor vehicle license plates, must be imprinted with the nationally recognized breast cancer symbol with numbers as the department may determine. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee as set forth in Article 5, Chapter 3 of this title.

(B) One-half of the seventy dollar biennial fee collected over that required by Article 5, Chapter 3 of this title must be deposited in a separate fund for the Department of Public Health and be used solely to expand the services of the Best Chance Network. The remaining one-half of the fee must be distributed to the South Carolina chapter of the American Cancer Society.

Authorized emergency vehicles

SECTION 265. Section 56-5-170(A)(10) of the S.C. Code is amended to read:

(10) vehicles designated by the Director of the Department of Public Health or the Director of the Department of Environmental Services when being used in the performance of law enforcement or emergency response duties.

Traffic laws

SECTION 266. Section 56-5-2720(A) of the S.C. Code is amended to read:

(A) Except as provided in subsection (B), the driver or operator of every bus transporting passengers, or a vehicle permitted by the Department of Environmental Services to carry hazardous waste, or any vehicle required by 49 C.F.R. Section 392.10 to stop at a railroad grade crossing, before crossing at grade any tracks of a railroad, shall stop the vehicle within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely. After stopping and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in the gear of the vehicle that there is no necessity for manually changing gears while traversing the crossing and the driver shall not manually shift gears while crossing the tracks.

Traffic laws

SECTION 267.A. Section 56-35-50(B) of the S.C. Code is amended to read:

(B) The officer must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the Department of Public Safety or to receive a hearing in magistrates court. If the individual at the time the citation is issued elects to pay his fine directly to the Department of Public Safety within twenty-eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the Department of Public Safety may designate. Within forty-five days of collection, fifty dollars of the monies collected by the Department of Public Safety must be forwarded to the Department of Environmental Services for deposit in the Diesel Idling Reduction Fund, twenty-five dollars of the monies collected must be deposited into an account to be used by the Department of Public Safety's State Transport Police Division in support of the Idling Restrictions for Commercial Diesel Vehicles program which at the end of a fiscal year does not lapse to the general fund, but is instead carried forward to the succeeding fiscal year.

B. Section 56-35-60 of the S.C. Code is amended to read:

Section 56-35-60. (A) There is established by the State Treasurer a fund separate and distinct from the general fund and all other funds entitled the Diesel Idling Reduction Fund. Fifty dollars of the fines pursuant to this section must be credited to it and a balance in the fund at the end of a fiscal year does not lapse to the general fund but is instead carried forward to the succeeding fiscal year. The monies in the fund must be used only to cover costs associated with the idling awareness program operated by the Department of Environmental Services.

(B) The Department of Environmental Services, as funds become available, may develop and operate an idling awareness program that promotes the benefits of idling reductions. The program must encourage businesses and vehicle operators to develop practices to reduce idling.

C. Section 56-35-80 of the S.C. Code is amended to read:

Section 56-35-80. The Department of Environmental Services may promulgate regulations to administer and enforce the provisions of this chapter.

Public utilities

SECTION 268. Section 58-27-255(A)(4) and (B) of the S.C. Code is amended to read:

(4) placed in an appropriate landfill which meets the standards of the Department of Environmental Services Regulation 61-107, and that is owned or operated by the entity that produced the electricity which resulted in the coal combustion residuals.

(B) The "beneficial reuse" of coal combustion residuals, as used in this section, is subject to the applicable regulations as promulgated by the Department of Environmental Services.

Public utilities

SECTION 269. Section 58-33-140(1)(b) of the S.C. Code is amended to read:

(b) the Office of Regulatory Staff, the Department of Environmental Services, the Department of Natural Resources, and the Department of Parks, Recreation and Tourism;

Schools, tobacco education and parent education programs

SECTION 270.A. Section 59-1-380(D) of the S.C. Code is amended to read:

(D) The local school district shall collaborate with the Department of Public Health, the Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education, as appropriate, to implement the policy, including as part of tobacco education and cessation programs and substance use prevention efforts.

B. Section 59-1-450 of the S.C. Code is amended to read:

Section 59-1-450. The State Board of Education, through the Department of Education and in consultation with the Education Oversight Committee, shall promulgate regulations for establishing parenting/family literacy programs to support parents in their role as the principal teachers of their preschool children. The programs must provide parent education to parents and guardians who have children ages birth through five years and who choose to participate in the programs and must include intensive and special efforts to recruit parents or guardians whose children are at risk for school failure. The program or programs also should include developmental screening for children and offer parents of children from birth through five years opportunities to improve their education if the parents do not possess a high school diploma or equivalent certificate.

The State Board of Education, through the Department of Education and after consultation with the Education Oversight Committee, shall promulgate regulations to implement parenting/family literacy programs in all school districts or consortia of school districts. Priority must be given to serving those parents whose children are considered at risk for school failure according to criteria established by the State Board of Education. From funds appropriated for the programs, an adequate number of those parenting programs funded under the Target 2000 Act shall receive priority in funding for Fiscal Years 1993-94 and 1994-95 and must be funded at no less than the level received in Fiscal Year 1992-93 contingent upon their agreeing to provide technical assistance to other districts and schools planning and implementing parenting/family literacy programs in concert with the Department of Education’s technical assistance process required in this chapter. Only those projects whose evaluations show them to be most effective may be selected based on criteria developed by the State Department of

Education in consultation with the Education Oversight Committee.

Beginning in Fiscal Year 1995-96 for districts with Target 2000 Act parenting programs and in Fiscal Year 1993-94 for all other school districts and district consortia, funding must be allocated to districts and consortia serving more than two thousand pupils on a base amount of not less than forty thousand dollars with any additional appropriation to be distributed based on the number of free and reduced-price lunch-eligible students in grades one through three in a district or consortium relative to the total free and reduced-price lunch-eligible students in grades one through three in the State. The programs developed in each district and consortium may draw upon lessons learned from parenting programs funded under this section.

The State Board of Education, through the Department of Education, in developing the regulations for this program shall consult with representatives of the Department of Public Health, Department of Social Services, the South Carolina State Library, and Health and Human Services Finance Commission, and with adult education and early childhood specialists. In developing the regulations, the State Board and State Department of Education shall consider the guidelines developed for the Target 2000 Act parenting programs and any available evaluation data.

By December, 1993, the Chairman of the Human Services Coordinating Council shall convene a committee consisting of supervisors of programs dealing with early childhood and parenting from the Department of Education, Department of Public Health, the Department of Social Services, the South Carolina State Library, and the Health and Human Services Finance Commission; at least one representative from each of these agencies who administer these programs at the county and district level; and adult education and early childhood specialists. The Executive Director of the Finance Commission shall chair this committee. By July 1, 1994, this committee shall report to the Education Oversight Committee and the Joint Committee on Children ways to better coordinate programs for parenting and literacy and recommend changes to each agency's state regulations or provisions of law which would better promote coordination of programs. The Department of Public Health, the Department of Social Services, and the Health and Human Services Finance Commission shall direct their employees at the county and district levels to cooperate with school district officials in establishing parenting/family literacy programs.

Textbooks

SECTION 271. Section 59-31-330 of the S.C. Code is amended to read:

Section 59-31-330. The State Board of Education, in conjunction with the Department of Public Health, shall adopt rules and regulations governing the fumigation or disposal of textbooks from quarantined homes and for the regular disinfection of all textbooks used in the public schools of the State.

Comprehensive health education

SECTION 272.A. Section 59-32-10(5) of the S.C. Code is amended to read:

(5) "Local school board" means the governing board of public school districts as well as those of other state-supported institutions which provide educational services to students at the elementary and secondary school level. For purposes of this chapter, programs or services provided by the Department of Public Health in educational settings must be approved by the local school board.

B. Section 59-32-30(A)(1) of the S.C. Code is amended to read:

(1) Beginning with the 1988-89 school year, for grades kindergarten through five, instruction in comprehensive health education must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, and mental and emotional health. Sexually transmitted diseases as defined in the annual Department of Public Health List of Reportable Diseases are to be excluded from instruction on the prevention and control of diseases and disorders. At the discretion of the local board, age-appropriate instruction in reproductive health may be included.

Preschools for children with disabilities

SECTION 273. Section 59-36-20(A) of the S.C. Code is amended to read:

(A) The State Board of Education and the State Department of

Education are responsible for establishing a comprehensive system of special education and related services and for ensuring that the requirements of the Federal Individuals with Disabilities Education Act are carried out. Other state agencies which provide services for children with disabilities are directed to cooperate in the establishment and support of the system. Agencies with responsibilities under this chapter include: the Department of Mental Retardation, the School for the Deaf and the Blind, the Commission for the Blind, the Department of Public Health, the Department of Mental Health, the State Department of Social Services, Continuum of Care, and the State Department of Education.

School for the Deaf and the Blind

SECTION 274. Section 59-47-10 of the S.C. Code is amended to read:

Section 59-47-10. The Board of Commissioners of the South Carolina School for the Deaf and the Blind shall consist of eleven members appointed by the Governor for terms of six years and until their successors are appointed and qualify. Each congressional district must be represented by one board member, who must be a resident of that district, and four members must be appointed at large from the State. Of the members appointed at large, one must be deaf, one must be blind, one must represent the interests of persons with multiple handicaps, and one shall represent the general public. Vacancies must be filled in the manner of the original appointment for the remainder of the unexpired term. The State Superintendent of Education and the Director of the Department of Public Health are ex officio members of the board.

School healthcare protocols

SECTION 275.A. Section 59-63-75(A) and (D)(4) of the S.C. Code is amended to read:

(A) The South Carolina Department of Public Health, in consultation with the State Department of Education, shall post on its website nationally recognized guidelines and procedures regarding the identification and management of suspected concussions in student athletes. The Department of Public Health also shall post on its website model policies that incorporate best practices guidelines for the identification, management, and return to play decisions for concussions reflective of current scientific and medical literature developed by resources from or members of sports medicine community organizations

including, but not limited to, the Brain Injury Association of South Carolina, the South Carolina Medical Association, the South Carolina Athletic Trainer's Association, the National Federation of High Schools, the Centers for Disease Control and Prevention, and the American Academy of Pediatrics. Guidelines developed pursuant to this section apply to South Carolina High School League-sanctioned events.

(4) In addition to posting information regarding the recognition and management of concussions in student athletes, the Department of Public Health, in consultation with healthcare provider organizations, shall post on its website continuing education opportunities in concussion evaluation and management available to providers making such medical determinations. Such information must be posted by the department upon receipt from a participating healthcare organization.

B. Section 59-63-95(A)(3) and (5) of the S.C. Code is amended to read:

(3) "Designated school personnel" means an employee, agent, or volunteer of a school designated by the governing authority of the school district or the governing authority of the private school who has completed the training required in accordance with the guidelines of the Department of Public Health to provide for or administer a lifesaving medication to a student or other individual on a school premises or attending a school function.

(5) "Lifesaving medication" means any prescription medication that can be administered to a person experiencing a medical emergency. The Department of Public Health, in consultation with the Department of Education, will publish a list of lifesaving medications that can be administered by designated school personnel in response to a medical emergency pursuant to this section and shall publish training guidelines for the administration of such lifesaving medications.

C. Section 59-63-95(B) of the S.C. Code is amended to read:

(B) Notwithstanding another provision of law, a physician, including the Director of the Department of Public Health pursuant to subsection (I); an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40-33-34; and a physician assistant licensed to prescribe medication pursuant to Sections 40-47-955 through 40-47-965 may prescribe lifesaving medications maintained in the name of a school for use in accordance with subsection (D). Notwithstanding

another provision of law, licensed pharmacists and physicians may dispense lifesaving medications in accordance with a prescription issued pursuant to this subsection. Notwithstanding another provision of law, a school may maintain a stock supply of lifesaving medications in accordance with a prescription issued pursuant to this subsection. For the purposes of administering and storing lifesaving medications, schools are not subject to Chapter 43, Title 40 or Chapter 99 of the South Carolina Code of State Regulations.

D.Section 59-63-95(C)(3) of the S.C. Code is amended to read:

(3) administer a lifesaving medication to a student or other person on a school premises whom the school nurse or other designated school personnel believes in good faith is experiencing a medical emergency, in accordance with a standing protocol of a physician, including the Director of the Department of Public Health pursuant to subsection (I); an advanced practice registered nurse licensed to prescribe medication pursuant to Section 40-33-34; or a physician assistant licensed to prescribe medication pursuant to Sections 40-47-955 through 40-47-965, regardless of whether the student or other person has a prescription for a lifesaving medication.

E. Section 59-63-95(E) of the S.C. Code is amended to read:

(E) Participating governing authorities, in consultation with the State Department of Education and the Department of Public Health, shall implement a plan for the management of students with life-threatening allergies or medical emergencies enrolled in the schools under their jurisdiction. The plan must include, but need not be limited to:

(1) education and training for school personnel on the management of students with life-threatening allergies or medical emergencies, including training related to the administration of lifesaving medications, techniques on how to recognize symptoms of severe allergic reactions or medical emergencies, including anaphylaxis, and the standards and procedures for the storage and administration of lifesaving medications;

(2) procedures for responding to life-threatening allergic reactions and medical emergencies, including emergency follow-up procedures; and

(3) a process for the development of individualized healthcare and allergy action plans for every student with a known life-threatening allergy.

F. Section 59-63-95(H)(1) of the S.C. Code is amended to read:

(1) A school, school district, school district governing authority, private school governing authority, the Department of Public Health, the State Department of Education, and employees, volunteers, and other agents of all of those entities including, but not limited to, a physician, advanced practice registered nurse, physician assistant, pharmacist, school nurse, and other designated school personnel, who undertake an act under this section, are not subject to civil or criminal liability for damages caused by injuries to a student or another person resulting from the administration or self-administration of a lifesaving medication, regardless of whether:

(a) the student's parent or guardian, or a physician, advanced practice registered nurse, or physician assistant, authorized the administration or self-administration; or

(b) the other person to whom a school nurse or other designated school personnel provides or administers a lifesaving medication gave authorization for the administration.

G.Section 59-63-95(I) of the S.C. Code is amended to read:

(I) Notwithstanding another provision of law, the Director of the Department of Public Health is authorized to issue a standing order for the prescription of lifesaving medication on a schoolwide basis under conditions that he determines are in the best interests of this State and in furtherance of this section. In the event the current Director of the Department of Public Health is not a physician, the department may appoint a designee if he is a physician as defined in subsection (A)(7).

Environmental Scholars Endowment Fund

SECTION 276. Section 59-111-720(A) of the S.C. Code is amended to read:

(A) There is created the Environmental Scholars Endowment Fund, known as "the fund," which must be separate and distinct from the general fund of the State. The fund must be financed through the collection and deposit of fines and penalty assessments levied by the Department of Environmental Services pursuant to the State Safe Drinking Water Act, Sections 44-55-10, et seq., the South Carolina Hazardous Waste Management Act, Sections 44-56-10, et seq., low-level radioactive waste fines pursuant to Sections 48-48-10, et seq.,

and the South Carolina Pollution Control Act, Sections 48-1-10, et seq. However, the portion of the Pollution Control Act fines distributed to the counties pursuant to Section 48-1-350 must not be placed into the fund.

Rural Physician Program

SECTION 277. Section 59-123-125 of the S.C. Code is amended to read:

Section 59-123-125. The funds appropriated to the Medical University of South Carolina for the "Rural Physician Program" shall be administered by the South Carolina Area Health Education Consortium physician recruitment office. The Medical University of South Carolina shall be responsible for the fiscal management of funds to ensure that state policies and guidelines are adhered to. A board is hereby created to manage and allocate these funds in the best interests of the citizens of South Carolina. The board shall be composed of the following: the Executive Director, or his designee, of the South Carolina Primary Care Association; the Dean, or his designee, of the University of South Carolina School of Medicine; the Executive Director, or his designee, of the South Carolina Medical Association; two representatives from rural healthcare settings, one to be appointed by the Chairman of the Senate Medical Affairs Committee and one to be appointed by the Chairman of the House Medical, Military, Public and Municipal Affairs Committee; the Director, or his designee, of the Department of Public Health; the Commissioner, or his designee, of the South Carolina Hospital Association; the Commissioner, or his designee, of the Commission on Higher Education; and the Director, or his designee, of the Department of Health and Human Services. The chairman, with the concurrence of the board, shall appoint three at-large members with two representing nursing and one representing allied health services in South Carolina.

First Steps to School Readiness

SECTION 278. Section 59-152-60(C)(3)(b) of the S.C. Code is amended to read:

(b) Department of Public Health; and

Restaurants

SECTION 279. Section 61-4-220 of the S.C. Code is amended to read:

Section 61-4-220. A restaurant with a Class A or B license issued by the Department of Agriculture may serve food or beverages at its adjoining facilities located outside the restaurant if the food is prepared in a kitchen of the restaurant which is subject to inspection by the Department of Agriculture and is placed on individual plates or in individual serving dishes inside the restaurant, and if uncovered containers in which the beverages are served are filled only to satisfy the order of a customer.

Breweries

SECTION 280. Section 61-4-1515(B) of the S.C. Code is amended to read:

(B)(1) In addition to the sales provisions set forth in subsection (A) and subject to this subsection (B), a brewery permitted in this State is authorized to sell beer to consumers on-site for on-premises consumption within an area of its permitted and licensed premises approved by the rules and regulations of the Department of Agriculture governing eating and drinking establishments and other food service establishments. These establishments also may apply for a retail on-premises consumption permit for the sale of beer and wine that has been purchased from a wholesaler through the three-tier distribution chain set forth in Section 61-4-735 and Section 61-4-940.

(2) In addition to a retail on-premises consumption permit for the sale of beer and wine as authorized in this subsection, a brewery that has a Department of Agriculture approved and licensed food establishment on its premises as provided in subsection (B)(1) may apply for a license to sell alcoholic liquor by the drink for on-premises consumption within a specified area of its licensed or permitted premises physically partitioned from the brewing operation and designated for the purpose of engaging substantially and primarily in the preparation and serving of meals. The brewery must:

(a) maintain compliance with all provisions of Section 61-6-1610 and all other provisions of Chapter 6 regulating the purchase and sale by food establishments of alcoholic liquor by the drink for on-premises consumption not inconsistent with other provisions of this section;

(b) not sell or allow the consumption of alcoholic liquor by the

drink on that part of the brewery's premises designated and permitted for the brewing operation;

(c) maintain the books, records, and bank accounts of the restaurant operation separately from the books, records, and bank accounts of the brewing operation, and allocate expenses common to both operations in a manner the brewery considers reasonable, when applicable; and

(d) maintain a physical partition between the brewing and food establishment operations. The physical partition may be a permanent wall or a divider permanently affixed to the premises in a manner that the general public may not freely enter the brewing operation, and may contain a door or doors which remain locked during hours when the brewery is not in operation.

Brewpubs

SECTION 281. Section 61-4-1750 of the S.C. Code is amended to read:

Section 61-4-1750. No person holding a brewpub permit may sell beer, ale, porter, or other similar malt or fermented beverages on draft, on tap, from kegs, or from other containers unless approved by the rules and regulations of the Department of Agriculture governing eating and drinking establishments and other retail food establishments.

Food service establishments

SECTION 282.A. Section 61-6-1610(H) of the S.C. Code is amended to read:

(H) An establishment licensed pursuant to the provisions of Section 61-6-20(2) as a business that is bona fide engaged primarily and substantially in the preparation and serving of meals is authorized to continue to operate as the licensed establishment so long as the licensed establishment maintains a Grade A retail food establishment permit from the Department of Agriculture. Upon notice by the Department of Agriculture to the licensed establishment and to the Department of Revenue that the retail food establishment permit has been reduced to a grade below Grade A, the licensed establishment has thirty days within which to request a subsequent inspection by the Department of Agriculture. If a subsequent inspection is not requested within thirty days after the reduction in a grade below Grade A, or the subsequent inspection results in a grade below Grade A, then the Department of

Revenue shall suspend the license of the licensed establishment until the Department of Agriculture issues a Grade A retail food establishment permit.

B. Section 61-6-2410 of the S.C. Code is amended to read:

Section 61-6-2410. A restaurant with a Class A license issued by the Department of Agriculture may serve food or beverages at its adjoining facilities located outside the restaurant if the food is prepared in a kitchen of the restaurant which is subject to inspection by the Department of Agriculture and is placed on individual plates or in individual serving dishes inside the restaurant, and if uncovered containers in which the beverages are served are filled only to satisfy the order of a customer.

Probate Courts

SECTION 283. Section 62-1-302(a)(4) of the S.C. Code is amended to read:

(4) the issuance of marriage licenses, in form as provided by the Bureau of Vital Statistics of the Department of Public Health; record, index, and dispose of copies of marriage certificates; and issue certified copies of the licenses and certificates;

Joint Citizens and Legislative Committee on Children

SECTION 284. Section 63-1-50(A) of the S.C. Code is amended to read:

(A) There is established the Joint Citizens and Legislative Committee on Children to be composed of three members of the House of Representatives appointed by the Speaker of the House, three members of the Senate to be appointed by the President of the Senate, and three members to be appointed by the Governor. The Director of the Department of Juvenile Justice, the Director of the Department of Social Services, the Director of the Department of Disabilities and Special Needs, the Superintendent of the Department of Education, the Director of the Department of Mental Health, the Director of the Department of Alcohol and Other Drug Abuse Services, the Director of the Department of Public Health, the Director of the Department of Health and Human Services, the Director of the Office of South Carolina First Steps to

School Readiness, and the State Child Advocate serve as ex officio, nonvoting members of the committee. Members appointed by the Governor must not be employees of the State. Members serve at the pleasure of the appointing authority. The committee shall study issues relating to children as the committee may undertake or as may be requested or directed by the General Assembly. The committee may contract for all necessary legal research and support services, subject to funding as provided in subsection (E).

Department of Social Services

SECTION 285. Section 63-7-1210(D) of the S.C. Code is amended to read:

(D) The Department of Social Services must investigate an allegation of abuse or neglect of a child where the child is in the custody of or a resident of a residential treatment facility or intermediate care facility for persons with intellectual disability licensed by the Department of Public Health or operated by the Department of Mental Health.

Adoptions

SECTION 286.A. Section 63-9-730(B)(4) of the S.C. Code is amended to read:

(4) a person who is recorded on the child's birth certificate as the child's father. The Department of Public Health shall release this information to any attorney representing a party in an adoption or termination of parental rights action pursuant to a subpoena;

B. Section 63-9-910(C) of the S.C. Code is amended to read:

(C) Court administration in consultation with the Department of Public Health shall develop petition forms, including documentation required to be filed with the petition, and guidelines for obtaining the domestication of a foreign adoption. These forms and guidelines must be available to the public upon request at all county clerks of court offices and at Department of Public Health offices.

First Steps to School Readiness

SECTION 287. Section 63-11-1720(C)(6)(b) of the S.C. Code is amended to read:

(b) Department of Public Health;

State Child Fatality Advisory Committee

SECTION 288. Section 63-11-1930(A)(2) of the S.C. Code is amended to read:

(2) the Director of the South Carolina Department of Public Health;

Department of Children's Advocacy

SECTION 289.A. Section 63-11-2240(A) of the S.C. Code is amended to read:

(A) The State Child Advocate is responsible for ensuring that children receive adequate protection and care from services or programs offered by the Department of Social Services, the Department of Mental Health, the Department of Health and Human Services, the Department of Juvenile Justice, the Department of Public Health, the Department of Disabilities and Special Needs, the John de la Howe School, the Wil Lou Gray Opportunity School, and the School for the Deaf and the Blind.

B. Section 63-11-2290(B)(4) of the S.C. Code is amended to read:

(4) Department of Public Health;

Childcare facilities

SECTION 290.A. Section 63-13-80(A) of the S.C. Code is amended to read:

(A) In exercising the powers of licensing, approving, renewing, revoking, or making provisional licenses and approvals, the department shall investigate and inspect licensees and approved operators and applicants for a license or an approval. The authorized representative of the department may visit a childcare center, group childcare home, or family childcare home anytime during the hours of operation without

prior notice once a year for purposes of investigations and inspections. In conducting investigations and inspections, the department may call on political subdivisions and governmental agencies for appropriate assistance within their authorized fields. The inspection of the health and fire safety of childcare centers and group childcare homes must be completed upon the request of the department by the appropriate agencies (i.e., the Department of Public Health, the Office of the State Fire Marshal, or local authorities). Inspection reports completed by state agencies and local authorities must be furnished to the department and become a part of its determination of conformity for licensing and approval. After careful consideration of the reports and consultation where necessary, the department shall assume responsibility for the final determination of licensing, approving, renewing, revoking, or making provisional licenses and approvals. However, upon receipt of a regulatory complaint, the department shall conduct an unannounced inspection of the facility to investigate the complaint. If the complaint is written, the department shall provide a copy to the director upon request.

B. Section 63-13-180(A)(1) of the S.C. Code is amended to read:

(1) Other state agencies, including the Department of Public Health, the Office of the State Fire Marshal, and the Office of the Attorney General.

Paternity and child support

SECTION 291. Section 63-17-70(C) of the S.C. Code is amended to read:

(C) Upon entry of a court order or an administrative determination that the putative father is the legal father pursuant to subsection (A), the clerk of court shall send a report to the Registrar of the Division of Vital Statistics of the Department of Public Health showing such information as may be required on an amended certificate of birth to be furnished by the Division of Vital Statistics of the Department of Public Health.

Contested case procedures and appeals

SECTION 292. Section 48-6-30, as enacted by Act 60 of 2023, and Section 44-1-60, as amended by Act 60 of 2023 and this act, are intended to provide a uniform procedure for contested cases and appeals from the Department of Environmental Services or the Department of Public

Health, respectively, and to the extent that Section 48-6-30 or 44-1-60 conflicts with an existing statute or regulation, the provisions of Section 48-6-30 or 44-1-60 are controlling. This SECTION does not apply to decisions under the South Carolina Mining Act as provided in Section 48-20-10, et seq.

Code Commissioner direction

SECTION 293. The Code Commissioner of the Legislative Council is directed to change or correct all remaining references in the S.C. Code to the former Department of Health and Environmental Control, the former Board of Health and Environmental Control, or other agencies referenced in Act 60 of 2023 to reflect the transfers of authority and responsibility to the Department of Public Health, the Department of Environmental Services, or other agencies referenced in Act 60 of 2023 as provided in Act 60 of 2023. References to the names of these agencies and offices in the S.C. Code or other provisions of law are considered to be and must be construed to mean appropriate references.

Pending agency staff decisions

SECTION 294. Any staff decision involving the issuance, denial, renewal, suspension, or revocation of permits, licenses, or other actions for which a review was pending before the South Carolina Board of Health and Environmental Control on June 30, 2024, and for which a final agency decision has not been reached on the effective date of this act, notwithstanding any other provision of law, automatically becomes a final agency decision on the effective date of this act, and an applicant, permittee, licensee, certificate holder, or affected person desiring to contest the department decision may request a contested case hearing before the Administrative Law Court in accordance with Section 44-1-60 or 48-6-30, as applicable.

Act 60 of 2023

SECTION 295. Nothing contained in Act 60 of 2023 modifies decisions of the former Department of Health and Environmental Control or Board of Health and Environmental Control that occurred prior to July 1, 2024. After the effective date of Act 60 of 2023, all issued decisions including, but not limited to, orders, permits, licenses, registrations, and certifications, remain in full force and effect.

Repeal

SECTION 296. Sections 44-1-30, 44-1-40, 44-1-50, 44-3-110, 44-3-120, 44-3-130, 44-3-140, 44-7-310, 44-55-1320, 44-55-1330, 44-55-1350, 44-55-1360, 59-111-510, 59-111-520, 59-111-530, 59-111-540, 59-111-550, 59-111-560, 59-111-570, and 59-111-580 of the S.C. Code are repealed.

Repeal

SECTION 297. Sections 44-11-30 and 44-11-40 of the S.C. Code are repealed July 1, 2025.

Time effective

SECTION 298. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 147

(R193, H4249)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1538, RELATING TO THE DEFINITIONS OF EMERGENCY SCENE MANAGEMENT, SO AS TO MAKE TECHNICAL CHANGES, PROVIDE DRIVERS SHALL ENSURE THEIR VEHICLES ARE KEPT UNDER CONTROL WHEN APPROACHING OR PASSING OTHER MOTOR VEHICLES STOPPED ON OR NEAR THE RIGHTS OF WAY OF STREETS OR HIGHWAYS, TO PROVIDE PERSONS DRIVING VEHICLES APPROACHING OTHER STATIONARY VEHICLES DISPLAYING FLASHING HAZARD LIGHTS SHALL REDUCE THEIR SPEED, YIELD THE RIGHT OF WAY, AND MAINTAIN SAFE SPEEDS WHEN CHANGING LANES IS UNSAFE, AND

TO PROVIDE PENALTIES.

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

Emergency scene management

SECTION 1. Section 56-5-1538 of the S.C. Code is amended to read:

Section 56-5-1538. (A) An emergency scene is a location designated by the potential need to provide emergency medical care and is identified by emergency vehicles with flashing lights, rescue equipment, or emergency personnel on the scene.

(B) An emergency scene is a special hazard.

(C) An emergency scene is under the authority of the first arriving emergency personnel, which includes emergency medical services personnel, until the arrival of the fire or law enforcement officials having jurisdiction. All motor vehicles passing through an emergency scene and pedestrians observing an emergency scene must obey and not interfere with the duties of emergency personnel. Motor vehicles and bystanders may not block access to or exit from an emergency scene.

(D) The management authority of emergency medical services is limited to managing patient care and preventing further injury to the patients and on-scene personnel. This authority may be delegated by emergency personnel to provide an adequate level of safety.

(E) A paid or volunteer worker at an emergency scene has proper authority to be at and control the scene in a manner consistent with his training.

(F) The driver of a vehicle shall ensure that the vehicle is kept under control when approaching or passing an emergency scene or authorized emergency vehicle stopped on or near the right of way of a street or highway with emergency lights flashing. The exercise of control required for a driver to comply with this section is that control possible and necessary by the driver to prevent causing a collision, to prevent causing injury to persons or property, and to avoid interference with the performance of emergency duties by emergency personnel, or interfering with the operation of an authorized emergency vehicle.

(G) A person driving a vehicle approaching a stationary authorized emergency vehicle that is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights, or amber or yellow warning lights shall proceed with due caution, significantly reduce the speed of the vehicle, and:

(1) yield the right of way by making a lane change into a lane not

adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) maintain a safe speed for road conditions, if changing lanes is impossible or unsafe.

(H) A person who violates the provisions of this section is guilty of the misdemeanor of endangering emergency services personnel or operators of authorized emergency vehicles and, upon conviction, must be fined not less than three hundred dollars nor more than five hundred dollars.

(I) The driver of a vehicle shall ensure that the vehicle is kept under control when approaching or passing a motor vehicle stopped on or near the right of way of a street or highway when the stopped vehicle is displaying flashing hazard lights. The exercise of control required for a driver to comply with this section is that control is possible and necessary by the driver to prevent causing a collision or to prevent causing injury to persons or property.

(J) A person driving a vehicle approaching a stationary vehicle displaying flashing hazard lights shall proceed with caution, significantly reduce speed, and:

(1) yield right of way by making a lane change into a lane not adjacent to that of the stopped motor vehicle, if possible, with due regard to safety and traffic conditions, if on a highway having at least four lanes with no less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) maintain a safe speed for road conditions, if changing lanes is impossible or unsafe.

(K) A person who violates the provisions of subsection (I) or (J) is subject to a fine not less than three hundred dollars nor more than five hundred dollars.

(L) For purposes of this section:

(1) “Authorized emergency vehicle” means any ambulance, police, fire, rescue, recovery, or towing vehicle authorized by this State, county, or municipality to respond to a traffic incident.

(2) “Emergency services personnel” means fire, police, or emergency medical services personnel (EMS) responding to an emergency incident.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 148

(R195, H4292)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "ROADWAY PROTECTION AND SAFETY ACT" BY ADDING SECTION 56-5-3910 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE IT IS UNLAWFUL TO PARTICIPATE IN, BE AN ORGANIZER OF, OR BE AN AIDER OR ABETTOR OF A STREET TAKEOVER, AND TO PROVIDE PENALTIES.

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

Roadway Protection and Safety Act

SECTION 1. This act may be cited as the "Roadway Protection and Safety Act."

Unlawful street takeover

SECTION 2. Article 31, Chapter 5, Title 56 of the S.C. Code is amended by adding:

Section 56-5-3910. (A) As contained in this section:

(1) "Street takeover" means the unauthorized deliberate and coordinated obstruction of a public roadway, street, highway, intersection, public vehicular area, private property without owner consent, or parking lot for illegal vehicle exhibitions including, but not limited to, burnouts, drifting, doughnuts, speed contests, stunts,

wheelies, or other driving maneuvers that show a wilful and wanton disregard for the safety of persons or property.

(2) "Participant" means an individual operating a vehicle, riding as a passenger, or engaging in activities with the intent to contribute to a street takeover.

(3) "Organizer" means a person who intentionally plans, promotes, or facilitates a street takeover, including using social media, messaging applications, text messages, telephone calls, or another form of communication. This includes a person who coordinates meeting locations, times, or other logistical details that contribute to the occurrence of a street takeover.

(4) "Aider or abettor" means a person who assists in planning, coordinating, or physically aiding a street takeover including, but not limited to, blocking roads, selling concessions, collecting entry fees or spectator ticket fees, or directing vehicles.

(5) "Driving maneuvers" means a specific, skillful movement of the vehicle.

(6) "Burnout" means the operation of a motor vehicle where the motor vehicle is kept stationary, or is in motion, while the wheels are spun, resulting in friction which causes the motor vehicle's tires to heat up and emit smoke.

(7) "Drifting" means the operation of a motor vehicle where the motor vehicle is steered so that it makes a controlled skid sideways through a turn with the front wheels pointed in a direction opposite to that of the turn.

(8) "Doughnut" means the operation of a motor vehicle where the front or rear of the motor vehicle is rotated around the opposite set of wheels in a continuous motion which may cause a circular skid-mark pattern of rubber on the driving surface or the tires to heat up and emit smoke from friction, or both.

(9) "Speed contest" means the operation of one or more motor vehicle(s) in a competitive attempt to outgain another motor vehicle or improve one's speed or time, including racing, timed acceleration, or attempts to outperform another motor vehicle.

(10) "Wheelie" means the operation of a motor vehicle where the motor vehicle is ridden for a distance with the front wheel or wheels raised off the ground.

(11) "Stunt" means a burnout, drifting, doughnut, wheelie, or other dangerous motor vehicle activity.

(B) A participant in a street takeover:

(1) for a first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, imprisoned

not more than one year, or both; or

(2) for a second or subsequent offense is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars, imprisoned not more than three years, or both.

(C) An organizer of a street takeover:

(1) for a first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, imprisoned not more than one year, or both; or

(2) for a second or subsequent offense is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars and imprisoned not more than three years, or both.

(D) An aider or abettor of a street takeover:

(1) for a first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars, imprisoned not more than thirty days, or both;

(2) for a second or subsequent offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, imprisoned not more than sixty days, or both.

(E) A person convicted of a crime contained in subsection (B) or (C) who, during the commission of the crime, also:

(1) fled a law enforcement officer during a street takeover is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, imprisoned not more than one year, in addition to the punishment provided for with the principal crime;

(2) endangered pedestrians, law enforcement officers, or other drivers is guilty of a misdemeanor and, upon conviction, must be fined up to an additional three thousand dollars and imprisoned not more than one year, in addition to the punishment provided for with the principal crime;

(3) inflicted bodily injury upon another person is guilty of a felony and, upon conviction, must be fined an additional ten thousand dollars and imprisoned not more than five years, in addition to the punishment provided for with the principal crime; or

(4) caused the death of another person is guilty of a felony and, upon conviction, must be fined an additional twenty-five thousand dollars, and imprisoned not more than ten years, in addition to the punishment provided for with the principal crime.

(F) Any vehicle used by a participant, organizer, or an aider and abettor during a street takeover, shall be seized by the responding law enforcement agency. Within ten days of seizure of such vehicle, the seizing agency shall provide written notice of such seizure to any owner or lienholder of the vehicle. Upon request, the seized vehicle may be

returned to the owner or lienholder of the vehicle at the discretion of the responding law enforcement agency. Prior to release, the owner or lienholder shall pay any fees associated with the seizure of the vehicle, to include, but not be limited to, reasonable towing and storage fees. If the owner or lienholder of a seized vehicle fails to claim the vehicle and pay outstanding fees within thirty days of receipt of notice of seizure from the seizing agency, the vehicle shall be forfeited to the seizing agency and title to the vehicle shall transfer to the seizing law enforcement agency. The law enforcement agency may use the vehicle within the agency or sell the vehicle and use the proceeds to fund law enforcement activities.

(G) Any seized vehicle that was used by an individual convicted of a crime contained in this section shall be forfeited and title to the vehicle shall transfer to the law enforcement agency that initiated charges against the individual. The law enforcement agency may use the vehicle within the agency or sell the vehicle and use the proceeds to fund law enforcement activities.

(H) Any vehicle with illegal street racing modifications is not legal to operate on a public roadway, street, highway, intersection, public vehicular area, or parking lot. Such a vehicle shall immediately be forfeited to law enforcement upon a conviction for use of that vehicle in a street takeover.

(I) No political subdivision may by ordinance, policy, or regulation reduce any penalty contained in this section.

(J) Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, an offense punishable under this section, unless the person is charged with subsection (E) along with an underlying offense, may be tried in magistrates or municipal court.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 149

(R197, H4477)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HEIRS' PROPERTY TAX RELIEF ACT" BY AMENDING SECTION 12-37-3150, RELATING TO DETERMINING WHEN AN ASSESSABLE TRANSFER OF INTEREST OCCURS, SO AS TO EXCLUDE TRANSFERS MADE TO QUALIFIED FAMILY MEMBERS TO CLEAR THE TITLE OF HEIRS' PROPERTY.

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

Citation

SECTION 1. This act may be cited as the "Heirs' Property Tax Relief Act."

Heirs' property

SECTION 2. Section 12-37-3150(B) of the S.C. Code is amended by adding:

(16)(a) a transfer made to a qualified family member who has legal claim to heirs' property to clear the title of the heirs' property, whereby both the grantor and grantee owned an interest in the property prior to the transfer.

(b) For purposes of this item:

(i) "Heirs' property" means real property owned by one or more individuals as tenants in common, which was inherited from a relative and for which no formal probate or recorded conveyance transferred clear title to the current owners.

(ii) "Qualified family member" means a person related to the prior owner by blood, marriage, or adoption including, but not limited to, a spouse, child, grandchild, sibling, niece, nephew, aunt, uncle, cousin, or those identified as heir owners by a court of competent jurisdiction.

(c) A partition of heirs' property, whether voluntary or ordered by a court in a proceeding to clear title, does not disqualify the resulting parcels from this exclusion. Each partitioned parcel must be assessed at its proportional value.

(d) The transfer described in this item is not considered an assessable transfer of interest only if the qualified family members submit affidavits to the county assessor certifying under penalty of perjury that:

(i) the property qualifies as heirs' property;

(ii) the transfer is between qualified family members; and

(iii) the transfer is for the purpose of clearing title.

(e) Once title on the property is cleared, the property is no longer heirs' property and not eligible for the exclusion provided by this item.

Time effective

SECTION 3. This act takes effect upon approval by the Governor and applies to property tax years beginning after 2025.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 150

(R198, H4679)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA DRONE REGULATION AND PUBLIC SAFETY ACT" BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 55 SO AS TO DEFINE CERTAIN TERMS, TO PROVIDE FOR THE LAWFUL AND UNLAWFUL OPERATION OF DRONES, AND TO PROVIDE PENALTIES FOR THE UNLAWFUL OPERATION OF DRONES; AND BY REPEALING SECTIONS 24-1-300 AND 24-5-175 RELATING TO THE UNLAWFUL OPERATION OF UNMANNED AERIAL VEHICLES NEAR CERTAIN CORRECTIONAL FACILITIES AND LOCAL DETENTION FACILITIES.

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

South Carolina Drone Regulation and Public Safety Act

SECTION 1. This act may be cited as the "Drone Regulation and Public Safety Act."

Drone Regulation and Public Safety

SECTION 2. Chapter 1, Title 55 of the S.C. Code is amended by adding:

Article 3

Drone Regulation and Public Safety

Section 55-1-200. For the purposes of this article:

(1) "Unmanned aircraft system (UAS)" or "drone" refers to any aircraft, as defined by Federal Aviation Administration (FAA) regulations, or any unmanned aerial vehicle (UAV), operated remotely without a pilot onboard.

(2) "Commercial drone operator" means any person operating, landing, or taking off a drone for business purposes in compliance with FAA regulations including, but not limited to, 14 CFR Part 107, or any successor statue or regulation.

(3) "Recreational drone operator" means any person operating, landing, or taking off a drone for personal use in accordance with FAA regulations and recreational guidelines including, but not limited to, 49 USC Section 44809 or any successor statue or regulation.

(4) "Controlled airspace" refers to areas where drone operations are prohibited or require prior authorization, including FAA-designated UAS flight-restricted areas and certain locations designated by the Aeronautics Commission.

(5) "Military installation" means:

(a) any state or federal military base, fort, camp, post, station, home port, depot, arsenal, training range, testing range, airfield, air station, shipyard, port facility, or other military facility of similar character, that:

(i) is owned, operated, or otherwise controlled by the United States or this State;

(ii) is used primarily for official military operations, training, testing, support, maintenance, or housing; and

(iii) is subject to controlled access or security measures;

(b) the term includes any facility described in subsection (5)(a)

that is under the jurisdiction or control of the United States Department of Defense or a secretary of a military department, and facilities under the control of the South Carolina National Guard, the Adjutant General, the South Carolina State Guard, or any other component of the state militia;

(c) the term also includes any United States military vessel or ship, including United States Navy vessels and United States Coast Guard cutters, while operating, transiting, or in port within the territorial waters of this State;

(d) the term does not include a state or federally owned, operated, or otherwise controlled publicly accessible facility that is primarily used for military recruitment, outreach, administrative services, or other activities conducted in a commercial storefront, kiosk, leased office space, or other similar location or facility, that is not restricted for military operations or training.

(6) "Operate" or "operating a drone" means to manipulate or control a drone in flight, including managing its flight path, altitude, or automated flight functions, whether directly or through an automated or preprogrammed system.

(7) "Take off and landing site" means the location from which a drone is launched into flight or to which it is intentionally returned and recovered, including any temporary or mobile launch point used during an operation.

(8) "Take off" means to initiate or cause the ascent of an unmanned aircraft or drone from ground or surface contact into flight, whether directly or through an automated or preprogrammed system.

(9) "Land" means to intentionally cause or direct an unmanned aircraft or drone to descend from flight to ground or surface contact, whether directly or through an automated or preprogrammed system.

(10) "Weaponize" means to equip, modify, or configure an unmanned aircraft system with any explosive, destructive device, firearm, hazardous substance, or any other item designed to cause and capable of causing death, bodily injury, or property damage.

(11) "Correctional facility" or "detention facility" means any federal, state, county, municipal, or multijurisdictional jail, prison, prison camp, overnight lockup, local detention facility, juvenile detention facility, or state correctional facility that is used to confine or detain persons charged with or convicted of any criminal offense or violation of a court order.

Section 55-1-210. (A) A person operating a drone must comply with applicable FAA regulations and other applicable federal aviation

requirements including, but not limited to:

(1) registering drones when required;

(2) operating under applicable FAA UAS regulations;

(3) successfully passing the FAA Recreational UAS Safety Test (TRUST) for hobbyist operations when required; and

(4) adhering to airspace restrictions including temporary flight restrictions and other flight restrictions issued by FAA action and obtaining necessary FAA authorizations or other approvals before operations in controlled airspace, prohibited or restricted areas, or areas subject to temporary flight restrictions, and complying with the terms and limitations of any applicable Certificate of Waiver or authorization, certificate of waiver, exemption, or other FAA authorization.

(B) Nothing in this article shall supersede federal authority over airspace regulation.

Section 55-1-220. (A) It is unlawful for a person to intentionally or knowingly operate, take off, or land a drone:

(1) above or within any controlled airspace designated by the FAA unless the operation is conducted in compliance with all applicable FAA authorization requirements;

(2) directly above or within one thousand five hundred feet horizontally from the outermost boundary of property the person knows to be a federal, state, county, or municipal correctional or detention facility, unless expressly authorized or consented to in writing by the South Carolina Department of Corrections or governing authority of the federal, county, or municipal facility; or

(3) directly above or within one thousand five hundred feet horizontally from the outermost boundary of property the person knows to be a military installation without the prior express written consent of the Department of Defense or the commanding authority of the military installation.

(B) It is unlawful for a person to intentionally or knowingly operate, take off, or land a drone that is required to be registered with the FAA but has not been properly registered; including operating a drone that is not in compliance with the requirements of Section 55-1-210(A), and:

(1) failing to display the required FAA registration number on the drone, if required;

(2) knowingly providing false or misleading registration information to the FAA; and

(3) knowingly operating an unregistered drone for commercial purposes or in controlled airspace without proper authorization.

(C) It is unlawful for a person to intentionally or knowingly operate,

take off, land, or possess a drone with the intent to:

(1) transport or attempt to deliver contraband including, but not limited to, drugs, weapons, or other prohibited materials into any federal, state, county, or municipal correctional or detention facility, or other area under the facility's authority;

(2) surveil, photograph, map, monitor, or otherwise collect visual, photographic, video, geospatial, thermal, or other sensory information regarding a military installation, a correctional or detention facility, for the purposes of identifying vulnerabilities, security measures, ingress or egress routes, response patterns, or other operational features or for any other unlawful purposes, including facilitating, planning, committing or attempting espionage, terrorism, sabotage, unlawful interference with operations, or any other criminal act; and

(3) weaponize the drone or threaten, harm, or attempt to harm another person or property.

(D) A person who violates subsection (A) or (B) is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not more than one thousand dollars, or imprisoned not more than six months;

(2) for a second offense, must be fined not more than two thousand five hundred dollars, or imprisoned not more than one year, or both; or

(3) for a third or subsequent offense, must be fined not more than five thousand dollars, or imprisoned not more than two years, or both.

(E)(1) A person who violates subsection (C)(1) or (C)(2) is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than five years, or both.

(2) A person who violates subsection (C)(3) is guilty of a felony and, upon conviction, must be fined not more than twenty-five thousand dollars or imprisoned for not more than ten years, or both.

(F)(1) In addition to the penalties provided for in subsection (E), a UAS involved in a violation of this section may be seized and confiscated by the arresting law enforcement agency. The UAS must not be disposed of until the results of any legal proceeding in which it may be involved are finally determined, or as otherwise required pursuant to Article 3, Chapter 28, Title 17. Records must be maintained of all UASs seized pursuant to this section. Upon conviction for a violation of this section, the UAS may be retained by the arresting law enforcement agency for official use, transferred to another public safety agency for official use, or destroyed, unless otherwise provided by law.

(2) A UAS seized pursuant to this section must be administratively released to an innocent owner. The UAS must not be released until the results of any legal proceeding in which it may be involved are finally

determined, or as otherwise required pursuant to Article 3, Chapter 28, Title 17.

(3) Before release, the innocent owner shall provide proof of ownership to the arresting agency; certify that the owner neither consented to nor had knowledge of the unlawful use of the UAS; and certify that the UAS will not be returned to the person charged with the violation that resulted in the seizure.

(4) The arresting agency shall notify the innocent owner when the UAS is available for release. If the innocent owner fails to recover the UAS within thirty days after notification, the arresting agency may retain the UAS for official use, transfer it to another public safety agency for official use, or destroy it.

(G) A violation of each subsection or provision of this section constitutes a separate offense. A violation of one subsection or provision of this section does not preclude prosecution or punishment for a violation of another subsection or provision of this section, including violations arising from the same takeoff, landing, or operation.

Section 55-1-230. (A) No municipality, county, or other political subdivision may enact ordinances that conflict with this section or FAA regulations. However, a municipality, county, or other political subdivision may impose reasonable restrictions on the takeoff and landing sites and the operation of drones on or above public property within their jurisdictions that are not otherwise covered by this article.

(B) The provisions of this article do not apply to military, detention facility, or correctional facility personnel operating a drone within the scope of their employment or official duties, provided that these operations comply with all applicable Federal Aviation Administration regulations and all other applicable federal aviation requirements.

Repeal

SECTION 3. Sections 24-1-300 and 24-5-175 of the S.C. Code are repealed.

Code Commissioner

SECTION 4. The Code Commissioner is directed to restyle Sections 55-1-1 through 55-1-100 as Article 1 in Chapter 1, Title 55.

Severability

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

SECTION 6. This act takes effect January 1, 2027.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 151

(R200, H4730)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS OF SIGN AND BILLBOARD INSTALLATION, REPAIR, OR MAINTENANCE FROM CONTRACTOR LICENSURE, SO AS TO INCLUDE SINGLE-POLE BILLBOARD STRUCTURES.

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

Contractor licensure exemptions, single-pole billboard work added

SECTION 1. Section 40-11-360(11) of the S.C. Code is amended to read:

(11) The installation, repair, or maintenance of signs, billboards, or single-pole billboard structures; provided, however, an electrical license is required to perform a final connection to a branch circuit conductor. The installation or modification of a branch circuit conductor is not considered a part of the installation, repair, or maintenance of a sign, billboard, or single-pole billboard structure.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 152

(R202, H4756)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA STUDENT PHYSICAL PRIVACY ACT" BY ADDING ARTICLE 5 TO CHAPTER 23, TITLE 59 SO AS TO PROVIDE VARIOUS MEASURES TO PROMOTE AND ENSURE PRIVACY AMONG SEXES USING CERTAIN FACILITIES IN PUBLIC SCHOOLS AND PUBLIC INSTITUTIONS OF HIGHER LEARNING, TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR NONCOMPLIANCE, AMONG OTHER THINGS.

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

Citation

SECTION 1. This act may be cited as the "South Carolina Student Physical Privacy Act."

Student Physical Privacy

SECTION 2. Chapter 23, Title 59 of the S.C. Code is amended by adding:

Article 5

Student Physical Privacy

Section 59-23-510. As used in this article:

(1) "Changing facility" means a facility in which a person may be in a state of undress in the presence of others, including a locker room, changing room, or shower room.

(2) "Restroom" means a facility that includes one or more toilets or urinals.

(3) "Sex" means a person's biological sex, either male or female, as observed or clinically verified at birth.

(4) "Sleeping quarters" means a room with a bed in which more than one individual is housed overnight.

(5) "Female" means an individual who naturally has, had, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.

(6) "Male" means an individual who naturally has, had, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

(7) "Multioccupancy" means a space designed for use by multiple persons simultaneously.

(8) "Accommodation" means:

(a) a single-user restroom or changing facility;

(b) temporary exclusive use of a multioccupancy restroom or changing facility; or

(c) a single-user portable restroom or changing facility.

Section 59-23-520. A public school district shall not permit any public school within the district to use any funds to maintain or operate any

restroom or changing facility on its premises that is not in compliance with this article or facilitate any public school-authorized activity or event involving overnight lodging that is not in compliance with this article. The South Carolina State Board of Education shall direct the South Carolina Department of Education to withhold twenty-five percent of the funds appropriated by the General Assembly that are used to support the school district's operations for any district that violates any portion of this article until the South Carolina State Board of Education determines the school district is in compliance.

Section 59-23-530. A public institution of higher learning shall not use any funds to maintain or operate any restroom or changing facility on its premises that is not in compliance with this article or facilitate any institution-authorized activity or event involving overnight lodging that is not in compliance with this article. A public institution of higher learning that violates any portion of this article, as determined by the South Carolina Commission on Higher Education, shall have twenty-five percent of the funds to be appropriated by the General Assembly that are used to support the institution's operations withheld until the institution is determined to be in compliance by the South Carolina Commission on Higher Education.

Section 59-23-540. (A)(1) All public schools and public institutions of higher learning must provide for a single-user restroom and changing facility or an accommodation. The single-user restroom and changing facility in this section need not be two separate accommodations.

(2) Multioccupancy public school or public institution of higher learning restrooms and changing facilities must be designated for use only by members of one sex at a time, on either a permanent basis or temporary or event-based basis. Any public school or public institution of higher learning restrooms and changing facilities that are designated for one sex must be used only by members of that sex. Any restroom or changing facility designated for one sex on a temporary or event-based basis, must be used only by members of that sex during the period of such designation. No person shall enter a restroom or changing facility that is designated for one sex unless he or she is a member of that sex; and the public school or public institution of higher learning shall take reasonable steps to ensure that all restrooms and changing facilities provide its users with privacy from members of the opposite sex. The provisions in this item do not apply:

(a) to custodial or maintenance work when the restroom or changing facility is not being used or otherwise occupied by a member

of the opposite sex;

(b) to provide coaching or athletic training during athletic events by coaching staff in changing rooms when no individual is in a state of undress;

(c) to a person or people rendering medical assistance; and

(d) during a natural disaster, emergency, or when use of the restroom or changing facility is necessary to prevent a serious threat to good order or student safety.

(B) During any public school or public institution of higher learning-authorized activity or event where students share overnight lodging, no student shall be required to share a sleeping quarter or multioccupancy restroom or changing facility with a member of the opposite sex, unless such persons are members of the same family, such as a parent, legal guardian, sibling, or grandparent.

(C) In any other public school or public institution of higher learning facility or setting where a person may be in a state of undress in the presence of others, school personnel shall provide separate, private areas designated for use by persons based on their sex, and no person shall enter these private areas unless he or she is a member of the designated sex.

(D) A public institution of higher learning that offers housing for student residents must provide students the option to be housed only with persons of the same sex.

Section 59-23-550. (A) An individual who, while accessing a restroom or changing facility designated for use by their sex, encounters a person of the opposite sex in that restroom or changing facility, has a private cause of action for declaratory and injunctive relief against the public school or public institution of higher learning that:

(1) granted the person permission to use a restroom or changing facility of the opposite sex in violation of this article; or

(2) failed to take reasonable steps which may include, but are not limited to, clear and recognizable signage designating the appropriate sex for the restroom or changing facility to prohibit the person of the opposite sex from using the restroom or changing facility of the opposite sex.

(B) An individual required by the public school or public institution of higher learning to share sleeping quarters with a person of the opposite sex has a private cause of action for declaratory and injunctive relief against the offending public school or public institution of higher learning.

(C) All civil action brought pursuant to this section must be initiated

within two years after the violation occurred. An individual aggrieved under this section who prevails in court may recover reasonable attorney's fees and costs from the offending public school or public institution of higher learning.

Section 59-23-560. (A) Nothing in this article may be construed to prohibit public schools or public institutions of higher learning from adopting policies necessary to accommodate disabled persons protected under the Americans with Disabilities Act, elderly persons requiring aid, or young children in need of physical assistance when using restrooms or changing facilities.

(B) Nothing in this article may be construed to prohibit public schools or public institutions of higher learning from establishing single-occupancy restrooms, changing facilities, or sleeping quarters, or family restrooms, changing facilities, or sleeping quarters.

(C) Nothing in this article may be construed to prohibit public schools or public institutions of higher learning from redesignating a multioccupancy restroom, changing facility, or sleeping quarters designated for exclusive use by one sex to a designation for exclusive use by the opposite sex, on either a permanent basis or temporary or event-based basis.

Section 59-23-570. If any subsection or portion of this article is declared invalid, that declaration shall not affect the validity of the remaining portions of the article.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 153

(R203, H4799)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-170, RELATING TO CERTIFICATE OF NEED EXEMPTIONS, SO AS TO PROVIDE THAT VETERANS' HOMES OWNED OR OPERATED BY THE DEPARTMENT OF VETERANS' AFFAIRS DO NOT REQUIRE A CERTIFICATE OF NEED.

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

Certificate of Need exemptions

SECTION 1. Section 44-7-170(B) of the S.C. Code is amended to read:

(B) This article does not apply to:

(1) construction of a new hospital with up to fifty beds in any county currently without a hospital;

(2) hospitals owned by the Department of Behavioral Health and Developmental Disabilities and operated by the Office of Mental Health and the Office of Intellectual and Developmental Disabilities, except an addition of one or more beds to the total number of beds of the predecessor departments' health care facilities existing on July 1, 1988;

(3) any federal hospital sponsored and operated by this State;

(4) hospitals owned and operated by the federal government;

(5) veterans' homes owned and operated by the South Carolina Department of Veterans' Affairs.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 154

(R205, H4805)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-5-610, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, THE NUMBER OF JUDGES TO BE ELECTED FROM EACH CIRCUIT, AND THE ELECTION OF AT-LARGE JUDGES WITHOUT REGARD TO COUNTY OR CIRCUIT OF RESIDENCE, SO AS TO CONVERT THREE AT-LARGE CIRCUIT COURT SEATS TO RESIDENT SEATS AND CREATE FOUR NEW JUDGESHIPS; BY AMENDING SECTION 63-3-40, RELATING TO THE NUMBER OF FAMILY COURT JUDGES TO BE ELECTED FROM EACH CIRCUIT, SO AS TO CONVERT FOUR AT-LARGE FAMILY COURT SEATS TO RESIDENT SEATS; AND BY AMENDING SECTION 9-8-60, RELATING TO RETIREMENT OF JUDGES, SOLICITORS, AND CIRCUIT PUBLIC DEFENDERS, SO AS TO REQUIRE EIGHT YEARS OF EARNED SERVICE RATHER THAN TEN.

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

Circuit court judgeships

SECTION 1. Section 14-5-610 of the S.C. Code is amended to read:

Section 14-5-610. (A) The State is divided into sixteen judicial circuits as follows:

(1) The first circuit is composed of the counties of Calhoun, Dorchester, and Orangeburg.

(2) The second circuit is composed of the counties of Aiken, Bamberg, and Barnwell.

(3) The third circuit is composed of the counties of Clarendon, Lee, Sumter, and Williamsburg.

(4) The fourth circuit is composed of the counties of Chesterfield, Darlington, Marlboro, and Dillon.

(5) The fifth circuit is composed of the counties of Kershaw and Richland.

(6) The sixth circuit is composed of the counties of Chester, Lancaster, and Fairfield.

(7) The seventh circuit is composed of the counties of Cherokee and

Spartanburg.

(8) The eighth circuit is composed of the counties of Abbeville, Greenwood, Laurens, and Newberry.

(9) The ninth circuit is composed of the counties of Charleston and Berkeley.

(10) The tenth circuit is composed of the counties of Anderson and Oconee.

(11) The eleventh circuit is composed of the counties of Lexington, McCormick, Saluda, and Edgefield.

(12) The twelfth circuit is composed of the counties of Florence and Marion.

(13) The thirteenth circuit is composed of the counties of Greenville and Pickens.

(14) The fourteenth circuit is composed of the counties of Allendale, Hampton, Colleton, Jasper, and Beaufort.

(15) The fifteenth circuit is composed of the counties of Georgetown and Horry.

(16) The sixteenth circuit is composed of the counties of York and Union.

(B) Two judges must be elected from the second, fourth, sixth, and sixteenth circuits. Three judges must be elected from the first, seventh, eighth, tenth, eleventh, twelfth, and fourteenth circuits. Four judges must be elected from the third and fifteenth circuits. Five judges must be elected from the ninth and thirteenth circuits. Six judges must be elected from the fifth circuit.

(C) In addition to the above judges authorized by this section, there must be four additional circuit judges elected by the General Assembly from the State at large for terms of office of six years. These additional judges must be elected without regard to county or circuit of residence. Each office of the at-large judges is a separate office and is assigned numerical designations of Seat No. 1 through Seat No. 4, respectively.

At-large circuit court seats converted to resident seats

SECTION 2. (A) Upon the effective date of this act:

(1) At-large Circuit Court Seat 7 is converted to a resident seat and designated First Circuit Court Seat 3.

(2) At-large Circuit Court Seat 1 is converted to a resident seat and designated Third Circuit Court Seat 4.

(3) At-large Circuit Court Seat 4 is converted to a resident seat and designated Eighth Circuit Court Seat 3.

(B) Nothing in this act may be construed to require a judge currently serving in an at-large circuit court seat which is converted to a resident circuit court seat pursuant to this act to undergo additional screening until the end of the term for which they were screened and duly elected to an at-large circuit court seat.

Circuit court judge, Kershaw County

SECTION 3. The additional circuit court judge added in the fifth judicial circuit by this act must be a resident judge in Kershaw County.

Circuit court judge, Oconee County

SECTION 4. The additional circuit court judge added in the tenth judicial circuit by this act must be a resident judge in Oconee County.

Judicial Merit Selection Commission, screening

SECTION 5. The Judicial Merit Selection Commission shall begin the process of nominating candidates for the new judicial offices in the fifth and tenth circuit for election in 2027 as provided by law. The Judicial Merit Selection Commission shall begin the process of nominating candidates for the new judicial offices in the sixth and fifteenth circuit one year later for election in 2028 as provided by law. The General Assembly then shall elect these judges from the nominees of the commission; except that, the nominating process may not begin until funding for the additional judges is provided in the general appropriations act.

Family court judgeships

SECTION 6. Section 63-3-40 of the S.C. Code is amended to read:

Section 63-3-40. (A) The General Assembly shall elect a number of family court judges from each judicial circuit as follows:

First Circuit	Four Judges
Second Circuit	Two Judges
Third Circuit	Three Judges
Fourth Circuit	Three Judges
Fifth Circuit	Six Judges
Sixth Circuit	Two Judges

Seventh Circuit	Four Judges
Eighth Circuit	Three Judges
Ninth Circuit	Seven Judges
Tenth Circuit	Four Judges
Eleventh Circuit	Four Judges
Twelfth Circuit	Four Judges
Thirteenth Circuit	Six Judges
Fourteenth Circuit	Four Judges
Fifteenth Circuit	Three Judges
Sixteenth Circuit	Three Judges

(B) In the following judicial circuits at least one family court judge must be a resident of each county in the circuit: fifth, seventh, tenth, twelfth, thirteenth, fifteenth, and sixteenth. In those judicial circuits made up of three or more counties, at least one family court judge must be a resident of one of the counties which does not have the largest population in the circuit. In the ninth circuit, both counties in the circuit must have at least two resident family court judges.

(C) No county in the sixth circuit shall have more than one resident family court judge.

(D) In addition to the judges authorized by this section, there must be four additional family court judges elected by the General Assembly from the State at large for terms of office of six years. These additional judges must be elected without regard to county or circuit of residence. Each office of the at-large judges is a separate office and is assigned numerical designations of Seat No. 1 through Seat No. 4, respectively.

At-large family court seats converted to resident seats

SECTION 7. (A) Upon the effective date of this act:

(1) At-large Family Court Seat 8 is converted to a resident seat and designated as Fifth Circuit Family Court Seat 5.

(2) At-large Family Court Seat 4 is converted to a resident seat and designated as Fifth Circuit Family Court Seat 6.

(3) At-large Family Court Seat 6 is converted to a resident seat and designated as Tenth Circuit Family Court Seat 4.

(4) At-large Family Court Seat 3 is converted to a resident seat and designated as Twelfth Circuit Family Court Seat 4.

(B) Nothing in this act may be construed to require a judge currently serving in an at-large family court seat which is converted to a resident family court seat pursuant to this act to undergo additional screening

until the end of the term for which they were screened and duly elected to an at-large circuit court seat.

Retirement, earned service requirement

SECTION 8. Section 9-8-60(1) of the S.C. Code is amended to read:

(1) A member of the system may retire upon written application to the board setting forth at what time, not later than the end of the calendar year in which the member attains age seventy-two and not more than ninety days prior nor more than six months subsequent to the execution and filing thereof, the member desires to be retired, if the member at the time so specified for retirement is no longer in the service of the State, except as a member of the General Assembly or as allowed pursuant to subsection (7), and has completed eight years of earned service as a judge or eight years of earned service as a solicitor or circuit public defender or was in service as a judge or solicitor on July 1, 1984, and has either:

(a) attained the age of sixty-five and completed at least twenty years of credited service;

(b) attained age seventy and completed at least fifteen years of credited service; or

(c) completed at least twenty-five years of credited service in the system for a judge, or twenty-four years of credited service in the system for a solicitor or circuit public defender, regardless of age. A member may retire under this section if the member was a member of this system as of June 30, 2004; attained age sixty-five with at least four years' earned service in the position of judge, solicitor, or circuit public defender; and, as of June 30, 2004, had a total of twenty-five years of credited service with the State in the South Carolina Retirement System, the Police Officers Retirement System, or the Retirement System for Members of the General Assembly.

A person receiving retirement allowances under this system who is elected to the General Assembly continues to receive the retirement allowances while serving in the General Assembly, and also must be a member of the retirement system unless the person files a statement with the board on a form prescribed by the board electing not to participate in the applicable system while a member of the General Assembly. A person making this election shall not make contributions to the applicable retirement system nor shall the State make contributions on the member's behalf and the person is not entitled to benefits from the applicable retirement system after ceasing to be a member of the General

Assembly.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 155

(R206, H4813)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 8-21-1010 AND 8-21-1060, BOTH RELATING TO FEES AND COSTS TO BE COLLECTED BY MAGISTRATES, BOTH SO AS TO INCREASE VARIOUS FEES AND COSTS; BY AMENDING SECTION 22-3-340, RELATING TO ASSESSMENTS ON FILINGS IN MAGISTRATES COURT, SO AS TO INCREASE THE ASSESSMENT ON SUMMONS AND COMPLAINT FILINGS AND ALL OTHER CIVIL FILINGS; AND BY AMENDING SECTION 22-2-5, RELATING TO ELIGIBILITY EXAMINATIONS FOR MAGISTRATES, SO AS TO INCREASE THE AMOUNT OF TIME ELIGIBILITY EXAMINATIONS ARE VALID.

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

Magistrates court fees and costs

SECTION 1.A. Section 8-21-1010 of the S.C. Code is amended to read:

Section 8-21-1010. (A) Except as otherwise expressly provided, the following fees and costs must be collected by the magistrates and deposited in the general fund of the county:

(1) for taking civil recognizance, with or without sureties, five

dollars;

(2) for granting an order for civil special bail, with or without sureties, five dollars;

(3) for receiving and filing bond in claim and delivery, attachment, ten dollars; if justification of sureties required, an additional five dollars;

(4) for administering and certifying oaths or documents in writing, two dollars;

(5) for issuing any prerogative writ, five dollars;

(6) in all civil actions, for issuing a summons and a copy for defendant, and for giving judgment with or without a hearing, sixty-five dollars;

(7) for issuing execution and renewal thereof, twenty dollars;

(8) for making up, certifying, and forwarding a transcript of record and judgment in a case for purpose of appeal, ten dollars;

(9) for proceedings by a landlord or lessor against a tenant or lessee, including notices to quit, eviction orders, or recovery of rents, forty dollars;

(10) for proceedings on a coroner's inquest, as prescribed by law, ten dollars, if inquest is demanded by a party other than the State or county or authorized officer of either;

(11) for proceedings on estrays, including judgment for possession, sale, or damages, ten dollars;

(12) for qualifying appraisers to set off homestead or qualifying sureties on a bond posted in a case, including bail bonds, five dollars;

(13) for each tax execution collected, five dollars; and

(14) for filing or issuing any other paper not provided for in this section, ten dollars.

(B) Fees or costs may not be assessed against a party for summoning jurors or expense of jury service in a criminal case in which a trial by jury is had.

(C) Any increase in fees and costs under subsection (A) which takes effect January 1, 2027, must be used to supplement, and not supplant, existing funds utilized to provide sufficient facilities, personnel, and security for the necessary and proper operation of the magistrates courts in each county.

B. Section 8-21-1060 of the S.C. Code is amended to read:

Section 8-21-1060. (A) Except as otherwise expressly provided, the following fees and costs must be collected by the magistrate or his officers and deposited in the general fund of the county:

(1) for summoning a witness to magistrate court in a civil action,

three dollars, plus mileage at the current state rate;

(2) for summoning the jury panel to try a civil action in magistrate court, five dollars, to be taxed against the losing party;

(3) for summoning a coroner's jury and witnesses, five dollars, and mileage, to be paid only if inquest is demanded by person other than the State, county, or authorized officer thereof;

(4) for serving a summons, rule, order, or notice by a magistrate in a civil action, twenty dollars;

(5) for serving an attachment or civil arrest on a person and making return thereof, five dollars, plus mileage;

(6) for selling an estray, five percent of the sale proceeds;

(7) for levying execution, posting notice of sale, conducting sale, and paying over proceeds in a magistrate court action, twenty dollars;

(8) for serving warrants, or any other criminal process, and for conveying prisoners by order of the magistrate or other court, mileage as permitted under Section 8-21-1040.

(B) Any increase in fees and costs under subsection (A) which takes effect January 1, 2027, must be used to supplement, and not supplant, existing funds utilized to provide sufficient facilities and personnel for the necessary and proper operation of the magistrates courts in each county.

Filing assessments

SECTION 2. Section 22-3-340 of the S.C. Code is amended to read:

Section 22-3-340. An assessment equal to forty dollars is imposed on all summons and complaint filings in magistrates court and an assessment equal to fifteen dollars is imposed on all other civil filings in magistrates court, except for restraining orders. The fees must be collected by the magistrates court and forwarded monthly to the county treasurer and remitted in turn by the county treasurer to the State Treasurer for allocation to the judicial department.

Eligibility examinations

SECTION 3. Section 22-2-5(A) of the S.C. Code is amended to read:

(A) The South Carolina Court Administration, in cooperation with the technical college system, shall select and administer an eligibility examination to test basic skills of persons seeking an initial appointment as magistrate on or after July 1, 2001. In determining the persons to be

recommended to the Governor for initial appointments as magistrates on or after July 1, 2001, a senatorial delegation must use the results of these eligibility examinations to assist in its selection of nominees. No person is eligible to be appointed as a magistrate unless he receives a passing score on the eligibility examination. The results of these eligibility examinations are valid for eighteen months before and eighteen months after the time the appointment is to be made.

Time effective

SECTION 4. This act takes effect on January 1, 2027.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 156

(R208, H5064)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-53-510, RELATING TO THE CREATION OF THE NORTHEASTERN TECHNICAL COLLEGE AREA COMMISSION, SO AS TO PROVIDE THAT THE REPRESENTATION FROM LOCAL INDUSTRY MAY INCLUDE CERTAIN EX OFFICIO MEMBERS.

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

Northeastern Technical College Area Commission

SECTION 1. Section 59-53-510 of the S.C. Code is amended to read:

Section 59-53-510. There is created the Northeastern Technical College Area Commission which is a body politic and corporate and the governing body of the Northeastern Technical College. The commission consists of fifteen members, three of whom must be qualified electors of Chesterfield County, three of whom must be qualified electors of

Marlboro County, and three of whom must be qualified electors of Dillon County. These nine members must be appointed by the Governor upon the recommendation of a majority of the legislative delegation from the county in which the appointee is a resident for terms of three years and until their successors are appointed and qualify. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. The superintendents of education from Chesterfield, Dillon, and Marlboro counties are ex officio members of the commission. One of the superintendents of the two school districts of Dillon County shall serve as a member ex officio for a term of two years on a rotating basis. Representation from local industry may have three ex officio members appointed by a majority of the Northeastern Technical College Area legislative delegation consisting of one appointment per county. The industry leaders from Chesterfield, Dillon, and Marlboro counties are ex officio members of the commission and serve at the will of the legislative delegation.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 157

(R210, H5097)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-145 SO AS TO PROVIDE THAT CERTAIN ROADSIDE MARKETS OPERATED BY FARMERS ARE NOT CONSIDERED COMMERCIAL OPERATIONS FOR LOCAL ZONING PURPOSES AND ARE EXEMPT FROM CERTAIN LOCAL AND STATE REGULATORY REQUIREMENTS, AND TO DEFINE NECESSARY TERMS, AMONG OTHER THINGS.

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

Roadside markets

SECTION 1. Article 1, Chapter 1, Title 6 of the S.C. Code is amended by adding:

Section 6-1-145. (A) For purposes of this section, "roadside market" means a direct-to-consumer point located near a roadway on a farmer's leased or owned farm property that the farmer controls where an individual farmer sells farm products produced on his farm in this State to the general public, including fresh produce and farm goods such as honey, eggs, and jellies. A roadside market does not include multivendor farmers' markets or similar outlets. Hemp based products designed to be ingested are not permitted to be sold in a roadside market.

(B) Notwithstanding another provision of law, a roadside market, as defined in subsection (A), may not be classified or required by a county or municipality to be zoned as a commercial operation.

(C) A roadside market is exempt from local government stormwater regulations, stormwater permitting requirements, and local building codes, including permitting, inspection, and construction requirements otherwise applicable to commercial or retail structures. A local government shall not be held liable for any occurrence that arises as a result of the exemption provided for in this section.

(D) A roadside market is exempt from the provisions of the South Carolina Surface Water Withdrawal, Permitting Use, and Reporting Act, contained in Chapter 4, Title 49.

(E) A roadside market seeking certification as a Certified Roadside Market by the South Carolina Department of Agriculture under the Roadside Market Incentive Program pursuant to Article 5, Chapter 19, Title 46 and regulations promulgated pursuant to that article may not be exempt from the requirements of that voluntary program by the provisions of this section.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 158

(R211, H5111)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-200 SO AS TO DEFINE TERMS AND PROHIBIT A POLITICAL SUBDIVISION FROM UNREASONABLY RESTRICTING PRIVATE WELLS ON AGRICULTURAL OR SINGLE-FAMILY RESIDENTIAL PROPERTIES AND FROM REQUIRING CONNECTION TO A WATER SYSTEM IF THE SYSTEM IS UNABLE TO PROVIDE SERVICES, AMONG OTHER THINGS.

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

Public water systems connections

SECTION 1. Article 1, Chapter 1, Title 6 of the S.C. Code is amended by adding:

Section 6-1-200. (A) For purposes of this section:

(1) "Political subdivision" includes, but is not limited to, a municipality, county, special purpose district, or public service district.

(2) "Impaired water quality" means a written determination by the Department of Environmental Services or the Department of Public Health that a public water system serving the jurisdiction is not in compliance with applicable state or federal drinking water standards.

(B) Notwithstanding another provision of law, a political subdivision may not adopt, enforce, or maintain an ordinance, resolution, regulation, or rule that prohibits or unreasonably restricts the drilling, servicing, repair, installation, operation, or maintenance of a private water well located on and serving either agricultural or single-family residential property consisting of one-half acre or more.

(1) Any property owner utilizing a well while connected to a water system must install necessary backflow prevention devices inspected and approved by the water provider or their third-party designee and the inspection costs must be paid by the property owner.

(2) Political subdivisions operating a water system must create a registry for all property owners utilizing a well where water service is

available. Property owners must register the well with the political subdivision.

(3) Where water service is available from a political subdivision at the time of well installation, a property owner is subject to any base charges, fees, or assessments imposed by the political subdivision, notwithstanding the installation or use of a private well, and regardless of the amount of water consumed from the water system.

(C) Upon a determination of impaired water quality pursuant to subsection (A)(2), and notwithstanding another provision of law, a political subdivision may not adopt, enforce, or maintain an ordinance, resolution, regulation, or rule that prohibits or unreasonably restricts the drilling, servicing, repair, installation, operation, or maintenance of a private water well on agricultural or residential property consisting of one-half acre or more otherwise authorized under state law.

(D) Notwithstanding another provision of law, a political subdivision cannot require connection to a water system if the system is unable to provide service to that property. If the political subdivision is unable to provide services, the providing entity must notify the property owner in writing within thirty days of the request for service.

(E) Nothing in this section may be construed to authorize a property owner to disconnect from a water system provided by a political subdivision and property connected to such a water system must remain connected to the system.

(F) Nothing in this section alters the regulation, operation, or permitting of public or community wells regulated under state or federal law.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 159

(R213, H5131)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-3-780, RELATING TO THE ISSUANCE OF PERMANENT LICENSE PLATES AND FEES FOR VEHICLES OF THE STATE, POLITICAL SUBDIVISIONS, OR CIVIL AIR PATROL, SO AS TO CREATE PERMANENT LICENSE PLATES FOR TRIBAL GOVERNMENTS; BY AMENDING SECTION 56-3-1230, RELATING TO SPECIFICATIONS FOR AND THE ISSUANCE OF LICENSE PLATES, SO AS TO PROVIDE THAT THE SOUTH CAROLINA REVOLUTIONARY WAR SESTERCENTENNIAL COMMISSION SHALL SUBMIT TO THE DEPARTMENT OF MOTOR VEHICLES CERTAIN INFORMATION TO BE USED TO CREATE THE LICENSE PLATE TO COMMEMORATE THE TWO HUNDRED FIFTIETH ANNIVERSARY OF THE AMERICAN REVOLUTION; BY AMENDING SECTION 56-3-4410, RELATING TO THE ISSUANCE OF SHARE THE ROAD LICENSE PLATES, SO AS TO PROVIDE FOR THE ISSUANCE OF "I BIKE SC" LICENSE PLATES; BY ADDING SECTION 56-3-16510 SO AS TO PROVIDE FOR THE ISSUANCE OF "QUAIL FOREVER" SPECIALTY LICENSE PLATES; AND BY ADDING SECTION 56-3-16610 SO AS TO PROVIDE FOR THE ISSUANCE OF BLACKOUT SPECIAL LICENSE PLATES.

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

Tribal Government license plates

SECTION 1. Section 56-3-780(A) of the S.C. Code is amended to read:

(A) Permanent license plates must be issued by the Department of Motor Vehicles for all motor vehicles operated by the State or its political subdivisions, or tribal governments located in the State. The license fee, including registration, is two dollars. Permanent plates must bear the words "South Carolina," the number, and a prefix "SG," "RG," "CG," "MG," or "TG" to designate respectively state government, regional government, county government, municipal government, or tribal government. The department may issue a permanent license plate to vehicles used by state or local law enforcement agencies. The fee for

the permanent plate is two dollars. A decal may be issued to designate the law enforcement agency. The department may charge a reasonable fee to cover the cost of the decal.

Tribal Government license plates

SECTION 2. The Department of Motor Vehicles may issue tribal government license plates six months following approval of their design.

South Carolina Revolutionary War license plates

SECTION 3. Section 56-3-1230(D) of the S.C. Code is amended to read:

(D) Notwithstanding subsection (C), no later than January 1, 2027, the South Carolina Revolutionary War Sestercentennial Commission shall submit to the department for approval a new design, emblem, seal, logo, or other symbol it desires to be used as the regular license plate to commemorate the two hundred fiftieth anniversary of the American Revolution. The design, emblem, seal, logo, or other symbol submitted to the department must be imprinted with the words "Where the Revolution Was Won" and shall include, at a minimum, a flag against an indigo background together with a gorget in an upper corner of the flag, also known as the Moultrie Flag. The department must use the commission's submission pursuant to this subsection as the design for regular license plates for private-passenger vehicles and motorcycles issued by the department until December 31, 2032.

(E) Fees for regular license plates shall not exceed the regular motor vehicle license fee set forth in Article 5, Chapter 3, Title 56.

"I Bike SC" license plates

SECTION 4. Article 44, Chapter 3, Title 56 of the S.C. Code is amended to read:

Article 44

I Bike SC License Plates

Section 56-3-4410. (A) The Department of Motor Vehicles may issue "I Bike SC" special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 and

motorcycles registered in their names which may have imprinted on the plate an emblem, a seal, or other symbol of the Palmetto Cycling Coalition, Inc. The Palmetto Cycling Coalition, Inc. shall submit to the department for its approval the emblem, seal, or other symbol it desires to be used for this special license plate. The Palmetto Cycling Coalition Inc. may request a change in the emblem, seal, or other symbol not more than once every five years. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for these special license plates is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of fifty-two dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the Palmetto Cycling Coalition, Inc., or another nonprofit fund designated by the Palmetto Cycling Coalition, Inc., for the promotion of pedestrian, bicycle, and other active transportation safety and education programs. Any remaining funds must be administered by the Palmetto Cycling Coalition, Inc. or another nonprofit fund designated by the Palmetto Cycling Coalition, Inc. used only for efforts to promote pedestrian, bicycle, and other active transportation safety and education programs, and deposited in an appropriate nonprofit account designated by the Palmetto Cycling Coalition, Inc.

(C) Before the department produces and distributes a plate authorized under this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization’s license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, then the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized

under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

"Quail Forever" specialty license plates

SECTION 5. Chapter 3, Title 56 of the S.C. Code is amended by adding:

Article 156

Quail Forever Specialty License Plate

Section 56-3-16510. The Department of Motor Vehicles may issue "Quail Forever" special license plates to owners of private passenger motor vehicles or motorcycles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56-3-8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of seventy dollars. Any portion of the additional seventy-dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to Quail Forever, and those funds will be used exclusively in South Carolina in partnership with the South Carolina Department of Natural Resources to further Quail Forever's mission to influence bobwhite habitat conservation to support long-term and healthy quail populations in South Carolina. The department may issue this special license plate six months following the approval of its design.

Blackout special license plates

SECTION 6.A. Chapter 3, Title 56 of the S.C. Code is amended by adding:

Article 157

Blackout Special License Plates

Section 56-3-16610. (A) The Department of Motor Vehicles shall issue blackout special license plates to owners of private passenger motor vehicles or motorcycles registered in their names. This special license plate is exempt from the provisions contained in Section

56-3-8100. Each blackout special license plate must have a solid black background and white characters imprinted horizontally.

(B) Each special license plate must be issued or revalidated for a biennial period that expires twenty-four months from the month the plate is issued. The fee for each special license plate is the regular biennial registration fee contained in Article 5, Chapter 3 of this title plus an additional biennial fee of forty dollars. The additional biennial fee of forty dollars must be credited to the State Highway Fund. The fee for each special personalized plate is an additional biennial fee of sixty dollars, which must be credited to the State Highway Fund.

B. The department shall produce special blackout plates within six months after the effective date of this act.

Time effective

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 160

(R214, H5179)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-440 SO AS TO CREATE THE SCHOOL MAPPING DATA PROGRAM WITHIN THE STATE LAW ENFORCEMENT DIVISION FOR THE PURPOSE OF FACILITATING EFFICIENT EMERGENCY RESPONSES IN PUBLIC INSTITUTIONS OF HIGHER LEARNING BY PUBLIC SAFETY AGENCIES, TO DEFINE NECESSARY TERMS, TO PROVIDE REQUIREMENTS FOR THE PROGRAM AND ITS IMPLEMENTATION BY THE DIVISION, AND TO PROVIDE RELATED REQUIREMENTS OF INSTITUTIONS OF HIGHER LEARNING AND LAW ENFORCEMENT AGENCIES; AND BY ADDING SECTION 59-101-700 SO AS TO REQUIRE

PUBLIC INSTITUTIONS OF HIGHER LEARNING TO ESTABLISH AND MAINTAIN CERTAIN REPORTING SYSTEMS FOR ANNUAL EMPLOYEE BUSINESS ASSOCIATION DISCLOSURES, AMONG OTHER THINGS.

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

School mapping data

SECTION 1. Article 1, Chapter 101, Title 59 of the S.C. Code is amended by adding:

Section 59-101-440. (A) For purposes of this section:

(1) "School mapping data" means information collected pursuant to this section in an electronic or a digital format and provided to assist first responders in responding to emergencies in an institution of higher learning.

(2) "Institution of higher learning" is defined pursuant to Section 59-103-5.

(B)(1) To facilitate efficient emergency responses in institutions of higher learning by public safety agencies in this State, the School Mapping Data Program is established as a statewide initiative within the State Law Enforcement Division (SLED). Subject to funding, SLED shall contract with a vendor to provide school mapping data for each institution of higher learning in the State. The data must be provided to the institution, local law enforcement agencies, and public safety agencies for use in response to emergencies. For purposes of this section, emergencies include, but are not limited to, any event in which a law enforcement officer, firefighter, rescue squad, emergency medical service provider, public safety telecommunicator, or any other emergency management provider may respond.

(2) In addition to requirements set forth by SLED and in consultation with the Center for School Safety and Targeted Violence within SLED, school mapping data must:

(a) be compatible with software platforms used by local, county, state, and federal public safety agencies that provide emergency services to the specific institution of higher learning for which the data is provided without requiring such agencies to purchase additional software or requiring a fee to view or access the data;

(b) be compatible with security software platforms in use by the specific institution for which the data is provided without requiring the local law enforcement agencies or institutions to purchase additional

software or requiring a fee to view or access the data; and

(c) provide that any updates to school mapping data as defined by this section must be accessible within software platforms used by local, county, state, and federal public safety agencies that provide emergency services to the specific institution.

(3) To ensure that campus mapping data used by law enforcement and emergency response agencies remains accurate and current, each public institution of higher learning shall, at least once every two years, review all campus facilities and infrastructure, including athletic facilities and branch campuses, to identify material changes, renovations, additions, or updates and shall report such changes to the South Carolina Law Enforcement Division and the mapping vendor under contract pursuant to this section, provided that nothing herein prohibits more frequent coordination or updates as necessary.

(C) School mapping data provided to institutions, local law enforcement agencies, and public safety agencies for use in response to emergencies pursuant to this section must be regarded as confidential information. A private security provider used by a public institution of higher learning to provide campus security may not disclose such information except pursuant to a court order. A public body in possession of such information:

(1) may not disclose such information pursuant to a request under the South Carolina Freedom of Information Act; and

(2) only may disclose such information pursuant to the procedures established in Section 23-50-45.

(D) In any given fiscal year and subject to available dedicated funding after the initial contract period, the State Law Enforcement Division shall be responsible for the annual cost of maintenance, which may not exceed fifteen percent of the initial cost of the mapping.

Public institution of higher learning employee business disclosures

SECTION 2. Chapter 101, Title 59 of the S.C. Code is amended by adding:

Section 59-101-700. (A) For purposes of this section:

(1) “Employee” means any individual employed by an institution of higher education on a full-time, part-time, temporary, or contractual basis.

(2) “Business with which he is associated” means any business, trade, profession, membership, appointment, elected position or other commercial activity conducted for compensation by an employee other

than the employee's official duties with the institution.

(B) Every public institution of higher learning, as defined in Section 59-103-5, shall establish and maintain a secure, electronic reporting system for each employee to annually disclose any business with which he is associated.

(C) On or before December thirty-first of each year, every employee shall submit a disclosure through the reporting system listing:

(1) any business with which he is associated;

(2) the name of the business; and

(3) a general description of the type of work or services performed for the business.

(D) Each institution shall ensure that the reporting system maintains the confidentiality and security of all submitted information.

(E) An institution shall adopt policies and procedures necessary to implement and enforce the requirements of this section, including provisions addressing noncompliance. A copy of those policies and procedures shall be provided to the Chairman of the House Education and Public Works Committee and the Chairman of the Senate Education Committee upon adoption and upon any subsequent amendments.

(F) Nothing in this section shall be construed to prohibit an employee from engaging in any outside business activities unless otherwise restricted by state law or institutional policy.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 161

(R215, H5205)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 4 TO CHAPTER 101, TITLE 59 SO AS TO REQUIRE EACH PUBLIC COLLEGE, UNIVERSITY, AND TECHNICAL COLLEGE IN THIS STATE TO IMPLEMENT A SAFETY TRAINING PROGRAM FOR ALL NEW STUDENTS, TO PROVIDE EXCLUSIONS FROM THE PROGRAMS, TO PROVIDE REQUIREMENTS OF THE PROGRAMS, TO REQUIRE CERTAIN REPORTING REQUIREMENTS, AND TO PROVIDE ENFORCEMENT MECHANISMS, AMONG OTHER THINGS; AND BY ADDING SECTION 59-101-440 SO AS TO PROVIDE PUBLIC INSTITUTIONS OF HIGHER LEARNING IN THIS STATE SHALL MAKE OPIOID AND FENTANYL PREVENTION EDUCATION AND AWARENESS INFORMATION AVAILABLE TO ENROLLED STUDENTS, AND TO PROVIDE RELATED REQUIREMENTS AND DEFINITIONS.

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

College safety training programs for students

SECTION 1. Chapter 101, Title 59 of the S.C. Code is amended by adding:

Article 4

College Safety Training Programs for Students

Section 59-101-810. As used in this article:

(1) "Institution of higher learning" is defined pursuant to Section 59-103-5.

(2) "Public safety director" means the director or equivalent designated leader of a campus public safety department.

(3) "Campus public safety department" means the division of an institution of higher learning that provides law enforcement and safety services to the institution.

(4) "Affiliated" means anyone who possessed or possesses a valid campus identification at the time the alleged crime occurred including,

but not limited to, students, faculty, staff, and contractors.

Section 59-101-820. (A) Beginning with the 2027-2028 School Year, each institution of higher learning shall develop and implement a safety training program for all new students. The training must be administered during the student's initial orientation or within the first thirty days of the student's arrival on campus. The provisions of this subsection apply to undergraduate and graduate students who are enrolled on a full-time or part-time basis and physically attend class on campus. The provisions of this subsection do not apply to:

(1) students who are only enrolled in adult education, dual enrollment, or certificate programs;

(2) continuing education students; and

(3) transient students.

(B)(1) The training program for an institution of higher learning to which the provisions of this article apply must be developed by the institution's public safety director, in coordination with the institution's president and governing board. In the absence of a campus public safety department, a technical college shall contract with the security personnel that it uses on campus to develop and implement the student safety training in coordination with the president and governing board.

(2) Notwithstanding the provisions of item (1), the President of the University of South Carolina system, in coordination with the governing board, shall work with the appropriate administrative personnel or public safety personnel at each system institution to ensure that each campus implements a training program as required by this chapter.

(3) The content, format, and delivery method of the training must be determined by each institution and may include orientation programs, first-year experience courses, online modules, or any other methods considered appropriate by the institution.

(C) The student safety training program must include information and instruction on the following topics:

(1) personal safety and situational awareness on campus;

(2) emergency procedures, including evacuation, lockdown, and shelter-in-place protocols;

(3) how to access campus security services, emergency alerts, and communication systems;

(4) prevention of and response to sexual assault, dating violence, domestic violence, and stalking, including Title IX rights and reporting procedures;

(5) the role and contact information of the institution's behavioral intervention team or threat assessment team, if applicable;

(6) bystander intervention strategies and safe reporting practices; and

(7) information on campus mental health resources and crisis response protocols.

(D) Institutions may tailor their training to the unique needs, size, and resources of their campuses, and may include additional topics as considered appropriate.

(E)(1) Before January thirty-first of each academic year:

(a) each public college and university shall submit an annual report to the Commission on Higher Education; and

(b) each technical college shall submit an annual report to the State Board for Technical and Comprehensive Education.

(2) The report required in item (1) must include a summary of the student safety training program, the methods of delivery, and any associated training materials.

Section 59-101-830. (A)(1) Beginning with the 2027-2028 School Year, each institution of higher learning shall submit its annual security report required by federal law and the summary analysis described in subsection (B) to the Commission on Higher Education or the State Board of Technical and Comprehensive Education, as appropriate, and the South Carolina Law Enforcement Division no later than October thirty-first of each year. The annual security report and the summary analysis described in subsection (B) shall cover the time period of January first through December thirty-first of the preceding calendar year.

(2) Each institution, the Commission on Higher Education, the State Board of Technical and Comprehensive Education, and the State Law Enforcement Division shall make reports required pursuant to this section available on their websites and provide a summary to the House Education and Public Works Committee and the Senate Education Committee no later than December first each year.

(B) Each institution shall compile and report a summary analysis as required in Section 59-101-830(A), to include the number of criminal reports alleging homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle larceny, and arson reported to have occurred on property owned, leased, or controlled by the institution. The annual summary analysis shall, to the extent possible, report whether the alleged victim and alleged offender were affiliated with the institution at the time the crime was reported.

(C) Upon a request by the Speaker of the House, the Chairman of House Education and Public Works, the President of the Senate, or the

Chairman of Senate Education for interim campus safety or crime reporting data, the institution must provide the requested data within thirty calendar days after receipt of the request.

(D) Nothing in this section may be construed to require disclosure of personally identifiable information or information that would compromise an ongoing criminal investigation.

(E) Nothing in this section may be construed to limit, modify, or otherwise affect the duties of institutions of higher learning or relieve any institution from complying with all applicable federal reporting and disclosure requirements.

Section 59-101-840. (A) Each institution shall make publicly available on its website its campus safety plan or plans, to the extent that such plans are not confidential, sensitive, or otherwise protected from public disclosure under state or federal law.

(B) If an institution does not currently have a campus safety plan, it shall develop and implement one in coordination with the institution's public safety director, president, and board of trustees. The institution shall then post the nonconfidential portions of the plan on its website.

(C) Institutions must review and update their posted safety plans at least once per academic year. A posted safety plan must include the date of its issuance and most recent update if any update has been made.

Section 59-101-850. (A) The Commission on Higher Education and State Board for Technical and Comprehensive Education shall maintain a record of the annual reports required pursuant to Section 59-101-820(E) and Section 59-101-830.

(B) By December first of each year, the Commission on Higher Education and State Board for Technical and Comprehensive Education shall determine whether each institution under its respective purview has complied with the provisions of this article for that calendar year.

(C) By January first of each year, the Commission on Higher Education and State Board for Technical and Comprehensive Education shall notify the chairmen of the House Education and Public Works Committee and the Senate Education Committee of any institutions not in compliance with the provisions of this article.

Opioid and fentanyl prevention education and awareness

SECTION 2. Chapter 101, Title 59 of the S.C. Code is amended by adding:

Section 59-101-440. (A) Beginning with the 2027-2028 School

Year, each public institution of higher learning in this State shall make opioid and fentanyl prevention education and awareness information available to enrolled students. Education may be provided in person or electronically and must include information on recognizing an opioid overdose, appropriate response including contacting emergency services, and the legal protections available to people who seek medical assistance or render aid in good faith pursuant to Section 15-1-310 and the South Carolina Overdose Prevention Act.

(B) The information required by subsection (A) must be posted on a publicly accessible portion of each institution's internet website for viewing by students, parents, and legal guardians.

(C) Each institution of higher learning shall provide training on the administration of naloxone or other opioid overdose reversal medication to staff assigned to work in student residence halls. The training may be incorporated into existing training programs.

(D) For the purpose of assisting a person at risk of experiencing an opioid-related overdose, an institution of higher learning may obtain, possess, store, and maintain naloxone or other opioid overdose reversal medication pursuant to a standing order, statewide protocol, or other lawful mechanism authorized under the South Carolina Overdose Prevention Act, and may make the medication available for use in responding to a suspected overdose on property owned or controlled by the institution.

(E) A person who, in good faith and in accordance with training, administers opioid overdose reversal medication pursuant to this section is entitled to the immunities and protections provided under Section 15-1-310 and the South Carolina Overdose Prevention Act.

(F) For purposes of this section:

(1) "Institution of higher learning" is defined pursuant to Section 59-103-5.

(2) "South Carolina Overdose Prevention Act" means Chapter 130 of Title 44.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 15th day of May, 2026

No. 162

(R129, S32)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "PREGNANCY RESOURCE ACT" BY ADDING SECTION 12-6-3383 SO AS TO PROVIDE FOR A TAX CREDIT FOR VOLUNTARY CASH CONTRIBUTIONS MADE TO CERTAIN PREGNANCY RESOURCE ORGANIZATIONS AND TO PROVIDE GUIDELINES FOR THE CREDIT.

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

Citation

SECTION 1. This act may be cited as the "Pregnancy Resource Act."

Pregnancy resource tax credit

SECTION 2. Article 25, Chapter 6, Title 12 of the S.C. Code is amended by adding:

Section 12-6-3383. (A) As used in this section:

(1) "Department" means the Department of Revenue.

(2)(a) "Eligible charitable organization" means:

(i) an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and is a pregnancy resource center, crisis pregnancy center, maternity home, or residential program for human trafficking victims. To be considered an "eligible charitable organization," the organization must:

(A) certify that no more than twenty percent of the contributions received under this section will be spent on administrative purposes; and

(B) file the organization's publicly available Internal Revenue Service filings with the Secretary of State annually; and

(ii) provides services for:

(A) the prevention and diversion of children from custody with the Department of Social Services;

(B) the safety, care, and well-being of children in custody of the Department of Social Services;

(C) the express purpose of creating permanency for children through adoption;

(D) the prevention of abuse, neglect, abandonment, exploitation, or trafficking of children; or

(E) the provision of assistance related to carrying a pregnancy to term, preventing abortion, and promoting healthy childbirth.

(B)(1) A taxpayer who makes voluntary cash contributions during the taxable year to an eligible charitable organization is eligible for a nonrefundable tax credit not to exceed fifty percent of his total tax liability for the taxes imposed by this chapter.

(2) Any credit claimed under this section but not used in any taxable year may be carried forward for five consecutive years from the close of the tax year in which the credits were earned.

(C) A person taking a credit authorized by this section shall provide the name of the eligible charitable organization and the amount of the contribution to the department on forms provided by the department.

(D) Each year, an eligible charitable organization shall provide the department with a written certification that it meets all criteria to be considered an eligible charitable organization. The organization shall also notify the department of any changes that may affect eligibility under this section. In order to be recertified, the eligible charitable organization must provide the department with the number and total amount of voluntary cash contributions in the previous tax year as well as a copy of a compilation, review, or compliance audit of the organization's financial statements relating to the grants received, conducted by a certified public accounting firm.

(E) The eligible charitable organization's written certification must be signed by an officer of the organization under penalty of perjury. The written certification shall include:

(1) verification of the organization's status under Section 501(c)(3) of the Internal Revenue Code;

(2) a statement that the organization does not provide, pay for, or provide coverage of abortions and does not financially support any other entity that provides, pays for, or provides coverage of abortions; and

(3) any other information that the department requires to administer this section.

(F) The department shall review each written certification and recertification and determine whether the organization meets all the criteria to be considered an eligible charitable organization and notify

the organization of its determination. The department shall compile a list of eligible charitable organizations and make the list available to the public.

(G) Tax credits authorized by this section that are earned by a partnership, limited liability company, S corporation, or other similar pass-through entity, shall be allocated among all partners, members, or shareholders, respectively, either in proportion to their ownership interest in such entity or as the partners, members, or shareholders mutually agree as provided in an executed document.

(H) A person shall apply for credits with the department on forms prescribed by the department. In the application, the taxpayer shall certify to the department the dollar amount of the contributions made or to be made during the calendar year. Within thirty days after the receipt of an application, the department shall allocate credits based on the dollar amount of contributions as certified in the application. However, if the department cannot allocate the full amount of credits certified in the application due to the limit on the aggregate amount of credits that may be awarded under this section in a calendar year, the department shall so notify the applicant within thirty days with the amount of credits, if any, that may be allocated to the applicant in the calendar year. Once the department has allocated credits to a person, if the contribution for which a credit is allocated has not been made as of the date of the allocation, then the contribution must be made not later than sixty days from the date of the allocation. If the contribution is not made within such time period, then the allocation shall be cancelled and returned to the department for reallocation. Upon final documentation of the contributions, if the actual dollar amount of the contributions is lower than the amount estimated, then the department shall adjust the tax credit allowed under this section.

(I) The aggregate amount of tax credits that may be allocated by the department under this section during a calendar year shall not exceed three million five hundred thousand dollars. For credits allocated during a calendar year for contributions to eligible charitable organizations, no more than twenty-five percent of such credits may be allocated for contributions to a single eligible charitable organization. However, credits not allocated before June 1, 2026, may be allocated without regard to such restriction for the same calendar year.

(J) The department may adopt rules necessary to implement the provisions of this section.

Repeal

SECTION 3. The provisions of this act are repealed on December 31, 2030, except that if the credit allowed by Section 12-6-3383, as added by this act, is earned before the repeal, the provisions of Section 12-6-3383(B)(2) continue to apply until the credits have been fully claimed.

Time effective

SECTION 4. This act takes effect upon approval by the Governor and first applies to tax years beginning after 2024.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 163

(R130, S150)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA RENTAL KART AGE ACT" BY AMENDING SECTION 41-18-30, RELATING TO APPLICABILITY AND EXCEPTIONS FOR THE SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE, SO AS TO REVISE REQUIREMENTS FOR PEOPLE OPERATING RENTAL KARTS, TO PROVIDE RENTAL KARTS OPERATED BY PEOPLE UNDER EIGHTEEN YEARS OF AGE MUST BE EQUIPPED WITH OCCUPANT RESTRAINT SYSTEMS AND ROLLOVER RESTRAINT SYSTEMS, TO REVISE MANDATORY SIGNAGE REQUIREMENTS, AND TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 41-18-40, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA AMUSEMENT PARK RIDES SAFETY CODE, SO AS TO MAKE CONFORMING CHANGES.

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

Citation

SECTION 1. This act may be cited as the "South Carolina Rental Kart Age Act."

Rental kart operation and safety requirements

SECTION 2. Section 41-18-30(D) of the S.C. Code is amended to read:

(D) This chapter applies to concession go-karts. This chapter does not apply to rental karts, provided that:

(1) An individual is allowed to operate a rental kart only if they:

(a) are eighteen years of age or older; or

(b) are fifteen years of age or older and hold a valid driver's license or permit.

(2) No person shall operate a rental kart in any establishment where other amusement devices are located or operated. Establishments offering rental karts must not share an entrance or exit with any other establishment offering an amusement device and must charge a separate fee for operating rental karts.

(3) A sign shall be on display on the premises where rental karts are operated stating: "Rental karts are not amusement devices regulated by the South Carolina Department of Labor, Licensing and Regulation. Rental karts may not reach speeds in excess of fifty miles per hour. Drive at your own risk."

(4) The owner of a rental kart must carry an insurance policy in an amount not less than one million dollars per occurrence against liability for injury to persons or property arising out of the operation or use of such device.

(5) Rental karts operated by persons under eighteen years of age must be equipped with an occupant restraint system and a rollover protection system.

Definitions

SECTION 3. Section 41-18-40(15) and (16) of the S.C. Code is amended to read:

(15)(a) "Concession go-kart" means an amusement ride or device that:

(i) is a single vehicle, unattached to other vehicles or a common frame system;

(ii) is powered without connection to a common energy source;

(iii) is driver-controlled with respect to acceleration, speed, braking, and steering;

(iv) operates within the containment system of a defined track;

(v) simulates competitive motor sports; and

(vi) is used by members of the general public for a fee.

(b) A concession go-kart has a maximum capacity of two persons and no cargo capacity.

(16) "Rental kart" means an open-wheel motorsport vehicle, with or without gearbox or shifter capability, used for racing not in excess of fifty miles per hour. Rental kart does not mean "concession go-kart" as defined by this section.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 164

(R133, S222)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 2, TITLE 56 SO AS TO DEFINE THE TERM "UTILITY TERRAIN VEHICLE (UTV)" AND TO PROVIDE FOR THE REGISTRATION AND OPERATION OF UTV'S ON THE HIGHWAYS AND STREETS OF THE STATE; BY AMENDING SECTION 56-1-10, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "OFF-ROAD USE ONLY"; BY AMENDING SECTION 38-77-30, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "INDIVIDUAL PRIVATE PASSENGER AUTOMOBILE" TO INCLUDE CERTAIN UTV'S; BY ADDING SECTION 56-2-5140 SO AS TO PROVIDE FARMERS HOLDING SCATE CARDS AND DRIVER'S LICENSES MAY OPERATE CERTAIN UTV'S

WITHOUT RESTRICTIONS; TO AMEND SECTION 56-3-630, RELATING TO PRIVATE PASSENGER MOTOR VEHICLES, SO AS TO CLASSIFY UTV'S AS PRIVATE PASSENGER MOTOR VEHICLES; AND TO AMEND SECTION 56-2-90, RELATING TO THE OPERATION OF GOLF CARTS, SO AS TO EXEMPT CERTAIN MINOR PASSENGERS FROM WEARING SAFETY BELTS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR THE OPERATION OF GOLF CARTS DURING CERTAIN ATHLETIC EVENTS.

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

Utility terrain vehicles

SECTION 1. Chapter 2, Title 56 of the S.C. Code is amended by adding:

Article 5

Utility Terrain Vehicles

Section 56-2-5000. For the purposes of this article, a "Utility Terrain Vehicle (UTV)" means a side-by-side, four-wheel drive, off-road vehicle intended to transport individuals, cargo, or both with a top speed over fifty-five miles per hour; a motor vehicle of at least four hundred and fifty cubic centimeters; eighty inches or less in overall width; designed to travel on four or more wheels, two or four tracks, or combinations of four or more tracks and wheels; using a steering wheel for steering control; with a nonstraddle seat; and with a Gross Vehicle Weight Rating of no more than four thousand pounds.

Section 56-2-5010. A person operating a UTV on a public highway must be at least seventeen years of age, hold a valid driver's license that permits the operation of a motor vehicle at any time, and have in his possession:

(1) the license plate and registration certificate;

(2) proof of liability insurance in conformance with Section 38-77-140; and

(3) his driver's license.

Section 56-2-5020. (A) A person who holds a beginner's permit pursuant to Section 56-1-50 or solely a moped operator's license

pursuant to Section 56-1-1720 may not operate a UTV on a public highway, even if a licensed driver accompanies the beginner's permit holder in the UTV pursuant to Section 56-1-50(B)(1).

(B) A person who holds a temporary alcohol license, route restricted driver's license, provisional driver's license, or solely a motorcycle license may not operate a UTV on a public highway.

(C) It is unlawful to operate a UTV on a road if the UTV has a modified exhaust system which causes the operation of the UTV to be louder than its manufactured design.

Section 56-2-5030. A child under eight years old is not permitted to be a passenger in a UTV that is being operated on a public highway.

Section 56-2-5040. A person under the age of twenty-one operating or riding as a passenger in a UTV being operated on a public highway must wear the protective gear described in Sections 56-5-3660 and 56-5-3670.

Section 56-2-5050. A person operating or riding as a passenger in a UTV being operated on a public highway must wear a fastened safety belt that complies with the provisions of Section 56-2-5060. An operator or passenger who violates this subsection must be fined pursuant to Section 56-5-6540.

Section 56-2-5060. A registered UTV must be equipped with:

(1) a Type 2 seat belt assembly conforming to 49 C.F.R. 571.209 installed at each designated seating position; and

(2) operable headlights, brake lights, taillights, and turn signals.

Section 56-2-5070. (A) UTVs are exempt from the provisions of Section 56-3-627.

(B) A registered UTV is subject to road-use fees for vehicles powered by electric, hydrogen, and fuels other than motor fuel pursuant to Section 56-3-645.

(C) UTVs are subject to sales tax pursuant to Chapter 36, Title 12.

(D) The owner of a UTV is exempt from the payment of property taxes in the county in which the UTV or Farm UTV is registered.

Section 56-2-5080. (A) A person may not operate a UTV on any interstate highway.

(B) The Department of Transportation may prohibit the operation of UTVs on any highway if it determines that the prohibition is necessary in the interest of safety.

Section 56-2-5090. (A) The Department of Motor Vehicles shall not register or renew the registration of a UTV unless a certificate of title has been issued by the department to the owner or an application has been delivered by the owner to the department. The fee for a certificate of title is contained in Section 56-19-420. The department may require a bill of sale, invoice, or other sales document to properly title a UTV under this section. Certificates of title issued under this section must carry the brand "off road use only" to designate that the UTV's Manufacturer Certificate of Origin or equivalent document of origin stipulates that a UTV is not manufactured for use on a public highway.

(B) To operate a UTV on a public highway, a person must:

(1) present proof of ownership, proof of liability insurance, and pay a ten-dollar biennial fee;

(2) register his UTV in the same fashion as a passenger vehicle pursuant to this title, unless otherwise provided in this article; and

(3) obtain a license plate that must be affixed to the rear of the UTV in an unobscured manner.

(C) The owner of a UTV is responsible for renewing his registration, which is only required for use of the UTV on a public highway, biennially directly with the Department of Motor Vehicles.

(D) The biennial fee shall be allocated as follows:

(1) Two dollars of each biennial fee must be placed by the Comptroller General in a special restricted account to be used solely by the department for the costs associated with the production and issuance of new license plates pursuant to Section 56-3-1230.

(2) Four dollars of the biennial registration fee must be placed in the State Highway Fund as established by Section 57-11-20 to be distributed by the Comptroller General.

(3) Four dollars of the biennial registration fee must be placed in the account of the South Carolina Transportation Infrastructure Bank.

Section 56-2-5100. (A) A municipality or a county within its unincorporated portions may, by ordinance:

(1) stipulate the hours, methods, and locations of UTV operations, provided that UTVs may only be operated on a highway where the speed limit is fifty-five miles per hour or less; and

(2) permit the operation of UTVs at night, provided that UTVs may only be operated on a highway where the speed limit is fifty-five miles per hour or less.

(B) A municipality or a county within its unincorporated portions may not impose any tax or fee for the operation of a UTV on a public

highway.

(C) A municipality or a county within its unincorporated portions may not require proof of property ownership or proof of long-term rental agreement as a requirement in which to receive a decal to operate a UTV within its limits.

Section 56-2-5110. In the absence of an ordinance enacted pursuant to Section 56-2-5100, a registered UTV may:

(1) be operated only on a secondary highway where the speed limit is fifty-five miles per hour or less;

(2) be operated only within ten miles of the address on the registration, or only within ten miles of a point of ingress and egress of a gated community if the address is within a gated community; and

(3) cross a highway at an intersection where the speed limit is more than fifty-five miles per hour.

Section 56-2-5130. (A) A UTV dealer or employee of a UTV dealership shall not be held liable for damages for personal injury, death, or property damage resulting from UTV use on public roads if that UTV is not designed to be operated on public roads.

(B) A company that manufactures UTVs not intended for public road use shall not be held liable for damages for personal injury, death, or property damage resulting from UTV use on public roads unless it is determined that a defect existed at the time the product left the company's possession or control that caused the damages.

Definition

SECTION 2. Section 56-1-10(37) of the S.C. Code is amended to read:

(37) "Off Road Use Only" means a brand added to a vehicle's title by the department to designate a vehicle's Manufacturer Certificate of Origin or equivalent document of origin designating a vehicle is not manufactured for use on public roads. The department shall not register and license the vehicle pursuant to Section 56-3-350, unless otherwise specified in Article 5, Chapter 2, Title 56. Vehicles brought into this State from a foreign jurisdiction without a title that clearly says "Off Road Use Only", or its equivalent, which do not meet Federal Motor Vehicle Safety Standards may be subject to this brand at the department's discretion.

Definition

SECTION 3. Section 38-77-30(5.5)(a) of the S.C. Code is amended to read:

(a) "Individual private passenger automobile" means the following types of motor vehicles owned by or leased under a long-term contract by an individual or individuals:

(i) motor vehicles of the private passenger type or station wagon type;

(ii) panel trucks, delivery sedans, vehicles with a pickup body, vans, or similar motor vehicles designed for use on streets and highways and so licensed;

(iii) motor homes, so long as the motor vehicles described in (ii) and (iii) are not used in the occupation, profession, or business of the insured other than farming and ranching;

(iv) motorcycles; and

(v) utility terrain vehicles (UTVs), as defined in Section 56-2-5000, but only if registered for road use pursuant to Article 5, Chapter 2, Title 56.

Utility terrain vehicle operation by farmers

SECTION 4. Chapter 2, Title 56 of the S.C. Code is amended by adding:

Section 56-2-5140. Notwithstanding any other provision of law, a farmer with a valid SCATE card from the South Carolina Department of Agriculture and a valid driver's license may operate a UTV or other similarly motorized vehicle with a top speed less than fifty-five miles per hour without restriction, if it is being operated within ten miles of the operator's agricultural operation.

Private passenger motor vehicles

SECTION 5. Section 56-3-630 of the S.C. Code is amended to read:

Section 56-3-630. The Department of Motor Vehicles shall classify as a private passenger motor vehicle every motor vehicle which is designed, used, and maintained for the transportation of ten or fewer persons, UTVs and trucks having an empty weight of nine thousand pounds or less and a gross weight of eleven thousand pounds or less,

except a motorcycle, motorcycle three-wheel vehicle, or moped. The department shall classify a three-wheel vehicle by the manufacturer's certificate of origin for the vehicles initial registration. For subsequent registration, the department shall classify the three-wheel vehicle by its title document. This section does not relieve or negate any applicable fees required under Section 56-3-660.

Golf carts

SECTION 6.A. Section 56-2-90(E) of the S.C. Code is amended to read:

(E) Each golf cart passenger that is under the age of twelve years old, when it is being operated on the public streets and highways of this State, must wear a fastened safety belt. This subsection does not apply to a passenger of a golf cart owned by a golf course and being operated in conjunction with playing golf on the same course.

(F)(1) Notwithstanding any other provision of this section, a golf cart may be operated along a primary highway, secondary highway street, or road within a one-half mile radius of a Division I collegiate athletic event, or an event at a coliseum or arena that can hold a capacity of at least nineteen thousand individuals, for a period of three hours before the event commences until one hour after the event ends provided:

(a) a law enforcement agency is controlling traffic during such athletic event; and

(b) the golf cart and the person operating the golf cart are in compliance with subsections (A), (B), and (E).

(2) A golf cart operated at night pursuant to this subsection must operate with working headlights and taillights.

B. The provisions of this SECTION take effect upon approval of the Governor.

Time effective

SECTION 7. This act takes effect six months after approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 165

(R136, S436)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-43-220, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT FEE IN LIEU OF TAX AGREEMENTS MAY INCLUDE CERTAIN COMMERCIAL AIRCRAFT.

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

Taxation of commercial aircraft

SECTION 1. Section 12-43-220(g) of the S.C. Code is amended to read:

(g) All real and personal property owned by or leased to companies primarily engaged in the transportation for hire of persons or property and used by such companies in the conduct of such business and required by law to be assessed by the department shall be taxed on an assessment equal to nine and one-half percent of the fair market value of such property. Notwithstanding this provision, until June 30, 2027, fee in lieu of tax agreements may include commercial aircraft as part of a qualifying project in support of economic development, subject to all other statutory requirements for fee in lieu of tax agreements, as approved by the Coordinating Council for Economic Development.

The department shall apply an equalization factor to real and personal property owned by or leased to transportation companies for hire as mandated by federal legislation.

Notwithstanding any other provision of this article, on June 3, 1975, if it is found that there is a variation between the ratios being used and those stated in this section, the county may provide for a gradual transition to the ratios as herein provided for over a period not to exceed seven years; provided, however, that all property within a particular classification shall be assessed at the same ratio, provided, further, however, that all property enumerated in subsection (a) shall be assessed at the ratio provided in such subsection and the property enumerated in subsections (b), (c), (d), (e), (f), and (g) shall be increased or decreased

to the ratios set forth in this article by a change in the ratio of not less than one-half of one percent per year nor more than one percent per year. Provided, however, that notwithstanding the provisions of this section, a county may, at its discretion, immediately implement the assessment ratios contained in subsections (b), (c), (d), (e), and (f). Provided, however, that livestock shall not be subject to ad valorem taxation unless such livestock is physically located within the State for a period in excess of nine months. Provided, that this section shall not apply to farm animals and farm equipment in use on a farm in those counties which do not tax such property as of June 3, 1975.

Provided, however, all agricultural or forest land within easements granted to public bodies, agencies, railroads, or utilities for rights of way of thirty feet in width or greater shall be assessed at the same cropland value per acre as soil class 7 in schedule 1 of R 117-126 of the State Department of Revenue. In order to receive such assessment the landowner must apply to the tax assessor of the county where the easement is located, with documentation of the existence, location, and amount of acreage contained in the easement.

As used in this section, fair market value with reference to real property means fair market value determined in the manner provided pursuant to Article X of the Constitution of this State, Section 12-37-930 and Article 25, Chapter 37 of this title.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 166

(R138, S449)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-30, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA PHARMACY PRACTICE ACT, SO AS TO PROVIDE A DEFINITION FOR COLLABORATIVE PRACTICE AGREEMENTS; BY ADDING SECTION 40-43-245 SO AS TO AUTHORIZE PHARMACISTS AND PHYSICIANS TO ENTER INTO COLLABORATIVE PRACTICE AGREEMENTS; BY AMENDING SECTION 40-47-20, RELATING TO DEFINITIONS FOR PHYSICIANS AND MISCELLANEOUS HEALTHCARE PROFESSIONALS, SO AS TO PROVIDE A DEFINITION FOR COLLABORATIVE PRACTICE AGREEMENTS; BY ADDING SECTION 40-47-205 SO AS TO AUTHORIZE PHYSICIANS AND PHARMACISTS TO ENTER INTO COLLABORATIVE PRACTICE AGREEMENTS; AND TO REQUIRE THE STATE BOARD OF PHARMACY AND THE STATE BOARD OF MEDICAL EXAMINERS TO PROMULGATE REGULATIONS GOVERNING THE USE OF COLLABORATIVE PRACTICE AGREEMENTS AND TO PROVIDE THAT COLLABORATIVE PRACTICE AGREEMENTS MAY NOT BE IMPLEMENTED UNTIL AFTER THE REGULATIONS ARE EFFECTIVE.

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

Pharmacy Practice Act, "collaborative practice agreement" defined

SECTION 1. Section 40-43-30 of the S.C. Code is amended by adding:

(62) "Collaborative practice agreement" means a written agreement between a pharmacist and a physician, both of whom are licensed and in good standing in this State, actively practicing, and physically located within the geographic boundaries of this State, that sets out a plan to provide evidence-based medication management services and other related patient care services that support the treatment goals established by the physician including, but not limited to, monitoring, education, and assessments for specifically identified patients delegated to the pharmacist by the physician responsible for treating the patients. The pharmacist and the physician must have access to the same electronic

medical records system or, if that is not practicable, must develop a HIPAA-compliant method to share written medical records to document regular, secure, and timely communication between the physician and the pharmacist to ensure coordinated patient care.

Pharmacy Practice Act, collaborative practice agreements with physicians authorized

SECTION 2. Chapter 43, Title 40 of the S.C. Code is amended by adding:

Section 40-43-245. Pharmacists are authorized to enter into collaborative practice agreements with physicians.

Medical Practice Act, "collaborative practice agreement" defined

SECTION 3. Section 40-47-20 of the S.C. Code is amended by adding:

(60) "Collaborative practice agreement" means a written agreement between a pharmacist and a physician, both of whom are licensed and in good standing in this State, actively practicing, and physically located within the geographic boundaries of this State, that sets out a plan to provide evidence-based medication management services and other related patient care services that support the treatment goals established by the physician including, but not limited to, monitoring, education, and assessments for specifically identified patients delegated to the pharmacist by the physician responsible for treating the patients. The pharmacist and the physician must have access to the same electronic medical records system or, if that is not practicable, must develop a HIPAA-compliant method to share written medical records to document regular, secure, and timely communication between the physician and the pharmacist to ensure coordinated patient care.

Medical Practice Act, collaborative practice agreements with pharmacists authorized

SECTION 4. Chapter 47, Title 40 of the S.C. Code is amended by adding:

Section 40-47-205. Physicians are authorized to enter into collaborative practice agreements with pharmacists.

Regulations and implementation

SECTION 5. The State Board of Pharmacy and the State Board of Medical Examiners shall each promulgate regulations governing the use of collaborative practice agreements. Collaborative practice agreements may not be implemented until the effective date of the regulations promulgated pursuant to this section.

Time effective

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 167

(R142, S477)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-43-210, RELATING TO THE DEFINITION OF A "SELF-ADMINISTERED HORMONAL CONTRACEPTIVE" IN THE PHARMACY PRACTICE ACT, SO AS TO REVISE THE DEFINITION; BY AMENDING SECTION 40-43-230, RELATING TO PHARMACISTS PERMITTED TO DISPENSE SELF-ADMINISTERED HORMONAL CONTRACEPTIVES IN CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE SUCH DISPENSATIONS MAY BE MADE PURSUANT TO CERTAIN WRITTEN JOINT PROTOCOLS; AND BY AMENDING SECTION 40-43-240, RELATING TO WRITTEN JOINT PROTOCOLS BY THE BOARD OF MEDICAL EXAMINERS AND THE BOARD OF PHARMACY TO AUTHORIZE PHARMACISTS TO DISPENSE SELF-ADMINISTERED HORMONAL CONTRACEPTIVES WITHOUT PATIENT-SPECIFIC WRITTEN ORDERS, SO AS TO INSTEAD PROVIDE THE DISPENSATIONS MAY BE MADE UNDER STANDING ORDERS OR WITHOUT

STANDING ORDERS WHEN DISPENSED OR ADMINISTERED PURSUANT TO CERTAIN WRITTEN JOINT PROTOCOLS.

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

Definition

SECTION 1. Section 40-43-210(9) of the S.C. Code is amended to read:

(9) "Self-administered hormonal contraceptive" means a drug composed of a hormone or a combination of hormones that is approved by the United States Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed or dispensed may administer to herself. "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch. "Self-administered hormonal contraceptive" does not include an intrauterine device or any drug intended to terminate a pregnancy.

Pharmacist dispensations and administrations of self-administered hormonal contraceptives

SECTION 2. Section 40-43-230(A) of the S.C. Code is amended to read:

(A) A person licensed under the South Carolina Pharmacy Practice Act who is acting in good faith and exercising reasonable care as a pharmacist and who is employed by a hospital or a pharmacy that is permitted by this State may dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive pursuant to a standing order by a prescriber, or pursuant to the written joint protocols as required by this chapter, to a patient who is:

(1) eighteen years of age or older; or

(2) under eighteen years of age if the person has evidence of a previous prescription from a practitioner for a self-administered hormonal contraceptive or an injectable hormonal contraceptive.

Protocols

SECTION 3. Section 40-43-240(A) of the S.C. Code is amended to read:

(A) The Board of Medical Examiners and the Board of Pharmacy must issue a written joint protocol to authorize a pharmacist to dispense a self-administered hormonal contraceptive or administer an injectable hormonal contraceptive under a standing order or without a standing order when the contraceptive is being dispensed or administered pursuant to the written joint protocols as required by this chapter.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 168

(R145, S619)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-27-610, RELATING TO PRIORITY OF DISTRIBUTION FOR CLAIMS, SO AS TO ADD FUNDING AGREEMENTS.

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

Priority of distribution

SECTION 1. Section 38-27-610(2) of the S.C. Code is amended to read:

(2) Class 2. Claims under policies, including claims of federal, state, and local governments, for losses incurred, loss claims, including third

party claims, and claims of a guaranty association or foreign guaranty association. Claims under life insurance, annuity policies, and funding agreements whether for death proceeds, annuity proceeds, or investment values, must be treated as loss claims. That portion of a loss, indemnification for which is provided by other benefits or advantages recovered by the claimant, must not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death, or as proceeds of life insurance or as gratuities. No payment by an employer to his employee may be treated as a gratuity.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 169

(R148, S711)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-60, RELATING TO SCHOOL CROSSING GUARDS, SO AS TO AUTHORIZE SCHOOL CROSSING GUARDS TO DIRECT AND CONTROL TRAFFIC ON PUBLIC ROADWAYS NEAR SCHOOLS TO REDUCE CONGESTION RELATED TO STUDENT DROP-OFF AND PICKUP, TO REQUIRE CERTAIN VISIBILITY GARMENT OR EQUIPMENT REQUIREMENTS, AND TO PROVIDE CERTAIN TRAINING REQUIREMENTS.

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

School crossing guards, traffic control authority, visibility measures, training

SECTION 1. Section 59-63-60 of the S.C. Code is amended to read:

Section 59-63-60. (A) No person charged with the responsibility of assisting school children to cross streets near schools shall engage in such activity unless he is attired with some type of garment or equipment that can be clearly seen by the driver of an approaching motor vehicle.

(B) A person charged with the responsibility to direct and control traffic on public roadways near schools for the purpose of reducing traffic congestion related to student drop-off or pickup shall be attired with some type of garment or equipment that can be clearly seen by the driver of an approaching motor vehicle and shall receive appropriate training pertaining to traffic safety.

(C) The school district official of each school district who is responsible for supervising such personnel shall be responsible for seeing that such persons within his district are furnished with the articles required by this section. The South Carolina Criminal Justice Academy shall provide training to certified law enforcement officers to enable such officers to instruct designated individuals within school districts in the safe direction and control of traffic.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 170

(R149, S715)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-56-50, RELATING TO ORGANIZATIONS EXEMPT FROM REGISTRATION PROVISIONS, SO AS TO INCREASE THRESHOLDS FOR CHARITIES REQUESTING EXEMPTIONS; BY AMENDING SECTION 33-56-70, RELATING TO CONTRACTS BETWEEN PROFESSIONAL SOLICITORS AND CHARITABLE ORGANIZATIONS, SO AS TO LIMIT FILING REQUIREMENTS TO COMMERCIAL CO-VENTURERS UNDER CERTAIN CONDITIONS; BY AMENDING SECTION 33-56-90, RELATING TO DISCLOSURES TO SOLICITED PARTIES, SO AS TO REQUIRE ANY ENTITY THAT SOLICITS FOR CHARITABLE ORGANIZATIONS TO DISCLOSE THE LEGAL NAME AND PURPOSE OF THE CHARITY FOR WHICH THEY ARE SOLICITING; BY AMENDING SECTION 33-56-110, RELATING TO THE REGISTRATION OF PROFESSIONAL SOLICITORS, FUNDRAISING COUNSEL, OR COMMERCIAL CO-VENTURERS, SO AS TO LIMIT REGISTRATION REQUIREMENTS FOR COMMERCIAL CO-VENTURERS SOLICITING MORE THAN TEN THOUSAND DOLLARS IN A SINGLE SOLICITATION CAMPAIGN AND TO REQUIRE REPORTING TO THE SECRETARY OF STATE IF THE CONTRIBUTIONS COLLECTED BY A CO-VENTURER EXCEED THAT LIMIT; AND BY AMENDING SECTION 33-56-120, RELATING TO PROHIBITED MISREPRESENTATIONS, SO AS TO PROHIBIT COMMERCIAL CO-VENTURERS FROM USING REGISTRATION WITH THE SECRETARY OF STATE AS AN ENDORSEMENT BY THE STATE.

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

Organizations exempt from registration provisions

SECTION 1. Section 33-56-50 of the S.C. Code is amended to read:

Section 33-56-50. (A) The following are not required to file registration statements with the Secretary of State if their fundraising activities are not conducted by professional solicitors, professional fundraising counsel, or commercial co-venturers:

(1) an educational institution which solicits contributions from only its students and their families, alumni, faculty, friends, and other constituencies, trustees, corporations, foundations, and individuals who are interested in and supportive of the programs of the institution;

(2) a person requesting contributions for the relief of an individual specified by name at the time of the solicitation when all of the contributions collected, without deductions of any kind, are turned over to the named beneficiary for his use, as long as the person soliciting the contributions is not a named beneficiary;

(3) a charitable organization which does not solicit, collect, earn, or receive gross revenue in excess of twenty-five thousand dollars during a fiscal year and has received a letter of tax exemption from the Internal Revenue Service, if all functions, including fundraising activities, of the organization exempted pursuant to this item are conducted by persons who are compensated no more than five hundred dollars in a year for their services and no part of their assets or income inures to the benefit of or is paid to an officer or a member. If the gross revenue solicited, collected, earned, or received by the organization exceeds this amount, then the organization must register with and report to the Secretary of State as required by this chapter within thirty days after the date the gross revenue exceeds this amount;

(4) an organization which solicits exclusively from its membership, including a utility cooperative;

(5) a veterans' organization which has a congressional charter; and

(6) the State, its political subdivisions, and an agency or a department of the State which are subject to the disclosure provisions of the Freedom of Information Act.

(B) The following are not required to file registration statements with the Secretary of State regardless of whether or not their fundraising activities are conducted by professional solicitors, professional fundraising counsel, or commercial co-venturers:

(1) a public school district located in the State and any public school teaching pre-K through grade twelve located within the public school district. For purposes of this chapter, the term "public school" includes

any student organization within the school that does not maintain separate financial accounts or a separate federal Employer's Identification Number (EIN) from the school and whose fundraising revenues are deposited in the school's student activity fund; and

(2) a charitable organization that does not solicit, collect, earn, or receive gross revenue in excess of ten thousand dollars during a fiscal year. If the gross revenue solicited, collected, earned, or received by the organization exceeds this amount, then the organization shall register and report to the Secretary of State as required by this chapter within thirty days after the date the gross revenue exceeds this amount.

(C) A charitable organization claiming to be exempt from the registration provisions of this chapter and which solicits charitable contributions must submit annually to the Secretary of State, on forms prescribed by the Secretary of State, the name, address, and purpose of the organization and a statement setting forth the reason for the claim for exemption. If appropriate, the Secretary of State or his appropriate division shall issue a letter of exemption that may be exhibited to the public. A filing fee is not required of an exempt organization.

(D) A professional solicitor, professional fundraising counsel, or commercial co-venturer conducting fundraising activities on behalf of an exempt organization must comply with the registration and filing requirements of this chapter.

Contracts with professional solicitors and charitable organizations

SECTION 2. Section 33-56-70(A), (D) and (E) of the S.C. Code is amended to read:

(A) A contract or agreement between any professional fundraising counsel, professional solicitor, or commercial co-venturer required to register with the Secretary of State pursuant to Section 33-56-110 and a charitable organization must be in writing and filed with the Secretary of State at least ten days before the professional fundraising counsel, professional solicitor, or commercial co-venturer begins any solicitation activity or any other activity contemplated by the contract or agreement in this State. In addition, a professional solicitor or commercial co-venturer shall attach a completed Notice of Solicitation form that complies with the requirements of this section to the contract or agreement filed with the Secretary of State.

(D) Solicitations or services pursuant to a contract or agreement between a charitable organization and a professional solicitor,

professional fundraising counsel, or commercial co-venturer may not begin in this State until the contract or agreement has been filed with the Secretary of State and until both the charitable organization and the professional solicitor, professional fundraising counsel, or commercial co-venturer are registered with the Secretary of State as required pursuant to this chapter.

(E) Within ninety days after a solicitation campaign has been completed, or within ninety days after the anniversary of a solicitation campaign lasting more than one year, a professional solicitor or commercial co-venturer required to register with the Secretary of State pursuant to Section 33-56-110 shall file with the Secretary of State a joint financial report for the campaign, including gross revenue, an itemization of expenses, and the amount paid to the charitable organization. This joint financial report must be completed on the form prescribed by the Secretary of State, signed by both an authorized official of the professional solicitor or commercial co-venturer and an authorized official of the charitable organization, and certified to be true.

Disclosures to solicited parties

SECTION 3. Section 33-56-90 of the S.C. Code is amended to read:

Section 33-56-90. (A) At the initial time of solicitation, a charitable organization, professional solicitor, commercial co-venturer, or other person engaging in the solicitation of charitable contributions must disclose the legal name and purpose of the charitable organization for which it is soliciting.

(B) At the initial time of solicitation, a professional solicitor must disclose its status as a "professional" or "paid" solicitor. The professional solicitor also must disclose the registered true name of the professional fundraising organization for which it works and the registered true name, location, and purpose of the charitable organizations for which it is soliciting. Upon oral or written request of the solicited party, a professional solicitor also must disclose the percentage of gross receipts with which the professional solicitor is compensated including the amount the professional solicitor must be reimbursed as payment for fundraising costs. The professional solicitor also must disclose the guaranteed minimum percentage of gross receipts to be remitted or retained by the charitable organization excluding the amount which the charitable organization must pay for fundraising costs.

(C) Upon oral or written request by the solicited party, the professional solicitor must deliver to the solicited party within fifteen

business days of the request a:

(1) financial statement of the charitable organization disclosing assets, liabilities, fund balances, revenue, and expenses for the preceding fiscal year. This financial statement must be the most recently submitted annual financial report pursuant to Section 33-56-60; and

(2) copy of the professional solicitor's or charitable organization's current registration certification from the Secretary of State.

(D) A professional solicitor that fails to comply with the provisions of this section is liable for an administrative fine not to exceed two thousand dollars for each separate violation.

(E) An offense committed in violation of this section is considered to have been committed at the place where the solicitation either was initiated or was received.

Registration of professional solicitor

SECTION 4. Section 33-56-110(A) of the S.C. Code is amended to read:

(A) A person may not act as a professional solicitor or professional fundraising counsel for a charitable organization subject to the provisions of this chapter without first having registered with the Secretary of State. If a person intends to solicit, collect, earn, or receive charitable contributions in excess of ten thousand dollars during a solicitation campaign, then the person may not act as a commercial co-venturer for a charitable organization subject to the provisions of this chapter without first registering with the Secretary of State. Registration includes filing of a complete application and filing fee. An application for registration must be in writing under oath or affirmation in the form prescribed by the Secretary of State and accompanied by an annual fee of fifty dollars.

Registration of commercial co-venturer

SECTION 5. Section 33-56-110 of the S.C. Code is amended by adding:

(J) If a commercial co-venturer intending to be exempt from registration with the Secretary of State collects, earns, or receives charitable contributions in excess of ten thousand dollars during a solicitation campaign, then the commercial co-venturer shall register and report to the Secretary of State as required by this chapter within thirty

days after the date the contributions exceed this amount.

Misrepresentation prohibited

SECTION 6. Section 33-56-120(B) of the S.C. Code is amended to read:

(B) A charitable organization, professional fundraising counsel, professional solicitor, or commercial co-venturer shall not use or exploit the fact of registration with the Secretary of State so as to lead the public to believe that the registration in any way constitutes an endorsement or approval by the State. However, the use of the following statement is not considered a prohibited exploitation: "Registered with the Secretary of State as required by law." Registration does not imply endorsement of a public solicitation for contributions.

Time effective

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 171

(R150, S780)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-23-20, RELATING TO HIGH-COST AND CONSUMER HOME LOANS DEFINITIONS, SO AS TO PROVIDE THAT THE CONVENTIONAL MORTGAGE RATE MEANS THE AVERAGE PRIME OFFER RATE.

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

Conventional mortgage rate

SECTION 1. Section 37-23-20(6) and (15) of the S.C. Code is amended to read:

(6) "Conventional mortgage rate" means the average prime offer rate as defined in 12 C.F.R. 1026.35(a)(2) that applies to a comparable transaction, as published by the United States Consumer Financial Protection Bureau as of the last date the interest rate for the transaction is set.

(a) The relevant date to use to determine the average prime offer rate for a comparable transaction is the date on which the interest rate was set by the lender for the final time before final action is taken including, but not limited to, consummation, regardless of whether market rates have increased, decreased, or remained the same since the final rate was set.

(b) If the index is not available, the administrator may issue an order or interpretation adopting a substitute index.

(15) "Threshold" means either (A) or (B) in a loan transaction, whichever is applicable:

(A) without regard to whether the loan transaction is a " residential mortgage transaction" as the term " residential mortgage transaction" is defined in Section 226.2(a)(24) of Title 12 of the Code of Federal Regulations, as amended, the annual percentage rate of the loan at the time the loan is consummated is such a rate that the loan is considered to be a "mortgage" pursuant to Section 152 of the Home Ownership and Equity Protection Act of 1994 (Pub. Law 103-25, [15 U.S.C. Section 1602(aa)]), as amended, and regulations adopted pursuant to it by the Federal Reserve Board, including Section 226.32 of Title 12 of the Code of Federal Regulations, as amended, except with regard to a mortgage or loan secured by a nonreal estate manufactured housing lien, the term "threshold" means the annual percentage rate of the nonreal estate secured manufactured housing lien at the time the mortgage or loan is consummated exceeds by more than ten percentage points the yield on United States Treasury securities having comparable periods of maturity as of the fifteenth day of the month immediately preceding the month in which the application of the extension of credit is received by the lender;

(B) the total points and fees payable by the borrower at or before the loan closing exceed:

(i) five percent of the total loan amount if the total loan amount is twenty thousand dollars or more;

(ii) the lesser of eight percent of the total loan amount or one thousand dollars if the total loan amount is less than twenty thousand dollars; or

(iii) three percent of the total loan amount for nonreal estate secured manufactured housing transactions if the total loan amount in the nonreal estate secured housing transaction is twenty thousand dollars or more;

(C) except that the following discount points and prepayment fees and penalties are excluded from the calculation of the total points and fees payable by the borrower:

(i) up to and including two conventional conforming discount points payable by the borrower in connection with the loan transaction, but only if the interest rate from which the loan's interest rate is discounted does not exceed the conventional mortgage rate by more than one percentage point;

(ii) up to and including one conventional conforming discount point payable by the borrower in connection with the loan transaction, but only if the interest rate from which the loan's interest rate is discounted does not exceed the conventional mortgage rate by more than two percentage points; or

(iii) a conventional prepayment penalty.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 172

(R151, S787)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 37-3-110 SO AS TO DEFINE BRIDGE LOANS; AND BY AMENDING SECTION 37-3-402, RELATING TO BALLOON PAYMENTS, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO BRIDGE LOANS.

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

Bridge loan

SECTION 1. Chapter 3, Title 37 of the S.C. Code is amended by adding:

Section 37-3-110. "Bridge loan" means a consumer loan with a maturity of less than twelve months to facilitate the acquisition or construction of residential real property intended to be occupied by the borrower. All bridge loans shall be offered under the following terms and conditions:

(1) the loan may be prepaid by the borrower at any time, without penalty; and

(2) the balloon payment, upon coming due, is allowed to be extended one time at the borrower's request for a period of three months, provided that the borrower continues to make monthly installments set forth in the original loan agreement.

Balloon payments

SECTION 2. Section 37-3-402(2) of the S.C. Code is amended to read:

(2) This section does not apply to:

(a) a transaction pursuant to a revolving loan account;

(b) a transaction to the extent that the payment schedule is adjusted to the seasonal or irregular income or scheduled payments or obligations of the consumer;

(c) a credit transaction to the extent a formula for determining the rate of the loan finance charge and any change in the amount of payment upon renegotiation or refinancing is specified in the agreement between the parties or is an alternative mortgage instrument;

(d) a transaction of a class defined by rule of the administrator as not requiring for the protection of the consumer his right to refinance as provided in this section; or

(e) bridge loans.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 173

(R152, S812)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-970, RELATING TO THE TRAFFIC-CONTROL SIGNAL LEGEND, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE RULES CYCLISTS MUST OBSERVE WHEN APPROACHING INTERSECTIONS CONTROLLED BY TRAFFIC-CONTROL DEVICES; AND BY ADDING SECTION 56-5-3530 SO AS TO PROVIDE RULES CYCLISTS MUST OBSERVE WHEN APPROACHING STOP SIGNS.

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

Cyclists approaching traffic-control devices

SECTION 1. Section 56-5-970 of the S.C. Code is amended to read:

Section 56-5-970. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, only the colors, green, red, and yellow, shall be used except for special pedestrian signals carrying a word legend. Such lights shall indicate and apply to drivers of vehicles

and pedestrians as follows:

(A) Green indication:

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control signal, as provided in Section 56-5-990, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(B) Steady yellow indication:

(1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 56-5-990, are advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(C) Steady red indication:

(1) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in item (3).

(2) Vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow, and unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication permitting the movement indicated by such arrow is shown

except as provided in items (3) and (5).

(3) Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right or to turn left from a one-way street into a one-way street after stopping as required by item (1) or (2). Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(4) Unless otherwise directed by a pedestrian-control signal as provided in Section 56-5-3110, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(5) Notwithstanding any other provision of law, if a driver of a motorcycle or moped approaches an intersection that is controlled by a traffic-control device, then the driver may proceed through the intersection on a steady red light only if the driver:

(a) comes to a full and complete stop at the intersection for one hundred twenty seconds; and

(b) exercises due care as provided by law, otherwise treats the traffic-control device as a stop sign, and determines it is safe to proceed.

(6)(a) If a cyclist approaches an intersection that is controlled by a traffic-control device, then the cyclist may proceed with caution through the intersection on a steady red light only if the cyclist:

(i) makes a complete stop at the steady red traffic-control light before entering the intersection; and

(ii) yields the right of way to all oncoming traffic that constitutes an immediate hazard during the time that the cyclist is moving across or within the intersection.

(b) A cyclist may make a:

(i) right turn at a steady red traffic-control light without stopping after slowing to a reasonable speed and yielding the right of way to oncoming traffic that constitutes an immediate hazard; or

(ii) left turn onto a one-way road at a steady red traffic-control light after stopping and yielding the right of way to oncoming traffic that constitutes an immediate hazard.

Cyclists approaching stop signs

SECTION 2. Chapter 5, Title 56 of the S.C. Code is amended by adding:

Section 56-5-3530. (A) A cyclist approaching a stop sign shall:

(1) slow down;

(2) if required to avoid an immediate hazard, stop at the stop sign

before entering the intersection; and

(3) cautiously enter the intersection and yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(B) If a cyclist meets the requirements provided in (A)(1) of this section, then the cyclist may cautiously make a right or left turn, or proceed through the intersection without stopping at the stop sign.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 174

(R153, S819)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-31-45 SO AS TO ESTABLISH A PROCEDURE FOR TUBERCULOSIS TESTING OF APPLICANTS AND NEW EMPLOYEES AT NURSING HOMES AND COMMUNITY RESIDENTIAL CARE FACILITIES.

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

Tuberculosis

SECTION 1. Chapter 31, Title 44 of the S.C. Code is amended by adding:

Section 44-31-45. (A) For the purposes of this section:

(1) "Authorized healthcare provider" means a physician, nurse practitioner, physician assistant, or registered nurse acting under written standing orders or a protocol approved by a physician.

(2) "Blood assay for mycobacterium tuberculosis" means an

interferon-gamma release assay or other blood tests for tuberculosis infection approved by the FDA.

(B)(1) Prior to an applicant for employment having resident contact at a nursing home or community residential care facility, as defined in Section 44-7-130, a facility shall:

(a) conduct an annual tuberculosis risk assessment using a high, medium, or low risk standard in accordance with CDC guidelines to determine the facility's risk classification and appropriate screening measures;

(b) request and receive from an authorized healthcare provider a signed, written declaration that the applicant:

(i) has received a negative tuberculosis screening test, either a single skin test or a single blood assay for mycobacterium tuberculosis within three months prior to resident contact; or

(ii) documentation of a negative tuberculosis screening test within the previous twelve months; and

(iii) exhibits no signs or symptoms of active tuberculosis disease.

(2) Upon receipt of documentation from an authorized healthcare provider that the applicant satisfied the provisions contained in subsection (B)(1)(b), the applicant may begin work at the nursing home or residential care facility subject to the following conditions:

(a) If the documented negative tuberculosis test was a tuberculin skin test, the nursing home or community residential care facility must place and read the second step skin test within the first fourteen days of resident contact.

(b) No further testing is required if the applicant received a negative blood assay for mycobacterium tuberculosis within three months prior to resident contact. If the applicant received a negative blood assay for mycobacterium more than three months prior to resident contact, a single tuberculin skin test or single blood assay for mycobacterium tuberculosis can be administered within the first fourteen days of resident contact to serve as the baseline.

(C) Applicants with a prior positive or newly positive tuberculosis test result or who exhibits symptoms of tuberculosis including, but not limited to, cough, weight loss, night sweats, or fever, shall immediately undergo a chest radiograph to exclude tuberculosis disease. If a physician is unable to exclude tuberculosis disease after the chest radiograph, then the applicant must be excluded from work until he is cleared by the department's tuberculosis control program. The applicant must also be evaluated for treatment of tuberculosis disease or latent tuberculosis infection pursuant to the department's and CDC's

guidelines.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 175

(R154, S829)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-25-20, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS; BY AMENDING SECTION 6-25-50, RELATING TO THE APPLICATION FILED WITH THE SECRETARY OF STATE, SO AS TO REVISE REQUIREMENTS; BY AMENDING SECTION 6-25-60, RELATING TO THE MANAGEMENT OF A JOINT SYSTEM, SO AS TO PROVIDE FOR ALTERNATIVE METHODS OF COMMISSIONER APPOINTMENT AND CONDITIONS OF SERVICE AS A COMMISSIONER; BY AMENDING SECTION 6-25-70, RELATING TO THE CHANGE IN MEMBERSHIP OF A JOINT SYSTEM, SO AS TO PROVIDE PROCEDURES FOR THE ADDITION OF A MEMBER TO A JOINT SYSTEM; BY AMENDING SECTION 6-25-80, RELATING TO THE DISSOLUTION OF A SYSTEM, SO AS TO PROVIDE PROCEDURES FOR JOINT SYSTEM RECONSTITUTION; BY AMENDING SECTION 6-25-110, RELATING TO THE AUTHORIZATION TO INCUR DEBT AND ISSUE BONDS, SO AS TO PROVIDE PROCEDURES FOR BOND ISSUANCE BY A COMMISSION APPOINTED ENTIRELY BY THE GOVERNOR; AND BY AMENDING SECTION 6-25-128, RELATING TO CONTRACTS, SO AS TO PERMIT THE AUTOMATIC EXTENSION OF CONTRACT PROVISIONS COMMENSURATE WITH TERMS OF BONDS OR OTHER

INDEBTEDNESS.

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

Definitions

SECTION 1. Section 6-25-20 of the S.C. Code is amended to read:

Section 6-25-20. For purposes of this chapter:

(1) "Joint Authority Water and Sewer System" or "joint system" means a government entity organized under this chapter to undertake or acquire a water or sewer project.

(2) "State" means the State of South Carolina.

(3) "Project" means a project undertaken by a joint authority water and sewer system to:

(a) impound, produce, treat, transmit, distribute, sell, and service water to a member, or to an authority that is not a member but who is engaged in providing water or sewer service, or to any other person or entity if water service is not otherwise available from any other source when approved by the governing body of each member; and

(b) collect, transport, process, treat, dispose, and control municipal, domestic, industrial, or communal waste, flood water, or storm water, whether in fluid, solid, or composite state, including specifically the control, abatement, or reduction of pollution for a member, or for an authority that is not a member and is engaged in waste and wastewater collection, treatment, and disposal, or to any other person or entity if sewer service is not otherwise available from any other source when approved by the governing body of each member.

(4) "Cost" or "cost of a project" means, but is not limited to, the cost of acquisition, construction, reconstruction, improvement, enlargement, or extension of any project, including the cost of studies, plans, specifications, surveys, and estimates of costs and revenues relating to the project; the cost of land, land rights, rights-of-way and easements, water rights, fees, permits, approvals, licenses, certificates, franchises, and the preparation of applications for and security for them; administrative, legal, professional, engineering, and inspection expenses; financing fees, expenses, and costs; working capital; insurance; interest on the bonds during the period of construction and for a reasonable period after construction as may be determined by the commission of the joint system; establishment of reserves; and all other expenditures of the joint system incidental, necessary, or convenient to the acquisition, construction, reconstruction, improvement, enlargement,

or extension of any project and the placing of the project in operation.

(5) "Governing body" means with respect to an authority; the board, commission, council, or other entity charged by law with governing the authority.

(6) "Authority" includes:

(a) a county or municipality incorporated under the laws of this State;

(b) a consolidated political subdivision of this State;

(c) a commission of public works; and

(d) an agency or public body created under the laws of this State and authorized by legislation to be engaged in the sale and service of water for industrial and domestic purposes, or the collection for treatment of wastewater.

(7) "Revenue bonds" and "bonds" mean bonds, notes, certificates, or other obligations of a joint system issued pursuant to the provisions of this chapter and include a refinancing or refunding of bonds, notes, certificates, or other obligations, but which must be paid solely from the revenue or another source of funds available to a joint system.

(8) "Member of a joint system" means an authority that has taken the actions necessary to form or join the joint system.

(9) "Construction note" or "note" means a note of a joint system issued to provide funding for the creation of a financing pool and the costs associated with it.

(10) "Financing agreement" means an agreement entered into by a joint system organized to create a financing pool and a member of it in connection with the lending of the proceeds of construction notes or portion thereof by the joint system to the member so as to provide for the repayment of amounts loaned and interest on it by the member to the joint system.

(11) "Financing pool" means a fund of money, obtained through the issuance of a construction note of a joint authority water and sewer system, which may be loaned to the members of it by way of interim financing. A joint system may not lend more than five percent of the principal amount of a financing pool to a not-for-profit corporation established pursuant to Chapter 35 of Title 33.

(12) "Government" means the United States of America, acting through the United States Department of Agriculture, or its successor, and the agencies and divisions of it.

(13) "Interim financing" means bond anticipation notes issued pursuant to the provisions of Sections 11-17-10 to 11-17-120 in anticipation of the issuance of bonds of an authority to be sold to the government.

(14) "Legislative delegation" means all members of the South Carolina Senate and South Carolina House of Representatives representing any county where a joint system is located.

(15) "Governor" means the Governor of the State of South Carolina.

Filing with the Secretary of State

SECTION 2. Section 6-25-50 of the S.C. Code is amended to read:

Section 6-25-50. (A) The governing bodies of the members of a joint system shall form an agreement specifying the number of commissioners to govern the joint system pursuant to Section 6-25-60.

(B) The proposed members of a joint system shall jointly file an application with the Secretary of State setting forth:

(1) the names and number of all proposed members of the joint system, the number of proposed commissioners, and the method of appointment pursuant to Section 6-25-60(B);

(2) a certified copy of a resolution of each member determining it is in its best interest to participate in the proposed joint system;

(3) the desire that the joint system be organized as a public body corporate and politic under this chapter;

(4) the name which is proposed for the joint system; and

(5) the purpose for creation of the joint system.

The Secretary of State shall file the application if after examining it and determining that it complies with the requirements in this section and that the proposed name of the joint system is not identical with that of any other corporation of the State or any agency or instrumentality or so nearly similar as to lead to confusion and uncertainty.

After the application has been filed, the Secretary of State shall issue a corporate certificate that must be filed with the application, and the joint system then must be constituted a public body corporate and politic under the name proposed in the application. The corporate certificate shall set forth the name of the joint system. There also must be stated upon the corporate certificate the purpose for which it has been created, as set forth in the application. Notice of the issuance of such corporate certificate must be given to all members of the joint system by the Secretary of State.

In any suit, action, or proceeding involving the validity or enforcement of, or relating to, contract of a joint system, the joint system in the absence of establishing fraud shall be conclusively considered to have been established in accordance with the provisions of this chapter upon proof of the issuance of the certificate by the Secretary of State. A

copy of the certificate, duly certified by the Secretary of State, is admissible in evidence in any suit, action, or proceeding and is conclusive proof of the filing and contents.

Management of a joint system

SECTION 3. Section 6-25-60 of the S.C. Code is amended to read:

Section 6-25-60. (A) The management and control of a joint system is vested in a commission that may consist of no fewer than five members and no more than eleven members. A commissioner has one vote and may have additional votes as a majority of the members of the joint system determines. Notwithstanding the provisions of this subsection requiring the commission managing a joint system to have no fewer than five members and no more than eleven members, a joint system in existence on this section's effective date and having fewer than five members or more than eleven members on this section's effective date may continue to maintain the number of members serving on this section's effective date and may add additional members as its commissioners determine.

(B) As contemplated by the initial application to the Secretary of State, commissioners serving on the commission may be appointed under one of the following procedures:

(1) The governing body of each voting member of a joint system shall appoint one or more commissioners to serve as a commissioner of the joint system. A commissioner serves at the pleasure of the governing body by which he was appointed. A commissioner, before entering upon his duties, shall take and subscribe to an oath before a person authorized by law to administer oaths to execute the duties of his office faithfully and impartially, and a record of each oath must be filed with the governing body of the appointing authority.

In the event there is an even number of members of a joint system, the project contract, bylaws, or other similar agreement for the joint system may authorize one additional member of the commission; such additional commissioner shall be recommended by the legislative delegation from each county where the joint system is located, and upon receipt of such recommendation, such additional commissioner shall be appointed by the Governor. Any gubernatorial appointment shall be for a term of four years and shall serve until a duly appointed successor is appointed and qualified. Any commissioner appointed by the Governor hereunder must reside within a household receiving utility services from the joint system or a member of the joint system. Any vacancy of such

member must be filled for the remainder of the unexpired term in the same manner as the original appointment. If a new member of a joint system is added under the provisions hereof such that there becomes an odd number of members of a joint system, any gubernatorial appointed commissioner shall be deemed to automatically vacate his position as a commissioner as of the date of the admission of such new member of a joint system and their respective appointment of a new commissioner.

(2) The commissioners may be appointed by the Governor in accordance with the following procedures:

(a) The Governor, based upon the recommendation of the legislative delegation from each county that the joint system operates, shall appoint each commissioner. Each appointed commissioner must reside within a household receiving utility services from the joint system or a member of the joint system. In making such appointments, there shall be at least one commissioner appointed by the Governor from the service area of each member of the joint system.

(b) Excepting the initial appointments as necessary to create a staggered commission term which may be two or four years, respectively, each commissioner must be appointed and serve for a term of four years and until his successor is appointed and qualified, provided that the terms of the commissioners must be staggered such that approximately one-half of the total members appointed by the Governor must be appointed or reappointed every two years. A vacancy must be filled for the remainder of the unexpired term in the manner of the original appointment. Respecting the initial commission appointed herein, the minority portion of the staggered membership, representing those authorities with the lowest number of customers of the joint system, shall serve for an initial two-year term.

(C) The commissioners of the joint system shall annually, or biennially, if provided in the bylaws of the joint system, elect, with each commissioner having one vote, one of the commissioners as chairman, another as vice chairman, and other persons who may, but need not be commissioners, as treasurer, secretary and, if desired, assistant secretary. The office of treasurer may be held by the secretary or assistant secretary. The commission may also appoint such additional officers as it deems necessary. The secretary or assistant secretary of the joint system shall keep a record of the proceedings of the joint system, and the secretary must be the custodian of all books, records, documents, and papers filed with the joint system, the minute book or journal of the joint system, and its official seal.

(D) A majority of the commissioners of the joint system shall constitute a quorum. A vacancy on the commission of the joint system

shall not impair the right of a quorum to exercise all rights and perform all the duties of a joint system. Any action taken by the joint system under the provisions of this chapter may be authorized by resolution at any regular or special meeting held pursuant to notice in accordance with bylaws of the joint system, and each resolution shall take effect immediately and need not be published or posted. Except as is otherwise provided in this chapter or in the bylaws of the joint system, a majority of the votes which the commissioners present are entitled to cast, with a quorum present, shall be necessary and sufficient to take any action or to pass any resolution. No commissioner of a joint system shall receive any compensation solely for the performance of duties as a commissioner, but each commissioner may be paid per diem, mileage, and subsistence expenses, as provided by law for state boards, committees, and commissions, incurred while engaged in the performance of such duties.

(E) All commissioners shall hold the qualifications of an elector.

(F) Commissioners appointed under subsection (B)(2) may not be an officer or employee of a member of a joint system, and no commissioner shall be permitted to serve on an ex officio basis. Separately, for commissioners appointed under subsection (B)(1), the members of the joint system may include a restriction in the project contract, bylaws, or other agreement for the joint system that no commissioner may be an officer or employee of a member of a joint system, and no commissioner shall be permitted to serve on an ex officio basis.

(G) Any commissioner appointed hereunder shall be deemed to forfeit his respective position if such person: (1) lacks, at any time during his term of office, any qualifications for the office prescribed by general law and the Constitution; or (2) is convicted of any crime, other than civil infractions or misdemeanors for which no imprisonment is imposed.

Addition of member to a joint system

SECTION 4. Section 6-25-70 of the S.C. Code is amended to read:

Section 6-25-70. (A) After the creation of a joint system, any other authority may become a member of the joint system upon:

(1) adoption of a resolution or ordinance by the governing body complying with the requirements of Section 6-25-40 including publication of notice;

(2) submission of an application to the joint system; and

(3) approval of the application by resolution of the governing body of each member of the joint system except in the case of a joint system

organized for the purpose of creating a financing pool, in which case the application must be approved by resolution of the commission.

(B) A member may withdraw from a joint system by resolution or ordinance of its governing body. A contractual right acquired or contractual obligation incurred by a member while it was a member remains in full force and effect after the member's withdrawal.

(C) Notice of a change in membership must be filed in the Office of the Secretary of State. No change is final until this filing occurs. The filing is not required if a joint system is organized only for the purpose of creating a financing pool.

(D) If a new member of the joint system is added hereunder, the approval documentation required under subsection (A)(3) shall determine whether any new commissioners shall be added to the commission as necessary to support such new member of the joint system. If a new commissioner is added, either by the members of the joint system or the Governor, as applicable, each such commissioner shall be appointed immediately.

Reconstitution of a joint system

SECTION 5. Section 6-25-80 of the S.C. Code is amended to read:

Section 6-25-80. Whenever the commission of a joint system and the governing body of each of its members shall by resolution or ordinance determine that the purposes for which the joint system was formed have been substantially fulfilled and that all bonds issued and all other obligations incurred by the joint system have been fully paid or satisfied, the commission and members may declare the joint system to be dissolved. On the effective date of the resolution or ordinance, the title to all funds and other income and property owned by the joint system at the time of dissolution must be disbursed to the voting members of the joint system according to its bylaws.

In the discretion of the members of a joint system for the proper and efficient operation of any joint system, an existing joint system may be reconstituted by following the procedures for the creation of a new joint system, mutatis mutandis. In the event of a reconstitution, any former member may elect to withdraw from the joint system prior to the effective date of the reconstitution by submitting a petition to the joint system, which shall be filed with the new application under Section 6-25-50. No withdrawal for reconstitution shall be permitted unless and until either (i) all contractual rights and obligations, including bond payment obligations, of the withdrawing member have been fulfilled to

the satisfaction of the remaining members, as certified in a resolution or ordinance of the remaining members filed with the application; or (ii) the withdrawing member remains obligated on any contract right or obligation as contemplated in Section 6-25-70(B). Upon any reconstitution withdrawal, the withdrawing member's capacity rights in the project shall immediately terminate.

Authorization to incur debt and issue bonds

SECTION 6. Section 6-25-110 of the S.C. Code is amended to read:

Section 6-25-110. A joint system may incur debt for any of its purposes and may issue bonds pledging to the payment as to both principal and interest the revenues, or any portion, derived or to be derived from all or any of its projects and any additions and betterments or extensions or contributions or advances from its members or other sources of funds available to it. A joint system may not undertake a project required to be financed, in whole or in part, with the proceeds of bonds without the approval of the governing bodies of each member which is obligated or to be obligated under any contract for the payment of amounts to be pledged as security therefore and a favorable vote of two-thirds of all commissioners. Any project may be preauthorized, preapproved, or otherwise permitted under the terms of the project contract for the joint system, and such authority, approval, or permission shall constitute all necessary approval of the respective governing bodies of each member herein. Notwithstanding the foregoing, when a commission is appointed under Section 6-25-60(B)(2), no separate approval of the governing bodies of each member shall be required for the issuance of any bonds, and such bonds shall be authorized and approved by a simple majority of the commissioners. A joint system formed only for the purpose of creating a financing pool may issue notes in anticipation of the issuance of bonds by its members to the government.

Contracts

SECTION 7. Section 6-25-128 of the S.C. Code is amended to read:

Section 6-25-128. An authority may contract to buy from the joint system water required for its present or future requirements, including the capacity and output, or a portion or share of one or more specified projects. An authority also may contract for the collection or treatment

of wastewater, including present or future capacity, or a portion or share of another project. The creation of a joint system is an alternative method whereby an authority may obtain the benefits and assume the responsibilities of ownership in a project, so a contract may provide that the authority forming the contract is obligated to make a payment required by the contract whether or not a project is completed, operable, or operating notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the water contracted for, and that the payments under the contract are not subject to reduction, whether by offset or otherwise, and are not conditioned upon the performance or nonperformance of the joint system or any other member of the joint system under the contract or any other instrument. A contract with respect to the sale or purchase of capacity or output, or a portion or share of them, of a project entered into between a joint system and its member authorities also may provide that if an authority or authorities default in the payment of its or their obligations with respect to the purchase of the capacity or output, or a portion or share of them, in that event the remaining member authorities which are purchasing capacity and output under the contract are required to accept and pay for and are entitled proportionately to and may use or otherwise dispose of the capacity or output which was to be purchased by the defaulting authority.

A contract concerning the sale or purchase of capacity and output from a project may extend for a period not exceeding fifty years from the date of the contract and may be renewable and extended upon terms as the parties may agree for not exceeding an additional fifty years; and the execution and effectiveness is not subject to any authorizations or approvals by the State or any agency, commission, or instrumentality or political subdivision of them. The contract may further provide that bonds or other indebtedness of the joint system may exceed the term of an initial or existing contract between or among the joint system and the respective members of the joint system, and in such event the contract, or at least the payment obligations of each member, shall be automatically extended to a period commensurate with the term of the bonds or other indebtedness.

Payments by an authority under a contract for the purchase of capacity and output from a joint system may be made from the revenues derived from the ownership and operation of the water system of the authority or from such other sources of funds as may be available, including any amounts received as payments in lieu of taxes. An authority may not pledge its full faith, credit, and taxing power to secure its obligations to the joint system or the bonds of the joint system. An authority is

obligated to fix, charge, and collect rents, rates, fees, and charges for water or sewer services, facilities, and commodities sold, furnished, or supplied through its water or sewer system sufficient to provide revenues adequate to meet its obligations under any contract and to pay any and all other amounts payable from or constituting a charge and lien upon the revenues, including amounts sufficient to pay the principal of and interest on general obligation bonds, if any, heretofore or hereafter issued by the authority for purposes related to its water or sewer system.

An authority that is a member of a joint system may furnish the joint system with money derived from the ownership and operation of its water or sewer system or facilities and provide the joint system with personnel, equipment, and property, both real and personal, and from any other sources legally available to it for such purposes. An authority also may provide services to a joint system.

A member of a joint system may contract for, advance, or contribute funds derived from the ownership and operation of its water or sewer system or facilities or from another legal source to a joint system as agreed upon by the joint system and the member, and the joint system shall repay the advances or contributions from the proceeds of bonds, operating revenue, or other funds of the joint system, together with interest as agreed upon by the member and the joint system.

Time effective

SECTION 8. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 176

(R155, S830)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-77-122, RELATING TO INSURERS AND AGENTS PROHIBITED FROM REFUSING TO ISSUE AUTOMOBILE INSURANCE POLICIES DUE TO CERTAIN FACTORS, SO AS TO PROVIDE THAT INSURERS CAN LIMIT THE ISSUANCE OF INSURANCE TO MEMBERS OF PARTICULAR NONPROFIT MEMBER ORGANIZATIONS.

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

Insurers and agents prohibited from refusing to issue automobile insurance policies due to certain factors

SECTION 1. Section 38-77-122(A) of the S.C. Code is amended to read:

(A)(1) No insurer or agent shall refuse to issue an automobile insurance policy as defined in Section 38-77-30 because of any one or more of the following factors: the age, sex, location of residence in this State, race, color, creed, national origin, ancestry, marital status, or income level. No insurer or agent shall refuse to issue an automobile insurance policy as defined in Section 38-77-30 solely because of any one of the following factors: the previous refusal of automobile insurance by another insurer, prior purchase of insurance through the Associated Auto Insurers Plan, or lawful occupation, including the military service, of the person seeking the coverage.

Nothing in this section prohibits any insurer from limiting the issuance of motor vehicle insurance policies only to persons engaging in or who have engaged in a particular profession or occupation, or who are members of a particular religious sect, or members of a nonprofit member organization.

(2) Nothing in this section prohibits any insurer from setting rates in accordance with relevant actuarial data.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 177

(R156, S831)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 57-1-410, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNOR SHALL APPOINT THE SECRETARY INSTEAD OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION; TO DEVOLVE THE DUTIES OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION UPON THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION; BY AMENDING SECTION 1-30-10, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING BODIES, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT PART OF THE GOVERNING BODY OF THE DEPARTMENT OF TRANSPORTATION IS A SEVEN-MEMBER COMMISSION; BY AMENDING SECTION 1-30-105, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION IS THE SECRETARY OF TRANSPORTATION; BY AMENDING SECTIONS 11-43-140 AND 11-43-150, BOTH RELATING TO THE TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO REMOVE THE CHAIRMAN OF THE DEPARTMENT OF TRANSPORTATION COMMISSION AS A DIRECTOR, TO PROVIDE THAT THE SECRETARY OF TRANSPORTATION IS

A MEMBER OF THE BOARD, AND TO MAKE A CONFORMING CHANGE; BY AMENDING SECTIONS 57-1-10, 57-1-40, 57-1-430, 57-1-500, 57-3-50, 57-1-90, 57-3-210, 57-3-700, 57-5-10, 57-5-50, 57-5-90, 57-5-310, 57-5-340, 57-13-10, 57-13-20, 57-13-40, 57-13-50, 57-25-120, 57-25-140, 57-25-150, 57-25-170, 57-25-200, 57-25-210, AND 57-1-370, ALL RELATING TO THE DEPARTMENT OF TRANSPORTATION, AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO MAKE CONFORMING CHANGES REGARDING THE COMMISSION; BY REPEALING SECTIONS 57-1-310, 57-1-320, 57-1-325, 57-1-330, 57-1-340, 57-1-350, AND SECTIONS 6, 7, AND 8 OF ACT 114 OF 2007 ALL RELATING TO THE CREATION AND FUNCTIONS OF THE DEPARTMENT OF TRANSPORTATION AND ITS COMMISSION; BY AMENDING SECTION 57-1-360, RELATING TO AUDITS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO SET FORTH CERTAIN REQUIREMENTS FOR THE CHIEF INTERNAL AUDITOR AND TO REQUIRE AN INDEPENDENT AUDIT OF THE DEPARTMENT EVERY FOUR YEARS; TO AMEND SECTION 57-3-20, RELATING TO THE DIVISIONS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO ESTABLISH CERTAIN DEPUTY SECRETARIES; BY ADDING SECTION 57-3-205 SO AS TO AUTHORIZE PUBLIC-PRIVATE PARTNERSHIPS BETWEEN THE DEPARTMENT OF TRANSPORTATION AND OTHER ENTITIES AND TO SET FORTH CERTAIN REQUIREMENTS; BY AMENDING SECTION 57-3-615, RELATING TO CERTAIN TOLLS AND USAGE CHARGES, SO AS TO SPECIFY THE CIRCUMSTANCES UNDER WHICH TOLLS AND USAGE CHARGES MAY BE IMPOSED; BY ADDING SECTION 57-3-790 SO AS TO WAIVE THE STATE'S IMMUNITY UNDER THE 11TH AMENDMENT OF THE UNITED STATES CONSTITUTION FOR CERTAIN ACTIONS OF THE DEPARTMENT OF TRANSPORTATION AND TO SPECIFY THE CIRCUMSTANCES FOR WAIVING IMMUNITY; BY ADDING SECTION 57-3-800 SO AS TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN RECIPROCAL AGREEMENTS WITH OTHER JURISDICTIONS AND TO SPECIFY THE CIRCUMSTANCES UNDER WHICH AGREEMENTS ARE ENFORCEABLE; BY ADDING SECTION 57-5-1345 SO AS TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO COORDINATE

WITH THE DEPARTMENT OF MOTOR VEHICLES TO ADMINISTER AND COLLECT TOLLS AND USAGE CHARGES; BY AMENDING SECTIONS 57-5-820 AND 57-5-830, BOTH RELATING TO DEPARTMENT OF TRANSPORTATION PROJECTS AND MUNICIPALITIES, SO AS TO SET FORTH THE PROCESS BY WHICH A MUNICIPALITY MAY OBJECT TO THE PROJECT; BY AMENDING SECTIONS 57-5-1320, 57-5-1330, 57-5-1335, 57-5-1340, 57-5-1350, 57-5-1360, 57-5-1370, 57-5-1380, 57-5-1390, 57-5-1400, 57-5-1410, 57-5-1420, 57-5-1430, 57-5-1440, 57-5-1450, 57-5-1460, 57-5-1470, 57-5-1480, 57-5-1490, AND 57-5-1495, ALL RELATING TO TURNPIKE PROJECTS, SO AS TO CHANGE THE NAME OF SUCH PROJECTS TO CHOICE LANE FACILITIES, TO SPECIFY THE CIRCUMSTANCES UNDER WHICH CHOICE LANE FACILITIES MAY BE CONSTRUCTED, TO SPECIFY THE MANNER IN WHICH BONDS MAY BE ISSUED FOR SUCH CHOICE LANE FACILITIES PROJECTS, AND TO MAKE CONFORMING CHANGES; BY ADDING SECTION 57-5-1710 SO AS TO SET FORTH THE REQUIREMENTS FOR THE DEPARTMENT OF TRANSPORTATION TO SELECT AND AWARD A CONTRACT TO A PHASED DESIGN-BUILD CONTRACTOR; BY ADDING SECTION 57-5-1720 SO AS TO AUTHORIZE THE DEPARTMENT TO AWARD HIGHWAY CONSTRUCTION CONTRACTS USING A CONSTRUCTION MANAGER/GENERAL CONTRACTOR PROCEDURE; BY AMENDING SECTIONS 56-5-4210 AND 56-5-4220, BOTH RELATING TO CERTAIN ROAD RESTRICTIONS ON LOCAL ROADS, SO AS TO SPECIFY THE CIRCUMSTANCES UNDER WHICH RESTRICTIONS MAY BECOME EFFECTIVE; BY AMENDING SECTION 11-35-710, RELATING TO EXEMPTIONS FROM THE CONSOLIDATED PROCUREMENT CODE, SO AS TO SPECIFY THE EXEMPTION FOR THE DEPARTMENT OF TRANSPORTATION AND TO EXEMPT CERTAIN ROAD-RELATED ACQUISITIONS BY THE DEPARTMENT OF PUBLIC SAFETY; BY AMENDING SECTION 12-28-2740, RELATING TO "C" FUNDS, SO AS TO PROVIDE FOR THE POWERS AND RESPONSIBILITIES OF THE COUNTY TRANSPORTATION COMMITTEES AND PROCEDURES FOR USING "C" FUND REVENUES; BY AMENDING SECTION 12-28-2920, RELATING TO THE CONSTRUCTION OF CERTAIN ROADS, SO AS TO SPECIFY THE USE OF USAGE CHARGE REVENUES; BY ADDING

SECTION 57-5-1800 SO AS TO ESTABLISH THE POTHOLE MITIGATION PROGRAM FOR THE PUBLIC REPORTING OF POTHOLE LOCATIONS; AND BY ADDING SECTION 57-1-375 SO AS TO SET FORTH A PROCESS BY WHICH COUNTY-FUNDED PROJECTS MAY REPRIORITIZE THE STATEWIDE TRANSPORTATION PLAN WITHIN THE COUNTY.

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

Secretary of Transportation appointment

SECTION 1. Section 57-1-410 of the S.C. Code is amended to read:

Section 57-1-410. The Governor shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at the pleasure of the Governor. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8-11-160 and for which funds have been authorized in the general appropriations act.

Secretary of Transportation

SECTION 2. Notwithstanding Section 57-1-410, as amended by this act, the Secretary, who is currently serving and has been confirmed by the Senate immediately before the effective date of SECTION 1, shall continue in that capacity until a successor has been appointed by the Governor and confirmed by the Senate.

Commission of the Department Transportation abolished

SECTION 3. Section 1-30-10(B)(1)(iv) of the S.C. Code is amended to read:

(iv) in the case of the Department of Transportation, a Secretary of Transportation appointed by and serving at the pleasure of the Governor.

Commission of the Department Transportation abolished

SECTION 4. Effective January 1, 2027, the Commission of the Department of Transportation is abolished and its functions, powers, duties, responsibilities, and authority are devolved upon the Secretary of the Department of Transportation unless otherwise provided for in this act.

Secretary of Transportation

SECTION 5. Section 1-30-105 of the S.C. Code is amended to read:

Section 1-30-105. (A) Effective on July 1, 1993, the following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Transportation to be initially divided into divisions for Mass Transit, Construction and Maintenance, Engineering and Planning, and Finance and Administration; however, the State Highway Commission as constituted on June 30, 1993, under the provisions of Title 56, shall be the governing authority for the department until February 15, 1994, or as soon as its successors are elected or appointed and qualified, whichever is later.

Department of Highways and Public Transportation, except the Motor Vehicle Division, which was established as the Department of Motor Vehicles by Section 56-1-5, and the State Highway Patrol, formerly provided for at Section 56-1-10, et seq.

(B) Notwithstanding another provision of law, effective January 1, 2027, the governing authority of the Department of Transportation is the Secretary of Transportation pursuant to Section 57-1-410.

Commission of the Department of Transportation abolished, conforming change

SECTION 6. Section 11-43-140 of the S.C. Code is amended to read:

Section 11-43-140. The board of directors is the governing board of the bank. The board consists of seven voting directors as follows: the Secretary of the Department of Transportation, ex officio; one director appointed by the Governor who shall serve as chairman; one director

appointed by the Governor; one director appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; one director appointed by the President of the Senate; and one member of the Senate appointed by the President of the Senate, ex officio. Directors appointed by the Governor, the Speaker of the House, and the President of the Senate shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The vice chairman must be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term.

Commission of the Department of Transportation abolished, conforming change

SECTION 7. Section 11-43-150 of the S.C. Code is amended by deleting subsection (D).

Commission of the Department of Transportation abolished, conforming change

SECTION 8. Section 57-1-10 of the S.C. Code is amended to read:

Section 57-1-10. For the purposes of this title, the following words, phrases, and terms are defined as follows:

(1) Reserved.

(2) "Department" means the Department of Transportation (DOT).

(3) "Secretary of Transportation" means the Chief Administrative Officer of the Department of Transportation.

Commission of the Department of Transportation abolished, conforming change

SECTION 9. Section 57-1-40 of the S.C. Code is amended to read:

Section 57-1-40. (A) It is unlawful for an official, an engineer, agent, or other employee, acting for or on behalf of the department, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (A) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(B) It is unlawful for a person to give or offer to give, promise, or cause or procure to be promised, offered, or given, either directly or indirectly, to an official, an engineer, agent, or other employee acting for or on behalf of the department with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection (B) is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(C) Any official or employee of the department is subject to the provisions of Chapter 13, Title 8, the State Ethics Act, and the provisions of Chapter 78, Title 15, the South Carolina Tort Claims Act.

Commission of the Department of Transportation abolished, conforming change

SECTION 10. Section 57-1-430(A) of the S.C. Code is amended to read:

(A) The secretary is charged with the affirmative duty to establish and carry out the policies of the department, to administer the day-to-day affairs of the department, to direct the implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit

Plan, and to ensure the timely completion of all projects undertaken by the department, and routine operation and maintenance requests, and emergency repairs. The secretary must represent the department in its dealings with other state agencies, local governments, special districts, and the federal government.

Commission of the Department of Transportation abolished, conforming change

SECTION 11. Section 57-1-500 of the S.C. Code is amended to read:

Section 57-1-500. The secretary must provide for a workshop of at least two biennial contact hours concerning ethics and the Administrative Procedures Act for the secretary, the chief internal auditor, and senior management employees of the Department of Transportation; and a biennial ethics workshop of at least two contact hours for all other department employees.

Commission of the Department of Transportation abolished, conforming change

SECTION 12. Section 57-3-50 of the S.C. Code is amended to read:

Section 57-3-50. The department may establish such highway districts as in its opinion are necessary for the proper and efficient performance of its duties. The department, every ten years, must review the number of highway districts and the territory embraced within the districts and make changes that may be necessary for the proper and efficient operation of the districts.

Commission of the Department of Transportation abolished, conforming change

SECTION 13. Section 57-1-90(A) of the S.C. Code is amended to read:

(A) In formulating transportation policy, promulgating regulations, allocating funds, and planning, designing, constructing, equipping, operating and maintaining transportation facilities, no action of the secretary, or the South Carolina Department of Transportation shall have the effect of discriminating against motorcycles, motorcycle operators, or motorcycle passengers. No regulation or action of the secretary, or department shall have the effect of enacting a prohibition or imposing a

requirement that applies only to motorcycles or motorcyclists, and the principal purpose of which is to restrict or inhibit access of motorcycles and motorcyclists to any highway, bridge, tunnel, or other transportation facility.

Commission of the Department of Transportation abolished, conforming change

SECTION 14. Section 57-3-210(A) of the S.C. Code is amended to read:

(A) The department is authorized to utilize public transit funds to contract directly with private operators of public transit systems to provide service to the general public, provided that the private operators have established a plan of service that has been approved by the local governmental entity that has jurisdiction over the area to be served, the department, and the federal government.

Commission of the Department of Transportation abolished, conforming change

SECTION 15. Section 57-3-700 of the S.C. Code is amended to read:

Section 57-3-700. With the approval of the Secretary of Transportation, the county officials may designate the department, acting through its agents and employees, as agents of the county in securing necessary rights of way and other lands.

Commission of the Department of Transportation abolished, conforming change

SECTION 16. Section 57-5-10 of the S.C. Code is amended to read:

Section 57-5-10. The state highway system shall consist of a statewide system of connecting highways that shall be constructed to the Department of Transportation’s standards and that shall be maintained by the department in a safe and serviceable condition as state highways. The department may utilize funding sources including, but not limited to, the State Non-Federal Aid Highway Fund and the State Highway Fund as established by Section 57-11-20 in carrying out the provisions of this section. The complete state highway system shall mean the system of state highways as now constituted, consisting of the roads, streets, and highways designated as state highways or designated for

construction or maintenance by the department pursuant to law, together with the roads, streets, and highways added to the state highway system by the Secretary of Transportation, and the roads, streets, and highways that may be added to the system pursuant to law. Roads and highways in the state highway system are classified into three classifications:

(1) interstate system of highways;

(2) state highway primary system; and

(3) state highway secondary system.

Commission of the Department of Transportation abolished, conforming change

SECTION 17. Section 57-5-50 of the S.C. Code is amended to read:

Section 57-5-50. The Secretary of Transportation may transfer any route or section of route from the state highway secondary system to the state highway primary system, or vice versa, when, in the secretary's judgment, such transfer is advisable to better serve the traveling public.

Commission of the Department of Transportation abolished, conforming change

SECTION 18. Section 57-5-90 of the S.C. Code is amended to read:

Section 57-5-90. The department may establish such belt lines or spurs as it deems proper and construct and maintain such belt lines and spurs from funds otherwise provided by law for the construction and maintenance of the state highway system, but the total length of such belt lines and spurs to be established or constructed in any county shall not exceed two miles in any one fiscal year; provided, that should the department fail to establish belt lines or spurs during a fiscal year the allocation to the counties shall be continued from year to year and the mileage shall be cumulative. Provided, further, that any mileage that accumulated prior to June 30, 1972, under this section shall remain to the credit of the county to which it accumulated.

Commission of the Department of Transportation abolished, conforming change

SECTION 19. Section 57-5-310 of the S.C. Code is amended to read:

Section 57-5-310. The Department of Transportation may own such real estate, in fee simple or by lease, as shall be deemed necessary for the purpose of facilitating the proper operation of the department or for the building and maintenance of the public highways in the state highway system.

Commission of the Department of Transportation abolished, conforming change

SECTION 20. Section 57-5-340 of the S.C. Code is amended to read:

Section 57-5-340. The department shall continuously inventory all of its real property. When, in the judgment of the department any real estate acquired as provided in this chapter is no longer necessary for the proper operation of the department or highway systems, the department shall vigorously attempt to sell the property by advertising for competitive bids in local newspapers or by direct negotiations, but in every case of the sale or transfer of any real estate by the department, the sale or transfer shall be made public by publishing notice of it on the website maintained by the department. The department shall convey by deed, signed by the Secretary of the Department of Transportation and the Deputy Director of the Division of Finance and Administration, any real estate disposed of under this section. Any funds derived from the sale of surplus property by authority of this section shall be credited to the funding category from which funds were drawn to finance the department's acquisition of the property. However, any funds derived from the sale of right of way, which the department has purchased, in excess of the department's cost shall be distributed among the counties as C funds pursuant to Section 12-28-2740.

Commission of the Department of Transportation abolished, conforming change

SECTION 21. Sections 57-13-10 through 57-13-20 of the S.C. Code are amended to read:

Section 57-13-10. The Secretary of Transportation may cooperate

and negotiate with the proper authorities of adjoining states in the construction, purchase, acquisition and maintenance of bridges constructed or to be constructed across streams which constitute boundaries between this State and such adjoining states and may expend for such purposes not exceeding one half of the total cost of such bridges and approaches thereto and bear a proportionate part of the maintenance thereof, such expenditures to be made from the funds available for the construction and maintenance of highways and bridges in the state highway system.

Section 57-13-20. Any county may, with the approval of the department, provide the funds necessary for participation in the construction, purchase or acquisition of any such bridge as is described in Section 57-13-10 and shall be entitled to reimbursement therefor under the provisions of Article 1, Chapter 11.

Commission of the Department of Transportation abolished, conforming change

SECTION 22. Sections 57-13-40 through 57-13-50 of the S.C. Code are amended to read:

Section 57-13-40. The department may permit any person, county or municipality, or any combination thereof, to construct toll bridges and appertaining structures suitable for highway traffic on any roads of the state highway system. But before any such permit is issued an agreement satisfactory to the Department of Transportation must be executed by the person receiving such permit fixing conditions under which the bridge is to be constructed, the character and design of the structure, the rate of toll to be charged traffic using it and the terms according to which it can be acquired by the State or counties concerned.

Section 57-13-50. A permit may not be issued by the department under the authority of Section 57-13-40 except after advertisement of all the terms and conditions affecting such permit in at least five daily newspapers of this State and after the county legislative delegation of every county directly adjacent to the bridge has been given formal notice, describing such terms and conditions, and has approved such terms and conditions.

Commission of the Department of Transportation abolished, conforming change

SECTION 23. Section 57-25-120(4)(d) of the S.C. Code is amended to read:

(d) land on the opposite side of a nonfreeway primary highway which is designated scenic by the department.

Commission of the Department of Transportation abolished, conforming change

SECTION 24. Section 57-25-140(D)(4) and (J) of the S.C. Code is amended to read:

(4) scenic areas designated by the department or other state agency having and exercising that authority.

(J) Signs permitted under subsection (A)(1), (2), (3), and (4) must comply with the regulations promulgated by the department in accordance with uniform national standards.

Commission of the Department of Transportation abolished, conforming change

SECTION 25. Section 57-25-150(A) and (D) of the S.C. Code is amended to read:

(A) The department shall issue permits for the erection and maintenance of outdoor advertising signs coming within the exceptions contained in Section 57-25-140(A)(1), (2), and (3), consistent with the safety and welfare of the traveling public necessary to carry out the policy of the State declared in this article and consistent with the national standards promulgated by the Secretary of Transportation or other appropriate federal official pursuant to U.S.C. Title 23.

The department also shall promulgate regulations governing the issuance of the permits and standards for size, spacing, and lighting of the signs and their messages.

(D) The department shall promulgate regulations governing the issuance of permits which must include mandatory maintenance to ensure that all signs are always in a good state of repair. Signs not in a

good state of repair are illegal.

Commission of the Department of Transportation abolished, conforming change

SECTION 26. Section 57-25-170 of the S.C. Code is amended to read:

Section 57-25-170. The department may provide within the right of way for areas at appropriate distances from interchanges on the interstate system and controlled access roads on the federal-aid primary system on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained under standards and regulations authorized to be adopted and promulgated by the department. The standards and regulations may provide for cooperative agreements between the Department of Transportation and private interests for the use and display of names for FOOD, LODGING, and GAS information signs on the highway right of way.

Commission of the Department of Transportation abolished, conforming change

SECTION 27. Section 57-25-200(A) of the S.C. Code is amended to read:

(A) Within the requirements of this article the Secretary of Transportation may enter into agreements with other governmental authorities relating to the control of outdoor advertising in areas adjacent to the interstate and primary highway systems, including the establishment of information centers and safety rest areas and take action in the name of the State to comply with the terms of the agreements.

Commission of the Department of Transportation abolished, conforming change

SECTION 28. Section 57-25-210 of the S.C. Code is amended to read:

Section 57-25-210. The department is not required to expend funds for the removal of outdoor advertising under this article until federal funds are made available to the State for the purpose of carrying out the provisions of this article and the department has entered into an agreement with the Secretary of Transportation as authorized by Section 57-25-200 and as provided by the Highway Beautification Act of 1965.

Repeal

SECTION 29. Sections 57-1-310, 57-1-320, 57-1-325, 57-1-330, 57-1-340, and 57-1-350 of the S.C. Code, and Sections 6, 7, and 8 of Act 114 of 2007 are repealed.

Chief Internal Auditor and audits of the Department of Transportation, conforming change

SECTION 30. Sections 57-1-360(B) through Section 57-1-370 of the S.C. Code are amended to read:

(B)(1) The chief internal auditor must be a certified public accountant, a certified internal auditor, or a certified fraud examiner, and possess any other experience the State Auditor may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The State Auditor shall set the salary for the chief internal auditor as allowed by statute or applicable law.

(2) The audits performed by the chief internal auditor must comply with recognized governmental auditing standards. The scope of internal audit services shall cover the entire department, including all the department's activities, assets, and personnel. The scope of internal audit activities also encompasses all, but is not limited to, objective examinations of evidence to provide independent assurance on the adequacy, effectiveness, and efficiency of governance, risk management, control processes, and compliance for the department. The department and any entity contracting with the department must fully cooperate with the chief internal auditor in the discharge of his duties and responsibilities and must timely produce all books, papers, correspondence, memoranda, and other records considered necessary in connection with an internal audit. All final audit reports must be submitted to the secretary, the Chairman of the Senate Transportation Committee, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Education and Public Works Committee, and the Chairman of the House of Representatives Ways and Means Committee before being made public. All final audit reports shall be published on the department's and the State Auditor's websites.

(3) The State Auditor is vested with the exclusive management and control of the chief internal auditor.

(4) Every four years the State Auditor shall employ an independent external firm to perform a performance and organizational audit on the

Department of Transportation. The audit firm must be selected by the State Auditor. A report from the independent external firm must be completed by January 15, 2028, and every four years after that time. Upon completion, the report must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, the Chairman of the Senate Transportation Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee.

Section 57-1-370. (A) The department must develop the long-range Statewide Transportation Plan, with a minimum twenty-year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the department must:

(1) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long-range Statewide Transportation Plan and the Statewide Transportation Improvement Program;

(2) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program from time to time as permitted by and in the manner required by federal laws or regulations;

(3) develop and revise the transportation plan for inclusion in the Statewide Transportation Improvement Program, for each nonmetropolitan planning area in consultation with local officials with responsibility for transportation;

(4) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

(5) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan

local officials with responsibility for transportation;

(6) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization's approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

(7) consult with each metropolitan planning organization, in metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; and

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations' transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the department shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.

(C) When state funding is programmed for a project, the department may use federal law, regulations, or guidelines relevant to the type of project being undertaken to be eligible for federal matching funds.

(D) The department shall have any other rights, duties, obligations, or responsibilities as specifically provided by law.

Deputy secretaries

SECTION 31. Section 57-3-20 of the S.C. Code is amended to read:

Section 57-3-20. The responsibilities and duties of the following deputy secretaries must include, but not be limited to:

(1) Deputy Secretary for Finance and Administration:

(a) financial planning and management;

(b) accounting systems necessary to comply with all federal and/or state laws and/or regulations as well as all policies established by the Comptroller General;

(c) administrative functions, including developing policy and procedures; and

(d) financial management of funding from federal, state, and local transit, rail, and other intermodal transportation.

(2) Deputy Secretary for Engineering:

(a) operation and management of the department's highway districts;

(b) direct highway engineering activities, including preconstruction, construction, construction oversight, and maintenance of state highways; and

(c) establish project and program priority lists.

(3) Deputy Secretary for Intermodal and Freight Programs:

(a) develop a statewide public transit system;

(b) coordinate the preservation and revitalization of existing rail corridors;

(c) develop and coordinate a statewide passenger and freight rail system, including the development of a comprehensive state rail plan for passenger and freight railroads and rail infrastructure services;

(d) coordinate and implement a comprehensive intermodal transportation program for the movement of passengers and freight through integrated highway, railroad, port, airport, and other transit systems; and

(e) manage the Office of Railroads and the Office of Public Transit.

(4) Deputy Secretary for Planning:

(a) develop statewide strategic transportation plans; and

(b) coordinate statewide plans with federal and state-funded regional and local transportation planning organizations.

Public-private partnership agreements

SECTION 32. Article 2, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-205. (A) The department may enter into public-private partnership arrangements between or among the department and any public or private entity for the purpose of planning, designing, financing, constructing, operating, or maintaining the highways, roads, streets, bridges, public transit, and work improvements or facilities incidental or

related thereto under the jurisdiction of the department. The provisions of this section may be used with any other provisions of state law to accomplish one or more projects.

(B) Public-private partnership arrangements may take the form of design-build agreements, design-build-operate agreements, design-build-operate-maintain agreements, design-build-finance-operate-maintain agreements, franchise agreements, predevelopment agreements, usage charge service agreements, direct agreements, guarantees, concession agreements, lease agreements, availability payments agreements, performance-based payments agreements, or any other form of contract approved by the department, or other similar arrangements or agreements pursuant to which the design, right of way acquisition, relocation of structures or utilities, construction, financing, management, maintenance, and operation, or any combination thereof, of a public highway, road, street, buildings and facilities owned by the department, broadband technology, bridge, public transit project and work, improvements or facilities incidental or related thereto is accomplished by the department or on behalf of the department by any public or private entities or methods. Additionally, such agreements may:

(1) be short-term or long-term agreements, but not exceed sixty years;

(2) authorize the establishment, adjustment, indexation, and enforcement of fares, usage charges, or other user fees, including time-of-day or dynamic pricing, consistent with policies adopted by the department, which may allow enforcement through photo monitoring, cashless charges, charge-by-mail, and charge-by-license plate. Such enforcement tools are authorized for projects under this section as well as on a choice lane facility designated under Article 9, Chapter 5, Title 57;

(3) specify a revenue application waterfall, reserves, rate covenants, and collection and enforcement measures; and

(4) be structured on a revenue-risk, availability-payment, or hybrid basis, including usage-based performance components.

(C) Subject to Section 57-3-615, any contracts entered into pursuant to this section may authorize funding to be established, set, modified, adjusted, and retained by the private entity, may include fares, usage charges, or other user fees for use of the project that is the subject of the arrangement, and the department may provide enforcement and collection services for the benefit of a public-private partnership arrangement. The funding may be distributed among the participants in the project as may be provided for by contract. Multiyear payment

obligations may be appropriation backed availability payments or milestone payments and may include standard non-appropriation clauses and termination-for-non-appropriation remedies with predefined compensation formulas.

(D) The department may:

(1) take any action to obtain federal, state, or local assistance for a qualifying project that serves the public purpose and the public-private partnership arrangements authorized by this section and may enter into any contracts required to receive such assistance;

(2) determine that it serves the public purpose and the public-private partnership arrangements authorized by this section for all or any portion of the costs of a project to be paid, directly or indirectly, from the proceeds of a grant or loan made by federal, state, or local government or any agency or instrumentality thereof. Such assistance includes, but is not limited to, assistance under the Transportation Infrastructure Finance and Innovation Act, railroad rehabilitation and improvement financing, private activity bonds, and other federal credit or tax-exempt financing programs; and

(3) cooperate with private partners to obtain allocations or approvals necessary for the issuance of private activity bonds and similar instruments, and may establish or incorporate, or assist in the establishment and incorporation of, a not-for-profit corporation or entity for the purpose of borrowing funds through a governmental conduit bond issuer for the benefit of a project procured by the department.

(E) Any contract entered into pursuant to this section shall require the private partner or each of its prime contractors to provide performance and payment security to the extent deemed necessary by the department or required by the financing parties. Notwithstanding any other provision of law, the penal sum or amount of such security may be less than the price of the contract involved, such as the value of the construction elements of the contract, based upon the department's determination on a project-by-project basis of what sum may be required to adequately protect the department, the State, and the contracting and subcontracting parties.

(F) Notwithstanding any provision of law to the contrary, proposals under this section, with respect to public highway, road, bridge, building, facility, or public transit projects or work incidental or related thereto that the department determines can be more efficiently accomplished by any of the means enumerated in this section, may be evaluated and awarded by the department based on qualifications of participants or best value, or both, as evaluated by procedures of the department and taking into consideration the best interest of the State of South Carolina.

Projects authorized under a predevelopment agreement may be authorized without specifying or finalizing the full or final scope of work to be performed under the procurement or predevelopment agreement. The department may utilize a two-step request for qualifications or request for proposals process with shortlisting, conduct competitive dialogue or confidential meetings with proposers, solicit and accept alternative technical concepts, and make best-value tradeoffs without mandated formulaic weights.

(G)(1) To the extent not authorized by statutory provisions other than this section, the solicitation pursuant to subsection (B) for a given project must be submitted to the Joint Bond Review Committee for review and comment prior to advertisement of the solicitation.

(2) The contract may include an agreement to make payments to a development entity on a multiyear basis, provided either that payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of funds for such periods, or that specific, limited revenues are identified in a solicitation which has received review and comment by the Joint Bond Review Committee prior to the solicitation of the procurement and such revenues are payable solely from a revenue-producing project or from a special source, which source does not involve revenues from any tax.

(3) The department may set up separate accounts, which may be with a commercial trustee, to account for any such funds and provide for the deposit and disbursement of moneys therein under the public-private partnership arrangement.

(4) The department shall notify the Joint Bond Review Committee within thirty days of execution of the public-private partnership arrangement and shall provide the Joint Bond Review Committee an annual report within one hundred twenty days of the end of each fiscal year regarding the status of all public-private partnership arrangements outstanding.

(H) When the department proposes to enter into a public-private partnership arrangement under this section, it shall, prior to the execution and delivery of the contract documents for the public-private partnership arrangement, file a copy of the documents in the Office of the Secretary of State. It is the duty of the Secretary of State to file and index the filing in a special book to be kept by such officer for such purpose. The Secretary of State shall be authorized to prepare and deliver certified copies of the filed documents and to deliver them to interested parties. For each certification a reasonable fee may be charged. No action shall be commenced on account of the validity of a public-private partnership arrangement after the expiration of twenty days from the date of the

filing and indexing of the proposed contract documents for the public-private partnership arrangement in the Office of the Secretary of State. The period within which such actions may be commenced shall not begin to run until such records have been filed as prescribed in this section.

(I)(1) Before entering into any public-private partnership arrangement structure, the department shall promulgate regulations governing the solicitation, evaluation, award, financing, and oversight of such projects.

(2) Notwithstanding item (1) or any other provision of law, the department may enter into agreements with an adjoining state to administer a public-private partnership arrangement structure in the State as long as such agreement has been submitted to the Joint Bond Review Committee for review and comment prior to execution.

(3) The department may promulgate other regulations to implement the provisions of this section.

Toll and usage charge restrictions

SECTION 33. Section 57-3-615 of the S.C. Code is amended to read:

Section 57-3-615. (A) No toll or usage charge may be imposed on the passage of any vehicle on any publicly owned or controlled road, bridge, highway, or interstate in this State except as provided by this section. Any toll or usage charge imposition must be allowed by or not contrary to federal law. Tolls or usage charges may be imposed on a publicly owned or controlled road, bridge, highway, or interstate under any of the following circumstances:

(1) the toll or usage charge imposition is specifically authorized by the General Assembly;

(2) the usage charge imposition is on managed or choice lane facilities designated as a choice lane facility under Article 9, Chapter 5, Title 57; or

(3) the usage charge imposition is reviewed by the Joint Bond Review Committee and approved by the State Fiscal Accountability Authority in connection with an agreement under Section 57-3-200 or 57-3-205 for managed or choice lane facilities prior to the solicitation of proposals for the agreement. The manner and method of usage charge imposition and rate setting are not required to be reviewed or approved, but must be set forth in the agreement, as may be amended from time to time.

(B) Usage charges imposed under subsection (A)(2) or (3) of this section may only be imposed on managed or choice lane facilities that

increase the capacity of the applicable road, bridge, highway, or interstate. Managed or choice lane facilities are those facilities that are actively managed to achieve more effective and efficient use of a road, bridge, highway, or interstate using various strategies including, but not limited to, pricing, vehicle eligibility, and access control; the managed or choice lane facilities shall be in addition to and not in place of existing lanes. Usage charges are charges imposed for the use of, or right to use, managed or choice lane facilities.

(C) Tolls may continue to be imposed on the passage of vehicles on any publicly owned or controlled road, bridge, highway, or interstate in this State on which tolls or usage charges were imposed as of January 1, 2026.

Immunity waived

SECTION 34. Article 7, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-790. (A) The State waives its immunity under the 11th Amendment of the United States Constitution and consents to suit in a federal court for lawsuits arising out of the department's compliance, discharge, or enforcement of responsibilities assumed pursuant to 23 U.S.C. Sections 326 and 327. The waiver of immunity under this section is valid only if:

(1) the Secretary of Transportation executes a memorandum of understanding with the United States Department of Transportation accepting the jurisdiction of the federal courts as required by 23 U.S.C. Sections 326(c) and 327(c);

(2) before execution of the memorandum of understanding under subsection (A), the South Carolina Attorney General has issued an opinion letter to the Secretary of Transportation and the administrator of the Federal Highway Administration that the memorandum of understanding and the waiver of immunity are valid and binding upon the State;

(3) the act or omission that is the subject of the lawsuit arises out of or relates to compliance, discharge, or enforcement of responsibilities assumed by the department pursuant to 23 U.S.C. Sections 326 and 327; and

(4) the memorandum of understanding is in effect when the act or omission that is the subject of the federal lawsuit occurred.

(B) Within one year of submitting an application to assume administration of 23 U.S.C. Sections 326 and 327, otherwise known as

the National Environmental Policy Act (NEPA) Assignment Program pursuant to this section, the secretary shall issue a NEPA Manual detailing the manner in which the department will carry out its NEPA responsibilities. The department must provide a public comment period of at least thirty days on a draft NEPA Manual prior to issuance of a final NEPA Manual.

(C) The department must annually publish a report describing the department's assumption of NEPA responsibilities. The annual report must be made available to the public and posted on the department's website. That report shall include, but not be limited to, an analysis of time savings, an analysis of positive and negative financial impacts, and a summary of any legal actions challenging the department's actions under the program.

(D) The Secretary of Transportation is given the authority to coordinate with the Director of the Department of Environmental Services, the Director of the Department of Natural Resources, the Director of the Department of Archives and History, and any other agency head whose agency may impact the issuance of environmental decisions necessary to expedite the delivery of transportation projects. Such agency heads must be responsive to such requests of the Secretary of Transportation. The department shall include in the report required in subsection (C) on all state agency activities related to permit and environmental decisions related to transportation projects.

Reciprocal agreements

SECTION 35. Article 7, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-800. The Department of Transportation may enter into reciprocal agreements with other jurisdictions including the federal government and any state, or agencies or departments thereof, to enforce toll or usage charge violations. The agreement shall provide that, when another jurisdiction certifies that the owner of a vehicle registered in this State has failed to pay a toll or usage charge, processing fee, or civil penalty due to that jurisdiction, the unpaid toll or usage charge, processing fee, or civil penalty may be enforced by placing a registration suspension as if the owner of the motor vehicle has an outstanding judgment for failure to pay a toll or usage charge under Section 56-3-1335, upon electronic notification by the Department of Transportation to the Department of Motor Vehicles. The agreement shall only be enforceable to the extent that:

(1) the other jurisdiction has its own reciprocal procedure for toll or usage charge violation enforcement and does, in fact, reciprocate in enforcing toll or usage charge violations within this State by withholding the registration renewal of registered owners of motor vehicles from such jurisdiction, and the other jurisdiction provides due process and appeal protections to avoid the likelihood that a false, mistaken, or unjustified claim will be pursued against the owner of a vehicle registered in this State;

(2) drivers and vehicles licensed or registered in this State, while operating on the highways and bridges of the other jurisdiction, shall receive the benefits, privileges, and exemptions of a similar kind with regard to toll or usage charge enforcement as are extended to the drivers and vehicles licensed or registered in the other jurisdiction while they are operating on the highways and bridges of this State;

(3) the owner of a vehicle registered in this State may present evidence to the other toll or usage charge agency or jurisdiction by mail or other means to invoke rights of due process without having to appear personally in the jurisdiction where the violation allegedly occurred;

(4) the reciprocal violation enforcement arrangement between the department and the other toll or usage charge agency provides that each party shall charge the other for costs associated with registration holds, or the like, in their respective jurisdictions.

Coordination of departments for toll and usage charges

SECTION 36. Article 9, Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-1345. (A) In order to administer, collect, and enforce any toll or usage charge, toll or usage charge violation, processing fee, civil penalty, or registration-based enforcement mechanism authorized by this title, the Department of Transportation shall coordinate with the Department of Motor Vehicles to ensure access to current motor vehicle and owner registration data.

(B) The Department of Transportation shall, at a minimum, receive updated toll and usage charge related vehicle data from the Department of Motor Vehicles monthly. The data shall include, but is not limited to, vehicle identifiers, registration status indicators, and any information necessary to support toll or usage charge billing, notice, enforcement actions, or registration renewal blocks authorized by law.

(C) The Department of Transportation and the Department of Motor Vehicles shall enter into a memorandum of understanding governing:

(1) the frequency, format, and method of data exchange;

(2) data security standards and confidentiality requirements;

(3) limitations on use of the data solely for toll or usage charge administration and enforcement purposes; and

(4) procedures to ensure data accuracy, error resolution, and due process protections for registered vehicle owners.

(D) No toll or usage charge enforcement action that relies upon registration suspension, renewal block, or similar Department of Motor Vehicles action may be initiated unless the vehicle data relied upon has been updated in accordance with this section.

(E) Nothing in this section authorizes the disclosure of personal information except as otherwise permitted by state and federal law.

Road projects within a municipality

SECTION 37. Sections 57-5-820 through 57-5-830 of the S.C. Code are amended to read:

Section 57-5-820. (A) As used in this section and Section 57-5-830:

(1) "Structurally deficient" means not adequate to handle the vehicle weights authorized on roads leading to them.

(2) "Functionally obsolete" means narrow clearances or sharp roadway approach angles that make passage difficult or hazardous, or with too few lanes for existing traffic needs.

(B)(1) All work to be performed by the department on state highways within a municipality must be with the consent and approval of the proper municipal authorities, except that work performed or to be performed on a bridge and its approaches, certified by the department as functionally obsolete or structurally deficient, to remove, replace, or improve such bridge and its approaches shall not require prior consent and approval of a municipal authority if the bridge crosses the intracoastal waterway.

(2) A decision by a municipality to not consent and approve the work must be communicated in writing to the department within one hundred eighty days of receiving notice of the work from the department. A decision to disapprove of the work shall result in the cancellation of the project, unless the project is determined by the Governor to be in the best interest of the State.

(3) Failure to provide consent and approval within one hundred eighty days shall be deemed acceptance of the work.

(4) A municipality shall not conditionally approve the work to be

performed by the department.

Section 57-5-830. In every case of a proposed permanent improvement, construction, reconstruction, or alteration by the department of any highway or highway facility within a municipality, the municipality may review and approve the plans before the work is started, but in no event shall such review and approval of the plans delay the project schedule as communicated by the department to the municipality; except that a municipality may not have the right to review and approve plans to remove, replace, or improve a bridge and its approaches within its limits where such bridge and its approaches have been certified by the department to be functionally obsolete or structurally deficient and if the bridge crosses the intracoastal waterway. Any costs incurred by the department caused by the unreasonable delay in the review and approval of the plans shall be the responsibility of the municipality.

Choice lane facilities

SECTION 38. Sections 57-5-1320 through 57-5-1360 of the S.C. Code are amended to read:

Section 57-5-1320. As used in this article:

(1) "Department" means the Department of Transportation;

(2) "Choice lane facility" means any express highway or limited access highway or any specified lanes or portion thereof, designated and ratified or approved as such under the provisions of this article, whether or not financed with bonds, including any bridge, tunnel, overpass, underpass, interchange, entrance plaza, approach, access house, service station and administration and storage and other buildings and facilities which the department considers necessary or desirable. A choice lane facility constitutes a portion or extension of any existing or proposed highway in the state highway system;

(3) "Bonds" means revenue bonds of the State authorized under the provisions of this article and Paragraph (9), Section 13, Article X of the South Carolina Constitution;

(4) "Authority" means the State Fiscal Accountability Authority;

(5) "Choice lane facility revenues" means all revenues resulting from usage charges or other charges derived from the operation of a choice lane facility, including revenues derived from concession leases or other concessionaire operated facilities, and, to the extent designated by the bond resolution, such nontax revenues or other legally available funds

as are or may be made available to the department from whatever source for the purpose of operating, financing, enforcing, and maintaining, or any combination thereof, choice lane facilities;

(6) "Bond resolution" means the resolution or resolutions of the authority making provision for the issuance of bonds, as may be supplemented or amended from time to time;

(7) "General obligation bonds" means state highway bonds issued pursuant to Paragraph (6)(a), Section 13, Article X of the South Carolina Constitution;

(8) "State" means the State of South Carolina.

Section 57-5-1330. (A) The department may designate, establish, plan, improve, construct, maintain, operate, and regulate choice lane facilities as a part of the state highway system or any federal aid system whenever the department determines the traffic conditions, present or future, justify the facilities, except that the department may not designate as a choice lane facility any highway, road, bridge, or other transportation facility funded in whole or in part by a then imposed local option sales and use tax imposed pursuant to Chapter 37 of Title 4, unless by agreement with the applicable county government. The department may utilize choice lane facilities revenues and funds available for the maintenance of the state highway system for the maintenance and operation of any choice lane facility. The authority to designate choice lane facilities under this section shall at all times be subject to the provisions of Section 57-3-615, and such designation shall not be effective until ratified or approved by the State Fiscal Accountability Authority.

(B) If the department determines it is feasible to make all or part of any construction project a choice lane facility, then it may engage in the preliminary estimates and studies incident to the determination of the feasibility or practicability of constructing any choice lane facility as it from time to time considers necessary and the cost of the preliminary estimates and studies must be paid from the general highway fund and must be reimbursed from funds provided under this authority only if the studies and estimates lead to the construction of a choice lane facility.

(C) The department may acquire such lands and property including rights of access as may be needed for choice lane facilities by gift, devise, purchase, or condemnation by easement or in fee simple in the same manner as now or hereafter authorized by law for acquiring property or property rights in connection with other state highways.

(D) In designating, establishing, planning, abandoning, improving, constructing, maintaining and regulating choice lane facilities the

department may exercise authorizations granted to the department by the provisions of other statute law applicable to the state highway system, except as they may be inconsistent with the provisions included herein.

(E)(1) The department may contract with any person, partnership, association or corporation desiring the use of any part of the choice lane facility, including the right of way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels and restaurants or for any other purpose, except tracks for railroad or railway use and to fix the terms, conditions, rents and rates of charges for such use provided that a sufficient number of the aforementioned facilities shall be authorized to be established in each service area along any such choice lane project to permit reasonable competition by private business in the public interest. Revenues from these contracts would be included in choice lane facility revenues.

(2) The department may contract with any political subdivision desiring to assist the department, whether financially, in kind, or otherwise, in any of the designating, establishing, planning, abandoning, financing, improving, constructing, maintaining, and regulating choice lane facilities as may be set forth in a short-term or long-term intergovernmental agreement between the department and the political subdivision. Revenues from these contracts may be pledged for the term thereof and may be included in choice lane facility revenues should the contract so provide. The right to receive any payments under such an intergovernmental agreement may be maintained by the department or assigned to the trustee for the bonds, as may be provided or authorized in the bond resolution. The authority to enter into such an intergovernmental agreement is concurrent and supplementary to those general powers granted political subdivisions and the department in the South Carolina Code of Laws including, without limitation, Title 57.

Section 57-5-1335. The department, before constructing a bridge or replacing an existing bridge which is or is anticipated to be designated as a choice lane facility, shall conduct the feasibility study referenced in Section 57-5-1330 and shall forward copies of the study to the Chairman of the Transportation and Finance Committees of the Senate and the Education and Public Works and Ways and Means Committees of the House of Representatives within fifteen days of the completion of the study.

Section 57-5-1340. In addition to the powers listed above, the South Carolina Department of Transportation may:

(1) request the issuance of bonds for the purpose of paying all or any part of the cost of any one or more choice lane projects;

(2) fix and revise from time to time and charge and collect a program of usage charges for transit over each designated choice lane facility; and each program may provide for dynamic charges, scheduled charges, variable charges, uniform charges, or some combination thereof, and may take into account the weight and class of certain vehicles, real-time and planned usage, and any other factors deemed appropriate by the department;

(3) combine, for the purposes of financing any choice lane facilities, any two or more choice lane facilities;

(4) control access to choice lane facilities;

(5) to the extent permitted by a bond resolution, expend choice lane facility revenues in advertising the choice lane facilities and services of the choice lane facility or facilities to the traveling public;

(6) receive and accept from any federal agency grants for or in the aid of the construction of any choice lane facility;

(7) establish a separate division to administer choice lane facilities and a separate choice lane facility account;

(8) do all acts and things necessary or convenient to carry out the powers expressly granted in this article.

Section 57-5-1350. Whenever it becomes necessary that monies be raised for a choice lane facility, the department may make request to the State Fiscal Accountability Authority for the issuance of turnpike bonds. The request shall set forth on the face thereof or by schedule attached thereto:

(1) the choice lane facility proposed to be constructed or designated;

(2) the amount required for feasibility studies, planning, design, right of way acquisition, and construction of the choice lane facility;

(3) a tentative time schedule setting forth the period of time for which the sum requested is expected to be expended;

(4) a debt service table showing the estimated annual principal and interest requirements for the requested bonds;

(5) any feasibility study obtained by the department relating to the proposed choice lane facility;

(6) the department's recommendations relating to any covenant to be made in the bond resolution of the State Fiscal Accountability Authority respecting competition between the proposed choice lane facility and possible future highways whose construction would have an adverse

effect upon the choice lane facility revenues which would otherwise be derived by the proposed choice lane facility.

Section 57-5-1360. Following the receipt of a request pursuant to Section 57-5-1350, the State Fiscal Accountability Authority shall review the request and, to the extent that it approves the request, it may effect, by bond resolution duly adopted, the issuance of bonds, or pending their issuance, may effect the issuance of bond anticipation notes pursuant to Title 11, Chapter 17.

Choice lane facilities revenues and bonds

SECTION 39. Sections 57-5-1380 through 57-5-1460 of the S.C. Code are amended to read:

Section 57-5-1380. (A) For the payment of the principal of and interest on all bonds, there is irrevocably pledged choice lane facility revenues to the extent and in the manner prescribed by the bond resolution. Any interest earned on choice lane facility account balances must be credited to the choice lane facility account as prescribed in the bond resolution.

(B) The bonds authorized by this article are special limited obligations of the State. The principal and interest are payable solely out of the choice lane facility revenues. The bonds issued do not constitute an indebtedness of the State, State Fiscal Accountability Authority, or department within the meaning of any state constitutional provision or statutory limitation, except indebtedness payable solely from a revenue producing source or from a special source that does not include revenues from any tax within the meaning of Paragraph (9), Section 13, Article X of the South Carolina Constitution. The full faith, credit, and taxing powers of the State, State Fiscal Accountability Authority, or department are not pledged to the payment of the bonds and this fact must be plainly stated on the face of each bond. The State Fiscal Accountability Authority and the department each lack taxing power. The General Assembly finds that choice lane facilities constitute a revenue producing project for the purposes of Paragraph (9), Section 13, Article X of the South Carolina Constitution.

Section 57-5-1390. Bonds shall bear interest, payable on occasions prescribed by the State Fiscal Accountability Authority, at a rate not exceeding the maximum prescribed by the bond resolution. Each issue of bonds shall mature on the occasion prescribed by the State Fiscal

Accountability Authority, not exceeding forty years from the date the bonds are issued. Bonds may, in the discretion of the State Fiscal Accountability Authority, be made subject to redemption at par and accrued interest, plus such redemption premium as it approves and on occasions and under conditions it prescribes. Bonds are not redeemable before maturity unless they contain a statement to that effect.

Section 57-5-1400. Bonds must be sold at private or public sale under conditions prescribed by the bond resolution. For the purpose of bringing about successful sales of the bonds, the State Fiscal Accountability Authority may do, or cause to be done, all things ordinarily and customarily done in connection with the sale of state or municipal bonds. All expenses incident to the sales of the bonds must be paid from the proceeds of the sale of the bonds or choice lane facility revenues.

Section 57-5-1410. All bonds must be executed in the name of and on behalf of the State and must be signed by the Governor and the State Treasurer. The Great Seal of the State must be affixed to, impressed, or reproduced upon each of them and they must be attested by the Secretary of State. If approved by the State Fiscal Accountability Authority, the officers may, in lieu of manually signing, employ the use of the facsimile of their signatures in executing any bonds.

Section 57-5-1420. The proceeds derived from the sale of bonds must be applied only to the purposes authorized by this article and provided in the bond resolution.

Section 57-5-1430. Bonds must each be in the denomination of one thousand or five thousand dollars or some multiple thereof or such larger denominations as may be authorized by the State Fiscal Accountability Authority in the bond resolution.

Section 57-5-1440. Bonds may be issued as fully registered bonds with both principal and interest made payable only to the registered holder. The fully registered bonds are subject to transfer under conditions the State Fiscal Accountability Authority prescribes.

Section 57-5-1450. (A) The State Fiscal Accountability Authority, by bond resolution duly adopted, may make provision for the issuance of bonds. In the bond resolution, the State Fiscal Accountability Authority may prescribe:

(1) the amount, denomination, and numbering of bonds to be issued;

(2) the method or manner of dating the bonds;

(3) the estimated maturity schedule for the retirement of the bonds and a pro forma table of anticipated principal and interest payments for such bonds;

(4) the form or forms of the bonds of the particular issue;

(5) the redemption provisions or manner of determining the same, if any, applicable to the bonds;

(6) the maximum rate or rates of interest the bonds shall bear;

(7) the specific purposes for which the bonds must be issued;

(8) the purposes for which the proceeds of the bonds must be expended, in the discretion of the State Fiscal Accountability Authority, a portion of the proceeds may be used as capitalized interest during the period of construction and initial operation and for the creation of appropriate debt service reserves and other funds and accounts as the State Fiscal Accountability Authority deems necessary or expedient from the bonds and the proper operation and functioning of the choice lane facilities;

(9) the extent to which and the conditions under which additional parity bonds may be issued;

(10) any covenant considered necessary protecting the choice lane facility so financed from possible future competition from other highways or comparable facilities;

(11) the authorized method or methods by which the bonds must be sold and such other matters as may be considered necessary in order to effect the sale, issuance, and delivery of the bonds;

(12) the conditions under which refunding bonds may be issued.

(B) The bond resolution shall set forth further a finding on the part of the State Fiscal Accountability Authority that the estimate of choice lane facility revenues made by the department and approved by the State Fiscal Accountability Authority indicates that collection from choice lane facility revenues for applicable fiscal years is expected to be not less than that required for annual debt service requirements of the requested bonds. In making such finding, the department and the authority may rely in whole or in part on the work product of third-party professionals engaged to provide financial, feasibility, or practicability studies related to the choice lane facilities or the financing thereof through bonds.

(C) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, or modify in any way, the designation of choice lane facilities proposed pursuant to Section 57-5-1350.

(D) The authority, by bond resolution duly adopted, may ratify and approve, in whole or in part, the combining of any choice lane facilities

then existing or proposed pursuant to Section 57-5-1350; provided, however, that prior to ratifying and approving such a combination from time to time the authority shall make a finding that it is in the best interest of the State after taking into account factors including, but not limited to, geographic connection, regional transportation planning, operational efficiencies, revenue stability, bonding capacity, and such other factors as it finds relevant.

Section 57-5-1460. If following presentation of a certified copy of the bond resolution it appears to the satisfaction of the Governor and the State Treasurer that the estimated collection from the choice lane facility revenues in applicable future fiscal years are not less than that required for annual debt service requirements for the requested bonds, then the Governor and State Treasurer may effect the delivery of bonds in accordance with the bond resolution.

Choice lane facilities

SECTION 40. Sections 57-5-1480 through 57-5-1495 of the S.C. Code are amended to read:

Section 57-5-1480. It is lawful for all executors, administrators, guardians, and other fiduciaries and all sinking fund commissions, including the Retirement System Investment Commission and Public Employee Benefit Authority in their capacities as cotrustees of the funds of the South Carolina Retirement System and any manager and administrator of state sinking funds, to invest any monies in their hands in bonds.

Section 57-5-1490. Any person who uses any choice lane facility and fails or refuses to pay any usage charge then due shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, and in addition thereto the department shall have a lien upon the vehicle driven by such person for the amount of such usage charge and may take and retain possession thereof.

Section 57-5-1495. (A) As used in this section:

(1) “Electronic collection system” means a system of collecting usage charges which is capable of charging an account holder or person the appropriate usage charge by electronic means.

(2) “Lessor” means any person, corporation, firm, partnership,

agency, association, or organization renting or leasing vehicles to a lessee under a rental agreement, lease, or otherwise wherein the said lessee has the exclusive use of the vehicle for any period of time.

(3) "Lessee" means any person, corporation, firm, partnership, agency, association, or organization that rents, leases, or contracts for the use of one or more vehicles and has exclusive use of the vehicles for any period of time.

(4) "Owner" means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(5) "Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a choice lane facility which automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle at the time it is used or operated in violation of usage charge collection regulations.

(6) "Violation" means the passage of a vehicle through a usage fee collection point without payment of the required charge.

(7) "Motor vehicle" or "vehicle" means every vehicle which is self-propelled.

(B) Notwithstanding another provision of law, when a vehicle is driven through a choice lane facility without payment of the required charge, the owner of the vehicle is responsible to the Department of Transportation to pay the required charge, administrative fees, and civil penalty as provided in this section. The department or its authorized agent may enforce collection of the required charge as provided for in this section.

(C) A certificate, sworn to or affirmed by an agent of the department, or a facsimile of it, that a toll violation has occurred, based upon inspection of photographs, microphotographs, videotape, or other recorded images, or other electronic means, produced by a photo-monitoring system, is prima facie evidence of the violation and is admissible in any proceeding charging a toll violation pursuant to this section. A photograph, microphotograph, videotape, or other recorded image evidencing a violation must be available for inspection by the party charged and is admissible into evidence in a proceeding to adjudicate liability for a violation.

(D) The department or its authorized agent may assess and collect administrative fees of:

(1) not more than ten dollars for the first violation within a period of one year;

(2) not more than twenty-five dollars for each subsequent violation within a period of one year.

(E) Upon failure to pay the required charge and administrative fees to the department within thirty days of the notice, the owner or operator may be cited for failure to pay a charge pursuant to this subsection and, upon an adjudication of liability, is subject to a civil penalty not to exceed fifty dollars for each violation as contained in subsection (F). Upon an adjudication of liability, a judgment must be entered against the owner or operator, and the court must mail a copy of the judgment to the owner or operator unless the owner has opted into receiving electronic notifications based on the Department of Motor Vehicles' records, at which time the court must notify the owner electronically. Upon failure to satisfy the judgment within thirty days, the court shall notify via electronic methods pursuant to the Department of Motor Vehicles' standards, the Department of Motor Vehicles and the authorized agent, and the Department of Motor Vehicles shall suspend the registration of the vehicle that was operated when the charge was not paid and deny the vehicle's registration or reregistration pursuant to Section 56-3-1335. The suspension shall remain in effect until the judgment is satisfied and evidence of its satisfaction has been electronically submitted to the Department of Motor Vehicles and the authorized agent, and the owner pays the applicable reinstatement fee pursuant to Section 56-3-1335. An owner or operator who has been convicted of a violation of Section 57-5-1490 is not liable for the penalty imposed by this subsection.

(F) If a magistrate or municipal judge determines that the person or entity charged with liability under this section is liable, the magistrate or municipal judge shall collect the unpaid charges and administrative fee and forward them to the department or its authorized agent. The magistrate or municipal judge also may impose a civil penalty of up to fifty dollars for each violation, plus court costs and attorney's fees. The civil penalty must be distributed in the same manner as other fines and penalties collected by the magistrate. Notwithstanding another provision of law:

(1) adjudication of liability pursuant to this section must be made by the magistrate's court of the county in which the toll facility is located or the municipal court of the city in which the choice lane facility is located; and

(2) an imposition of liability pursuant to this section must be based upon a preponderance of evidence submitted and is not a conviction as an operator pursuant to Section 57-5-1490.

(G) The department or its authorized agent shall send:

(1) a "First Notice of Violation" to the owner or operator of a

vehicle which, on one occasion in any twelve-month period, is identified as having been involved in a violation. The first notice must require payment to the department of the required charge, plus an administrative fee as provided for in subsection (D), within thirty days of the mailing of the notice;

(2) a "Second Notice of Violation" to the owner or operator of a vehicle which is identified as having been involved in a second violation in a twelve-month period, or who has failed to respond to a "First Notice of Violation" within the required time period. The second notice must require payment to the department of the required charges, plus an administrative fee as provided for in subsection (D) for each violation within thirty days of the mailing or sent date of the notice;

(3) a "Failure to Pay" citation to the owner or operator of a vehicle which is identified as having been involved in a third violation in a twelve-month period, or who has failed to respond to the second notice within the required time period. The citation requires payment to the department of the unpaid charges, plus an administrative fee of not more than twenty-five dollars for each violation, within thirty days, or the recipient's appearance in magistrate's court of the county in which the violation occurred or the municipal court of the city in which the violation has occurred to contest the citation. A "Failure to Pay" citation constitutes the summons and complaint for an action to recover the charges and all applicable fees allowed pursuant to this section;

(4) notwithstanding another provision of law, the notices and citation required by this subsection by first-class mail to the owner or operator of the vehicle identified as being involved in the violation, unless the owner has opted into receiving electronic notification based on the Department of Motor Vehicles' records, at which time the court must notify the owner electronically. If a vehicle is registered in two or more names, the notices or citation must be sent to the first name listed on the registration records. Notwithstanding another provision of law, personal delivery of the notices and citation is not required. A manual or automatic record of the mailing or sending of the notices or citation prepared in the ordinary course of business is prima facie evidence of the mailing of the notices or citation; and

(5) the notices and citation required by this subsection must contain the following information:

(a) the name and address of the person or entity alleged to be liable for a failure to pay a charge pursuant to this section;

(b) the registration number of the vehicle involved in the violation;

(c) the location where the violation took place;

(d) the date and time of the violation;

(e) the identification number of the photo-monitoring system which recorded the violation or other document locator number;

(f) information advising of the manner and time in which liability may be contested;

(g) warning advising that failure to contest liability in the manner and time provided in this section is an admission of liability; and

(h) information advising that failure to pay a charge may result in the suspension of vehicle registration.

(H) If a vehicle owner receives a notice or citation pursuant to this section for a period during which the vehicle involved in the toll violation was:

(1) reported to any law enforcement agency as having been stolen, a valid defense to an allegation of liability for a failure to pay a charge is that the vehicle had been reported to any law enforcement agency as stolen before the time the violation occurred and had not been recovered by the time of the violation. If an owner receives a notice or citation pursuant to this section for a violation which occurred during a time period in which the vehicle was stolen, but which had not been reported to any law enforcement agency as having been stolen, a valid defense to an allegation of liability for a violation pursuant to this section is that the vehicle was reported as stolen within two hours after the discovery of the theft by the owner. For purposes of asserting the defense provided by this item, a certified copy of the police report on the stolen vehicle, sent by first-class mail or submitted electronically to the department, its agent, the Department of Motor Vehicles or the magistrate's court or the municipal court having jurisdiction of the citation within thirty days after receipt of the notices or citation, is sufficient;

(2) leased to another person or entity, the lessor is not liable for the violation if the lessor sends to the department or to the court having jurisdiction over the citation a copy of the rental, lease, or another contract document covering the vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty days after receiving the notices or citation. Failure to send the information within the thirty-day period renders the lessor liable for the unpaid charges and any administrative fees or penalties assessed pursuant to this section. If the lessor complies with the provisions of this item, the lessee of the vehicle on the date of the violation is subject to liability for the failure to pay the charge if the department or its agent mails a notice of liability to the lessee within thirty days after receipt of a copy of the rental, lease, or other contract document.

(I) If a person or entity receives a notice or citation pursuant to this

section, it is a valid defense to liability that the person or entity that receives the notice was not the owner of the vehicle at the time of the violation.

(J) If an owner who pays the required charges, fees, or penalties, or all of them pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

(K) An owner of a vehicle is not liable for a penalty imposed pursuant to this section if the operator of the vehicle has been convicted of a violation of Section 57-5-1490 for the same incident.

(L) On choice lane facilities where electronic charge collection systems are utilized:

(1) a person who wants to make payment of charges electronically must apply to the department or its authorized agent to become an account holder. The department or its authorized agent, in its discretion, may deny the application of a person. A person whose application is accepted must execute an account holder's agreement. The terms of the account holder's agreement must be established by the department;

(2) the department shall ensure that adequate and timely notice is given to all electronic charge collection system account holders to inform them when their accounts are delinquent. The owner of a vehicle who is an account holder under the electronic charge collection system is not liable for a failure to pay a charge pursuant to the provisions of this section unless the department or its authorized agent has first sent a notice of delinquency to the account holder and the account holder was delinquent at the time of the violation;

(3) the department shall not sell, distribute, or make available the names and addresses of electronic charge collection system account holders, without the account holder's consent, to any entity that uses the information for commercial purposes. However, this restriction does not preclude the exchange of this information between entities with jurisdiction over or operating a toll highway bridge or tunnel;

(4) information or data collected by the department or its authorized agent for the purpose of establishing and monitoring electronic charge collection accounts is not subject to disclosure under the Freedom of Information Act;

(5) notwithstanding another provision of law, all information, data, photographs, microphotographs, videotape, or other recorded images prepared pursuant to this section must be for the exclusive use of the department or its authorized agent in the discharge of its duties under this section and must not be open to the public, subject to the disclosure under the Freedom of Information Act, nor used in a court in an action

or a proceeding pending unless the action or proceeding relates to the imposition of or indemnification for liability pursuant to this section.

(M) Notwithstanding any other provision of law, school buses transporting school children for a school event, shall be exempt from the payment of any tolls or usage charges.

Phased design-build

SECTION 41. Article 11, Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-1710. (A) As used in this section, "phased design-build" means a project delivery method that uses a stepped or progressive qualifications-based selection process, followed by a progression to a contract price. The department must select the phased design-build contractor exclusively on qualifications and technical approach, without consideration of schedule or costs, which must deliver the project in multiple phases.

(1) The phased design-build contractor is initially under contract for preconstruction activities including, but not limited to, project validation, designing and developing plans, performing constructability reviews, and developing construction schedules and pricing.

(2) The department and the phased design-build contractor shall establish a guaranteed maximum construction cost. The guaranteed maximum construction cost is the total dollar amount within which the phased design-build contractor shall complete the final design and construction of the project including the contractor's direct costs, overhead, and profit, plus any authorized contingency. Upon agreement of the guaranteed maximum construction cost, the department and the phased design-build contractor will execute a second contract or an amendment to the initial contract for completion of the final designs and construction of the project consistent with subsection (C). Before execution of a construction contract, the department shall retain an independent third party to develop a cost estimate to verify the guaranteed maximum price submitted by the contractor.

(3) If the department and phased design-build contractor cannot reach agreement on a guaranteed maximum construction cost, then the department shall take ownership and assume liability of the design work product. Nothing shall prohibit the department from pursuing the project under any other legally allowed method.

(B) The department may only award a contract under this section if the department:

(1) determines that it is in the public's interest to use the phased design-build project delivery method; and

(2) prequalifies the prime contractor and lead designer firm that will be awarded the contract.

(C) The method for the department to award a contract using phased design-build procedures shall be:

(1) Prior to the initiating a phased design-build procurement under this section, the department shall submit a report to the Joint Bond Review Committee on the nature and scope of the project and the reasons the phased design-build procurement project delivery method will best serve the public interest. The department shall not initiate a procurement until the Joint Bond Review Committee has provided its review and comment.

(2) Upon completion of a project awarded under subsection (B), the department shall submit a postcompletion report to the Joint Bond Review Committee detailing the project results, including any cost and time efficiencies achieved using the phased design-build project delivery method. This report must include a cost analysis comparing the use of phased design-build for awarding contracts with the award of contracts under the existing procedure.

(D) The department may promulgate regulations to implement the phased design-build method.

Section 57-5-1720. (A) The department may award highway construction contracts using a construction manager/general contractor (CM/GC) procedure. Under a CM/GC contract, the department shall perform preconstruction services via department personnel or via contract. A CM/GC contractor is responsible for providing advisory preconstruction services of the department's design including, but not limited to, constructability review, scheduling, pricing, and phasing. The CM/GC contractor shall be able to perform construction should the department and the contractor agree to a guaranteed maximum price.

(B) Should a guaranteed maximum price agreement be reached, construction services shall commence under a subsequent contract instrument. The contract instrument may be in the form of a CM/GC contract, a franchise agreement, or any other form of contract approved by the department. Before execution of a construction contract, the department shall retain an independent third party to develop a cost estimate to verify the guaranteed maximum price submitted by the contractor.

(C) Selection criteria shall include the contractor's cost for preconstruction services associated with the project, contractor

qualifications, experience, past performance, best value, or any combination of the aforementioned criteria, or any other combination of selection criteria considered appropriate by the department.

(D) The department may promulgate regulations to implement the CM/GC project delivery method.

Road restrictions

SECTION 42. Sections 56-5-4210 through 56-5-4220 of the S.C. Code are amended to read:

Section 56-5-4210. (A) Anything in this article to the contrary notwithstanding, the Department of Transportation with respect to state highways and local authorities with respect to highways under their jurisdiction may prescribe, by notice as herein provided, loads and weights and speed limits lower than the limits prescribed in this chapter and other laws, whenever in their judgment any road or part thereof or any bridge or culvert shall by reason of its design, deterioration, rain or other climatic or natural causes be liable to be damaged or destroyed by motor vehicles, trailers or semitrailers, if the gross weight or speed limit thereof shall exceed the limits prescribed in such notice. And the Department of Transportation or such local authority may, by like notice, regulate or prohibit, in whole or in part, the operation of any specified class or size of motor vehicle, trailer, or semitrailer on any highways or specified parts thereof under its jurisdiction, whenever in its judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on such highways or parts thereof by reason of traffic density, intensive use thereof by the traveling public or other reasons of public safety and convenience. The notice or the substance thereof shall be posted at conspicuous places at terminals of and all intermediate cross-roads and road junctions with the section of highway to which such notice shall apply. After any such notice shall have been posted, the operation of any motor vehicle or combination contrary to its provisions shall constitute a violation of this chapter.

(B) The imposition of any restrictions pursuant to subsection (A) must first be approved by the Department of Transportation on any highways transferred to local authorities after July 2026.

Section 56-5-4220. No limitation shall be established by any county, municipal, or other local authority pursuant to the provisions of Section 56-5-4210 that would interfere with or interrupt traffic as authorized hereunder along public state highways, including officially

established detours for such highways and cases where such traffic passes over roads, streets or thoroughfares within the sole jurisdiction of such county, municipal, or other local authority, unless such limitations and further restrictions shall have first been approved by the Department of Transportation, except that with respect to county roads, other than such as are in use as state highway detours, the respective county road authorities shall have full power and authority to further limit the weights of vehicles upon bridges and culverts that have failed to meet the National Bridge Inspection Standards as administered by the Department of Transportation upon such public notice as they deem sufficient, and existing laws applicable thereto shall not be affected by the terms of this article.

Consolidated procurement code exemptions

SECTION 43. Section 11-35-710 of the S.C. Code is amended to read:

Section 11-35-710. (A) The board, upon the recommendation of the chief procurement officer, may exempt governmental bodies from purchasing certain items through the respective chief procurement officer's area of responsibility. The board may exempt specific supplies, services, information technology, or construction from the purchasing procedures required in this chapter and for just cause by unanimous written decision limit or may withdraw exemptions provided for in this section. The following exemptions are granted from this chapter:

(1) the acquisition by the Department of Transportation of: transportation planning; the construction, maintenance, design, financing, operation, and repair of bridges, highways, roads, and other improvements within the state's rights of way; technology related to operations within the state's rights of way; and vehicle and road equipment maintenance and repair and other emergency-type parts and equipment;

(2) the purchase of raw materials by the South Carolina Department of Corrections, Division of Prison Industries;

(3) South Carolina State Ports Authority;

(4) Division of Public Railways of the Department of Commerce;

(5) South Carolina Public Service Authority;

(6) expenditure of funds at state institutions of higher learning derived wholly from athletic or other student contests, from the activities of student organizations, and from the operation of canteens and bookstores, except as the funds are used for the procurement of construction, architect-engineer, construction-management, and land

surveying services;

(7) livestock, feed, and veterinary supplies;

(8) articles for commercial sale by all governmental bodies;

(9) fresh fruits, vegetables, meats, fish, milk, and eggs;

(10) South Carolina Arts Commission and South Carolina Museum Commission for the purchase of one-of-a-kind items such as paintings, antiques, sculpture, and similar objects. Before a governmental body procures the objects, the head of the purchasing agency shall prepare a written determination specifying the need for the objects and the benefits to the State. The South Carolina Arts Commission shall review the determination and forward a recommendation to the board for approval;

(11) published books, periodicals, and technical pamphlets;

(12) South Carolina Research Authority;

(13) the purchase of supplies, services, or information technology by state offices, departments, institutions, agencies, boards, and commissions or the political subdivisions of this State from the South Carolina Department of Corrections, Division of Prison Industries;

(14) Medical University Hospital Authority, if the Medical University Hospital Authority has promulgated a procurement process in accordance with its enabling provision;

(15) if approved in writing by the State Engineer in advance, and if some aspect of the overall transaction is otherwise approved by the board in advance of the acquisition, an acquisition of construction from an eleemosynary corporation or foundation, or a wholly owned business thereof, established solely for the governmental body's benefit, but only if the eleemosynary corporation or foundation acquires the construction on behalf of or for the use of the governmental body and does so pursuant to this code, as required by Section 11-35-40(4);

(16) the acquisition by the Department of Public Safety of vehicle and road equipment maintenance and repair and other emergency-type parts and equipment.

(B) The State Fiscal Accountability Authority shall maintain and post publicly a running list of all currently effective actions taken by the board pursuant to subsection (A).

"C" funds

SECTION 44. Section 12-28-2740 of the S.C. Code is amended to read:

Section 12-28-2740. (A) The proceeds from three and ninety-nine one-hundredths cents a gallon of the user fee on gasoline only as levied and provided for in this chapter must be deposited with the State

Treasurer and expended for purposes set forth in this section. The monies must be apportioned among the counties of the State in the following manner:

(1) one-third distributed in the ratio which the land area of the county bears to the total land area of the State;

(2) one-third distributed in the ratio which the population of the county bears to the total population of the State as shown by the latest official decennial census;

(3) one-third distributed in the ratio which the mileage of all rural roads in the county bears to the total rural road mileage in the State as shown by the latest official records of the Department of Transportation. The Department of Revenue shall collect the information required pursuant to Section 12-28-1390 regarding the number of gallons sold in each county for use in making allocations of donor funds as provided in subsection (I). The Department of Revenue shall submit the percentage of the total represented by each county to the Department of Transportation and to each county transportation committee annually by May first of the following calendar year. Upon request of a county transportation committee, the Department of Transportation shall continue to administer the funds allocated to the county.

(B) All interest earnings on the County Transportation Fund in the State Treasury must be added to the distribution to counties under this section in proportion to each county's portion of the entire County Transportation Fund. Except for those funds being used in connection with highway projects administered by the Department of Transportation on behalf of counties administering their own "C" funds, these distributions of earnings and the calculation required to determine the appropriate amount shall not include those counties administering their own "C" funds.

(C)(1) The funds expended must be approved by and used in furtherance of a countywide transportation plan adopted by a county transportation committee.

(2) The county legislative delegation shall appoint the county transportation committee, and shall ensure that the committee includes fair representation from municipalities and unincorporated areas of the county. All members of the county transportation committee must be residents of the county. The Department of Transportation shall publish a register on its website of members of the respective county transportation committees. The county transportation committee shall publish on the county website the members of the county transportation committee.

(3) The countywide transportation plan shall list the criteria by

which projects shall be selected by the county transportation committee. The criteria shall include, but not be limited to, the condition of state and local highway roads and bridges, safety, efficient traffic operations, and economic development. The plan shall be updated at least every four years. Expenses related to preparing a plan may be incurred from "C" funds. This subsection does not prohibit the county legislative delegation from making project recommendations to the county transportation committee. The county transportation committee shall publish on the county website the countywide transportation plan.

(4) County transportation committees may join in approving a regional transportation plan, and the funds must be used in furtherance of the regional transportation plan. The regional transportation plan shall be updated every four years. Expenses related to preparing a plan may be incurred from "C" funds. This subsection does not prohibit the county legislative delegation from making project recommendations to the county transportation committee.

(5) A county transportation committee may expend from the funds allocated under this section an amount not to exceed ten thousand dollars for reasonable administrative expenses directly related to the activities of the committee. Administrative expenses may include costs associated with copying, mailings, public notices, correspondence, and recordkeeping but do not include the payment of per diem or salaries for members of the committee.

(6) A county transportation committee shall comply with notice requirements under Section 30-4-80(a). The agenda shall include the proposed actions of the county transportation committee and include the requested amount of "C" funds to be allocated.

(7) A county transportation committee shall comply with the minutes requirements of Section 30-4-90. The minutes shall include the final amount of "C" funds allocated to each recipient.

(8) A county transportation committee shall meet at least twice annually.

(D) At least thirty-three percent of a county's apportionment of "C" funds, based on a biennial averaging of expenditures, must be expended on the state highway system for construction, improvements, and maintenance. The Secretary of Transportation, or his designee, shall approve the proposed expenditure based on the anticipated improvement to the existing condition and operations of the state highway system. The Department of Transportation shall administer all funds expended on the state highway system unless the department has given explicit authority to a county or municipal government or other agent acting on behalf of the county transportation committee to design, engineer, construct, and

inspect projects using their own personnel. The county transportation committee, at its discretion, may expend up to sixty-seven percent of "C" construction funds for activities including other local paving or improving county roads, for street and traffic signs, and for other road and bridge projects.

(E) The funds allocated to the county also may be used to issue county bonds or state highway bonds as provided in subsection (K), pay directly for appropriate highway projects, including engineering, contracting, and project supervision, and match federal funds available for appropriate projects. Beginning July 1, 2002, for any new "C" fund allocations received on or after this date, the balance of uncommitted funds carried forward from one year into the next may not exceed three hundred percent of the county's total apportionment for the most recent year. Expenditures must be documented on a per-project basis upon the completion of each project in reports to the respective county transportation committees. This documentation must be provided by the agency or local government actually expending the funds and it shall include a description of the completed project and a general accounting of all expenditures made in connection with the project summaries of these reports then must be forwarded by each county transportation committee to the department using guidelines established by the department and the department shall compile these reports into an annual statewide report to be submitted to the General Assembly by the second Tuesday of January of each year. The documentation and reporting requirements of this subsection apply only to counties administering their own "C" funds. For purposes of this section, "uncommitted funds" means funds held in the county's "C" fund account that have not been designated for specific projects.

(F) All unexpended "C" funds allocated to a county remain in the account allocated to the county for the succeeding fiscal year and must be expended as provided in this section.

(G) The countywide and regional transportation plans provided for in this section must be reviewed and approved by the Department of Transportation. Before the expenditure of funds by a county transportation committee, the committee shall adopt specifications for local road projects. In counties electing to expend their allocation directly pursuant to subsection (A), specifications of roads built with "C" funds are to be established by the countywide or regional transportation committee. In counties in which the county transportation committee elects to have "C" funds administered by the Department of Transportation, primary and secondary roads built using "C" funds must meet Department of Transportation specifications.

(H) This section must not be construed as affecting the plans and implementation of plans for a Statewide Surface Transportation System as developed by the Department of Transportation.

(I)(1) For purposes of this subsection, "donor county" means a county that contributes to the "C" fund an amount in excess of what it receives under the allocation formula as stated in subsection (A). In addition to the allocation to the counties pursuant to subsection (A), the Department of Transportation annually shall transfer to the donor counties an amount equal to seventeen million dollars in the ratio of the individual donor county's contribution in excess of "C" fund revenue allocated to the county under subsection (A) to the total excess contributions of all donor counties.

(2) A county is eligible for an additional allocation from the Department of Transportation if the county contributed to the "C" fund an amount in excess of what it receives under the allocation formula as stated in subsection (A) plus what it receives under item (1). The Department of Transportation annually shall transfer to the eligible counties an amount up to three and one-half million dollars in the ratio of the individual eligible county's contribution to the "C" fund in excess of the eligible county's total allocations under subsection (A) and item (1) to the total excess contributions of all eligible counties remaining after all allocations under subsection (A) and item (1) have been made. Under no circumstances can an allocation under this item result in an eligible county receiving total allocations in excess of what the county contributed to the "C" fund.

(J)(1) In expending funds pursuant to this section, counties that administer their own "C" funds shall use a procurement system that requires competitive sealed bids, no bid preferences not required by state or federal law, and public advertisement of all projects. All bids for contracts in excess of one hundred thousand dollars must be accompanied by certified bid bonds, and all work awarded under the contracts must be covered by performance and payment bonds for one hundred percent of the contract value. Bid summaries must be published in a newspaper of general distribution following each award.

(2) The requirement of a bond for bid security or a bond for payment and performance may not include the requirement that the surety bond be furnished by a particular surety company or through a particular agent or broker.

(K) State highway bonds may be issued for the completion of projects for which "C" funds may be expended for projects as determined by the county transportation committee. The application for the bonds must be filed by the county transportation committee with the Department of

Transportation and the State Treasurer, which shall forward the application to the State Fiscal Accountability Authority. The Department of Transportation shall review the request and ensure it includes the information and schedules contemplated by Section 57-11-220 and that estimated principal and interest on the proposed bonds may be met from such county's "C" funds, and if it, through the Secretary of Transportation, finds that such request, as submitted or as supplemented by the department, includes the required information, demonstrates that available "C" funds will satisfy estimated principal and interest on the proposed bonds, and does not unreasonably impact the published plans of the Department of Transportation, then it shall submit such request for state highway bonds to the State Fiscal Accountability Authority. The State Fiscal Accountability Authority shall consider the request in the same manner that it considers state highway bonds, mutatis mutandis. The county transportation committee shall allocate and apply from its share of "C" fund revenues available for use by the county transportation committee the amount of principal and interest on the state highway bonds. The department shall provide notice of the debt service requirements of such state highway bonds upon the issuance thereof to the county transportation committee.

(L) Members of the committee are insulated from all personal liability arising out of matters related directly to and within the scope of the performance of official duties and functions conferred upon the committee pursuant to this section.

(M) Notwithstanding other provisions of this section, the legislative delegation of a county may by delegation resolution devolve its powers and duties to appoint the members of the committee to the governing body of the county. This devolution may be reversed by a subsequent delegation resolution.

(N) The Department of Transportation shall perform reviews to ensure compliance with subsections (C)(3), (C)(4), (C)(5), (C)(6), (C)(7), (C)(8), (D), (E), (G), and (J). A county failing to comply with these subsections must have all subsequent "C" fund allocations withheld until the requirements of those subsections are met. If a county fails to comply with those subsections within twenty-four months, then the county forfeits fifty percent of its allocations for the following year and the forfeited amount must be divided among the other counties as provided in subsection (A).

(O) A county subject to a proposed withholding or forfeiture of "C" fund allocations pursuant to this section must be notified in writing of the department's decision. The county, within sixty days of receipt of notice of the decision, may request a review of the decision by a panel

consisting of the state highway engineer or his designee, the chairman of the affected county's transportation committee or his designee, and a third person named by mutual agreement between the state highway engineer and the county transportation committee chairman. The panel shall meet and render a decision within ninety days of the request by the county transportation committee. The decision of the panel may be appealed by requesting a contested case hearing before the Administrative Law Court pursuant to Section 1-23-600 and the rules of procedure for the Administrative Law Court. The request for a hearing must be made within thirty days of receipt of the panel's decision.

(P) The legislative delegation of the county, by resolution, may rename the county transportation committee established by this section as the (insert name of county) Legislative Delegation transportation committee. Upon the adoption of such a resolution, all references in this section and any other provisions of law to the county transportation committee, for purposes of that county, are deemed references to that county's legislative delegation transportation committee.

(Q) It is unlawful for a member of a county transportation committee, an engineer, agent, or other employee, acting for or on behalf of a committee, to accept or agree to accept, receive or agree to receive, or ask or solicit, either directly or indirectly, with the intent to have his decision or action on any question, matter, cause, or proceeding which at the time may be pending or which by law may be brought before him in his official capacity or in his place of trust or profit influenced, any:

(1) money;

(2) contract, promise, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value;

(3) political appointment or influence, present, or reward;

(4) employment; or

(5) other thing of value.

A person violating the provisions of subsection is guilty of a felony and, upon conviction, must be imprisoned not more than five years and is disqualified forever from holding any office of trust or profit under the Constitution or laws of this State.

(R) Any official or employee of a county transportation committee is subject to the provisions of Chapter 13, Title 8, the State Ethics Act.

Roads financed with usage charges

SECTION 45. Section 12-28-2920 of the S.C. Code is amended to read:

Section 12-28-2920. The department shall review projects for the possibility of constructing roads financed with usage charges pursuant to the authority granted the department in Article 9, Chapter 5, Title 57, as well as Sections 57-3-200 and 57-3-205. No project may be funded in whole or in part by means of imposing a usage charge on the users of the project unless it is determined to be substantially feasible by the department, taking into account all funding sources. The funds derived from usage charges must be:

(1) credited to the State Highway Fund;

(2) retained and applied by the entity or entities developing the applicable road pursuant to an agreement authorized under Section 57-3-200 or 57-3-205 for the purpose of funding the cost of construction, financing, operation, and maintenance of the applicable project;

(3) used to service bonded indebtedness for highway transportation purposes incurred pursuant to Paragraph 9, Section 13, Article X of the South Carolina Constitution; or

(4) used to pay for the operation and maintenance costs of the applicable project.

Pothole Mitigation Program

SECTION 46. Article 11, Chapter 5, Title 57 of the S.C. Code is amended by adding:

Section 57-5-1800. (A) There is established within the Department of Transportation the Pothole Mitigation Program for the purposes of public reporting of pothole locations along the state highway system. The department must implement the program in each county.

(B) The Pothole Mitigation Program must provide means for the public to report the location of potholes to the department via telephone, the internet, a website application, or other electronic means as determined by the department. Within one year of adoption of this act, the department shall make available on the commercial mobile application stores a free application that allows the public to report the location of a pothole. The department must post notices in conspicuous locations including the department website, the State Highway Map, rest areas, and other facilities that provide information about the means for the public to report potholes.

(C) The department must ensure that, within seven days of receiving notice of the location of a pothole, the pothole is repaired. Each pothole repair must be a permanent repair unless weather conditions, emergency events, supplier availability, or other exigent circumstance requires a temporary repair until a permanent repair can be made. The department may use its own personnel or may contract with outside parties for pothole repair pursuant to the Pothole Mitigation Program.

(D) From the Infrastructure Maintenance Trust Fund, the department shall annually allocate fifteen million dollars for full depth pavement repairs of repetitive potholes as identified in subsection (B). These funds shall be in addition to existing funds allocated for pavement rehabilitation.

Choice lane facilities, conforming change

SECTION 47. Section 57-5-1370 of the S.C. Code is amended to read:

Section 57-5-1370. Bonds may be issued from time to time under the conditions prescribed by this article.

Choice lane facilities, conforming change

SECTION 48. Section 57-5-1470 of the S.C. Code is amended to read:

Section 57-5-1470. All bonds issued under this article, and the interest thereon, are exempt from all state, county, municipal, school district, and other taxes or assessment, direct or indirect, general or special, imposed by the State of South Carolina, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, or transfer taxes. Each choice lane facility constitutes a portion of the state highway system and as such is not subject to ad valorem or other forms of taxation by the State or any of its political subdivisions.

County-funded projects

SECTION 49. Chapter 1, Title 57 of the S.C. Code is amended by adding:

Section 57-1-375. (A) Upon notification from a county that the county has appropriated funds for projects to improve the state highway system, the department must review the priority list for projects to be undertaken pursuant to Section 57-1-370(B)(8) to see if the projects

proposed by the county are also on the department's priority list of projects to be undertaken pursuant to Section 57-1-370(B)(8).

(B) The department shall provide certification within ninety days to the county if a project proposed to be funded from funds appropriated by that county is also on the department's priority list of projects to be undertaken pursuant to Section 57-1-370(B)(8).

(C) In the event the county funds in its entirety a project certified by the department pursuant to subsection (B), the department shall reprioritize the next project within that county that is also on the department's priority list of projects to be undertaken pursuant to Section 57-1-370(B)(8) in place of the project funded by the county. This subsection does not apply to bridges that are closed, load posted, or structurally deficient.

Redesignation

SECTION 50. Article 9, Chapter 5, Title 57 of the S.C. Code is redesignated "Choice Lane Facilities."

One subject

SECTION 51.The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of improving the state's transportation system as clearly enumerated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

Severability

SECTION 52.If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

SECTION 53. (A)(1) The amendments made to the following S.C. Code Sections, as contained in this act, take effect January 1, 2027: Sections 57-1-410, 1-30-10, 1-30-105, 11-43-150, 57-1-10, 57-1-40, 57-1-430, 57-1-500, 57-3-50, 57-1-90, 57-3-210, 57-3-700, 57-5-10, 57-5-50, 57-5-90, 57-5-310, 57-5-340, 57-13-10, 57-13-20, 57-13-40, 57-13-50, 57-25-120, 57-25-140, 57-25-150, 57-25-170, 57-25-200, 57-25-210, 57-1-360, 57-1-370, and 57-5-1800.

(2) The uncodified provisions relating to the currently serving Secretary of the Department of Transportation, the abolition of the Commission of the Department of Transportation, and the repeal of certain statutes, as contained in SECTIONS 2, 4, and 29, take effect January 1, 2027.

(B) The amendments made to the following S.C. Code Sections or additions thereto, as contained in this act, take effect on July 1, 2026: Sections 11-43-140, 57-3-205, 57-5-1480, 57-5-1710, 57-5-1720, and 11-35-710.

(C) Except where specified otherwise, this act takes effect July 1, 2027. County legislative delegations have ninety days from the effective date of this act to comply with the provisions of Section 12-28-2740(C)(2).

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 178

(R157, S857)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 38-1-20, RELATING TO INSURANCE LAW DEFINITIONS, SO AS TO DEFINE THE TERM "CONTINGENT DEFERRED ANNUITY"; BY AMENDING SECTION 38-69-220, RELATING TO EXCEPTIONS FROM OPERATION OF THE STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES, SO AS TO ADD AN EXCEPTION FOR CERTAIN PROVISIONS OF THE STANDARD NONFORFEITURE LAW FOR INDIVIDUAL DEFERRED ANNUITIES, AND TO PROVIDE THE DEPARTMENT OF INSURANCE MAY PROMULGATE REGULATIONS FOR NONFORFEITURE BENEFITS FOR CONTINGENT DEFERRED ANNUITIES IN THE DISCRETION OF THE DIRECTOR OF THE DEPARTMENT IN CERTAIN CIRCUMSTANCES; AND BY AMENDING SECTION 38-44-20, RELATING TO DEFINITIONS IN THE MANAGING GENERAL AGENTS ACT, SO AS TO MAKE A CONFORMING CHANGE.

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

"Contingent deferred annuity" defined

SECTION 1. Section 38-1-20 of the S.C. Code is amended to read:

Section 38-1-20. As used in this title, unless the context otherwise requires:

(1) "Accident and health insurance" means insurance of human beings against death or personal injury by accident, and each insurance of human beings against sickness, ailment, and any type of physical disability resulting from accident or disease, and prepaid dental service, but not including coverages required by the Workers' Compensation Law of this State.

(2) "Accommodation bondsman" means as defined in Section 38-53-10.

(3) "Adjuster" means an individual who determines the extent of insured losses and assists in settling or attempts to settle claims.

(4) "Admitted assets" means assets of an insurer considered admitted

on the most recent statutory financial statement of the insurer filed with the department pursuant to Section 38-13-80.

(5) "Admitted insurer" means an insurer licensed to do business in this State.

(6) "Alien insurer" means an insurer incorporated or organized under the laws of a country other than the United States of America, its states, commonwealths, territories, or insular possessions.

(7) "Annuity" means each contract or agreement to make periodic payments, whether in fixed or variable dollar amounts, or both, at specified intervals.

(8)(a) "Appointment" means an individual designated by an official or authorized representative of an authorized insurer to act on its behalf as a producer.

(b) "General appointment" means an appointment of a person who, as a representative of an insurer or insurers, is vested with authority to supervise producers and to exercise this management authority as is delegated to him by the principal. A producer appointed as a general also may perform the duties of a producer who holds a local or special appointment.

(c) "Local appointment" means an appointment of a producer who has been authorized by an insurer to sell, solicit, or negotiate policies on an insurer's behalf.

(d) "Special appointment" means an individual designated by an insurer to supervise and assist other producers in the proper discharge of their duties under an insurer's policy contract. A special appointment grants no authority to sell, solicit, or negotiate policies of insurance on behalf of an insurer.

(9) "Bail bondsman" means as defined in Section 38-53-10.

(10) "By" means on or before.

(11) "Casualty insurance" means each insurance against legal liability of the insured for bodily injury to or death of another person, including workers' compensation insurance, and for damages to or loss or destruction of the property of another person; medical payments insurance when written in conjunction with insurance covering liability for the deaths or bodily injuries of another person; guaranteeing the fidelity of a person holding a position of public or private trust; loss of or damage to property caused by burglary, theft, larceny, robbery, fraud, or unlawful taking or secretion of property owned by or entrusted to the insured; loss of or damage to property of the insured resulting from the explosion of or damage to a fired or unfired boiler or other pressure vessel, engine, turbine, compressor, pump, wheel, or an apparatus generating, transmitting, or using electric power, and machinery or

equipment connected with any of them; loss resulting from nonpayment of debts owed to merchants or another person extending credit.

(12) "Certificate of insurance" means a memorandum copy, complete or abbreviated, of an insurance contract.

(13) "Coinsurance" means a stipulation or requirement that the insured undertakes to be his own insurer to the extent that he fails to maintain insurance of a given percentage of the value of the property against loss or damage.

(14) "Commission" means the part of the premium paid to the producer as compensation for his services.

(15) "Company" includes a corporation, fraternal organization, burial association, other association, partnership, society, order, individual, or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations.

(16) "Contingent deferred annuity" means an annuity contract that establishes a life insurer's obligation to make periodic payments for the annuitant's lifetime at the time-designated investments, which are not owned or held by the insurer, are depleted to a contractually defined amount due to contractually permitted withdrawals, market performance, fees, or other charges.

(17) "Crop insurance" includes insurance providing protection against damage to crops from unfavorable weather conditions, fire, lightning, flood, hail, insect infestation, disease, or other yield-reducing conditions or perils provided by the private insurance market, or that is subsidized by the Federal Crop Insurance Corporation, including Multi-Peril Crop Insurance.

(18) "Department" means the Department of Insurance of South Carolina.

(19) "Designee or deputy director" means the person or persons appointed by the director, serving at the will and pleasure of the director as his designee, to supervise and carry out the functions and duties of the department as provided by law. A duty or function of the director to manage and supervise the department may be conferred by the director's authority upon his designee or deputy director.

(20) "Director" means the person who is appointed by the Governor upon the advice and consent of the Senate and who is responsible for the operation and management of the department. The director has the authority to appoint or designate the person or persons who shall serve at the pleasure of the director to carry out the objectives or duties of the department as provided by law. Furthermore, the director may bestow

upon his designee or deputy director a duty or function required of him by law to manage and supervise the department.

(21) "Domestic insurer" means an insurer incorporated or organized under the laws of this State.

(22) "Eligible surplus lines insurer" means a nonadmitted insurer with which a licensed broker, or a licensed producer as provided in Section 38-45-10(8)(b)(ii), may place surplus lines insurance.

(23) "Exempt commercial policies" means policies for commercial insureds as may be provided for in regulation issued by the director. Exempt commercial policies include all property and casualty coverages except for insurance related to credit transactions written through financial institutions.

(24) "Foreign insurer" means an insurer incorporated or organized under the laws of the United States or of any jurisdiction within the United States other than this State.

(25) "Home state" means the District of Columbia and a state or territory of the United States in which an insurance producer maintains his principal place of residence or principal place of business and is licensed to act as an insurance producer.

(26) "Insurance" means a contract where one undertakes to indemnify another or pay a specified amount upon determinable contingencies. The term "insurance" includes annuities.

(27) "Insurance agency" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity in which more than one person has a financial interest.

(28) "Insurance broker" means an individual licensed by the department to represent citizens of this State in placing their insurance. An insurance broker may place that insurance either with an eligible surplus lines insurer or with a licensed insurance producer in an insurance carrier licensed in this State.

(29) "Insurance company" means an "insurer".

(30) "Insurance premium service company" means a person engaged in the business of entering into insurance premium service agreements.

(31) "Insurance producer" or "producer" means a person who represents an insurance company and is required to be licensed pursuant to Section 38-43-10.

(32) "Insurance rate" means the price of insurance for each unit of exposure.

(33) "Insurance-support organization" means a person who regularly engages, in whole or in part, in the practice of assembling or collecting information about natural persons for the primary purpose of providing the information to an insurer or agent for insurance transactions,

including:

(i) the furnishing of consumer reports or investigative consumer reports to an insurer or agent for use in connection with an insurance transaction; or

(ii) the collection of personal information from insurers, agents, or other insurance-support organizations for the purpose of detecting or preventing fraud, material misrepresentation, or material nondisclosure in connection with insurance underwriting or insurance claim activity. However, the following are not considered insurance-support organizations for purposes of this chapter: agents, governmental institutions, insurers, modeling organizations, consumer reporting agencies, medical care institutions, and medical professionals.

(34) "Insurer" includes a corporation, fraternal organization, burial association, other association, partnership, society, order, individual, or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations.

(35) "License" means a document issued by the state's director or his designee authorizing a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create any authority, actual, apparent or inherent, in the holder to represent or commit an insurance carrier.

(36) "Life insurance" means a contract of insurance upon the lives of human beings. The following contracts are considered to be contracts of life insurance within the meaning of this definition:

(a) a contract providing acceleration of life benefits, beginning on the contract's original effective date, in advance of the time they otherwise would be payable for long-term care as defined in Section 38-72-40;

(b) a contract providing acceleration of life benefits, beginning on the contract's original effective date, in advance of the time they otherwise would be payable for a life-threatening illness or a terminal illness as specified in the contract.

(37) "Limited line credit insurance" includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection insurance, and another form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation that the director or his designee determines should be designated a form of limited line credit insurance.

(38) "Limited line credit insurance producer" means a person who sells, solicits, or negotiates one or more forms of limited line credit insurance coverage to individuals through a master, corporate, group, or individual policy.

(39) "Limited line insurance" includes crop, travel surety, Federal Crop Insurance Program, and any other form of insurance that the director considers necessary in order to ensure compliance with the reciprocal provisions of this chapter.

(40) "Limited line insurance producer" means a person authorized by the director or his designee to sell, solicit, or negotiate limited line insurance.

(41) "Marine insurance" means each insurance against loss or destruction of or damage to aircraft, vessels, or watercraft and their cargoes; insurance covering the risks or perils of navigation, transit, or transportation of all forms of property, including the liability of a carrier for hire for the loss of property of shippers delivered for transporting; marine builder's risks; bridges, tunnels, piers, wharves, docks and slips, dry docks, marine railways, and other aids to navigation and transportation, precious stones, precious metals, and jewelry, whether in the course of transportation or otherwise; coverage of personal property by all risk forms known as the "Personal Property Floater"; and coverage of mobile machinery and equipment. Inland marine insurance includes "travel insurance" as defined in Section 38-43-720(14).

(42) "Modeling organization" means a corporation, unincorporated association, partnership, or individual, whether located within or outside this State, that prepares a catastrophe model that is used by an insurer in a rate filing. A catastrophe model is a computer program that estimates losses from a potential upcoming disaster. Catastrophe modeling combines data on property exposures with information on hazards, such as storms or earthquakes, to generate estimates of potential losses.

(43) "Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

(44) "Nonadmitted insurer" means an insurer not licensed to do an insurance business in this State.

(45) "Person" means a corporation, agency, partnership, association, voluntary organization, individual, or another entity, organization, or aggregation of individuals.

(46) "Policy" means a contract of insurance.

(47) "Premium" means payment given in consideration of a contract

of insurance.

(48) "Premium service agreement" means an agreement by which an insured or prospective insured promises to pay to an insurance premium service company the amount advanced or to be advanced under the agreement to an insurer or to an insurance producer or insurance broker in payment of premiums on an insurance contract together with a service charge as authorized by Chapter 39 of this title.

(49) "Probation" means allowing a licensed person the director has found to have violated South Carolina, any United States territory, or another state's laws to continue selling, soliciting, or negotiating insurance on behalf of an insurer. A person convicted of a felony or those crimes listed in 18 U.S.C. 1033 or 1034 does not qualify for probation.

(50) "Professional bondsman" means as defined in Section 38-53-10.

(51) "Property insurance" means each insurance against direct or indirect loss of or damage to a property resulting from fire, smoke, weather disturbances, climatic conditions, earthquake, volcanic eruption, rising waters, insects, blight, animals, war damage, riot, civil commotion, destruction by order of civil authority to prevent spread of conflagration or for other reason, water damage, vandalism, glass breakage, explosion of a water system, collision, theft of automobiles, and personal effects in them (but no other forms of theft insurance), loss of or damage to domestic or wild animals, and any other perils to property which in the discretion of the director or his designee form proper subjects of property insurance, if not specified in item (1), (7), (11), (36), (41), (55), or (60) of this section.

(52) "Runner" means as defined in Section 38-53-10.

(53) "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.

(54) "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

(55) "Surety" includes insurance or a bond that covers obligations to pay the debts, or answer for the default, of another, including faithlessness in a position of public or private trust.

(56) "Surety bondsman" means as defined in Section 38-53-10.

(57) "Surplus lines insurance" means insurance in this State of risks located or to be performed in this State, permitted to be placed through a licensed broker, or a licensed broker as provided in Section 38-45-10(8)(b)(ii), with a nonadmitted insurer eligible to accept the insurance, other than reinsurance, wet marine and transportation insurance, insurance independently procured, and life and health insurance and annuities. Excess and stop-loss insurance coverage upon

group life, accident, and health insurance or upon a self-insured's life, accident, and health benefits program, disability insurance in excess of any benefit limit available from an admitted insurer, commercial motor vehicle liability, and international major medical insurance may be approved as surplus lines insurance.

(58) "Surplus to policyholders" is the excess of total admitted assets over the liabilities of an insurer which is the sum of all capital and surplus accounts minus any impairment of them.

(59) "Terminate" means the cancellation of the relationship between an insurance producer and the insurer or the termination of a producer's authority to transact insurance.

(60) "Title insurance" means insurance of the owners of real property and other persons lawfully interested in the title insurance against loss by reason of defective titles and undisclosed liens and encumbrances affecting the property.

(61) "Uniform agency application" means the current version of the National Association of Insurance Commissioners Uniform Business Entity Application for resident and nonresident business entities.

(62) "Uniform application" means the current version of the National Association of Insurance Commissioners Uniform Application for resident and nonresident producer licensing.

(63) "International major medical insurance" means a temporary health insurance policy that covers the expenses associated with illnesses or accidents that occur while traveling or when temporarily residing outside of a person's home country.

Individual deferred annuity nonforfeiture requirements, exception

SECTION 2. Section 38-69-220 of the S.C. Code is amended to read:

Section 38-69-220. (A) This article does not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer including a partnership or sole proprietorship or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under Section 408 of the Internal Revenue Code, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, or to any contract which is delivered outside this State through an agent or other representative of the company issuing the contract.

(B) Sections 38-69-230 through 38-69-280 do not apply to contingent

deferred annuities. Notwithstanding this exemption, the department may establish by order or regulation nonforfeiture benefits for contingent deferred annuities that are, in the opinion of the director, equitable to the contract holder, appropriate given the risks insured, and to the extent possible, consistent with general intent of this article.

Managing general agents definitions, conforming change

SECTION 3. Section 38-44-20(2) of the S.C. Code is amended to read:

(2) "Insurer" means a domestic insurer as defined in Section 38-1-20(21).

Time effective

SECTION 4. This act takes effect ninety days after approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 179

(R158, S863)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-103-15, RELATING TO THE STATE'S MISSION AND GOALS FOR HIGHER EDUCATION, SO AS TO PROVIDE FOR AN APPLIED BACCALAUREATE IN CULINARY ARTS MANAGEMENT DEGREE FROM INSTITUTIONS THAT ARE PART OF THE STATE TECHNICAL AND COMPREHENSIVE EDUCATION SYSTEM; AND BY AMENDING SECTION 59-103-15, RELATING TO FUNDING FOR CERTAIN DEGREES, SO AS TO PROVIDE THAT APPLIED BACCALAUREATE IN CULINARY ARTS MANAGEMENT DEGREE PROGRAMS ARE ONLY ALLOWED IF STATE FUNDS ARE NOT

APPROPRIATED TO FUND THE PROGRAMS.

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

Applied Baccalaureate in Culinary Arts Management degree authorized

SECTION 1. Section 59-103-15(B)(5)(e) and (f) of the S.C. Code are amended to read:

(e) continue to remain technical, vocational, or occupational colleges with a mission as stated in item (4) and primarily focused on technical education and the economic development of the State;

(f) subject to subsection (C), an Applied Baccalaureate in Advanced Manufacturing Technology degree approved first by the Board for Technical and Comprehensive Education and then the Commission on Higher Education; and

(g) subject to subsection (C), an Applied Baccalaureate in Culinary Arts Management degree approved first by the Board for Technical and Comprehensive Education and then the Commission on Higher Education.

Prohibition on use of new state funds

SECTION 2. Section 59-103-15(C) of the S.C. Code is amended to read:

(C) Notwithstanding subsection (B), the degrees set forth in subsection (B)(3)(e), (f), (g), and (h), and subsection (B)(5)(f) and (g) are only allowed so long as new state general funds are not appropriated for the operations of the degree program.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 180

(R160, S893)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 44-2-20, 44-2-40, 44-2-60, 44-2-130, AND 44-2-150, ALL RELATING TO THE STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE BANK ACT, SO AS TO CHANGE CERTAIN DEFINITIONS, TO INCREASE THE FUNDS AVAILABLE FOR REHABILITATION OF CONTAMINATED SITES, TO REVISE AN ANNUAL RENEWAL FEE SCHEDULE, TO CHANGE THE COMPOSITION OF THE SUPERB ADVISORY COMMITTEE, AND FOR OTHER PURPOSES.

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

Definitions

SECTION 1. Section 44-2-20 of the S.C. Code is amended to read:

Section 44-2-20. When used in this chapter, the listed terms have the following meanings unless the context clearly requires otherwise:

(1) "Affiliate" means persons who are affiliates to each other if, directly or indirectly, either one controls or has the power to control the other or a third person controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interest among family members, shared facilities and equipment, common use of employees, or a business entity organized following the suspension, debarment, or exclusion of a person, under applicable regulation, where the person has the same or similar management, ownership, or principal employees as the suspended, debarred, or excluded person.

(2) "Bodily injury" means actual medically documented costs and medically documentable future costs of adverse health effects that have resulted from exposure to a release of petroleum or petroleum products from an underground storage tank. Bodily injury does not mean pain and suffering.

(3) "Committed funds" means that portion of the Superb Account

reserved as a result of action by the Department of Environmental Services to approve costs for planned site rehabilitation activities.

(4) "Compensation" means billing the Superb Account for costs associated with site rehabilitation after receiving prior approval from the department and in accordance with regulations promulgated pursuant to this chapter and criteria established by the department as authorized by this chapter. All compensation is considered committed funds.

(5) "Department" means the Department of Environmental Services.

(6) "Familial relationship" means a connection or association by family or relatives, in which a family member or relative has a material interest. Family or relatives include father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, or fiancee.

(7) "Financial relationship" means a connection or association through a material interest or sources of income which exceed five percent of annual gross income from a business entity.

(8) "Fund" means the funds provided for under this chapter and deposited in the Superb Account or the Superb Financial Responsibility Fund hereinafter created.

(9) "Occurrence" means an accident, including continuous or repeated exposure to conditions which results in a release from an underground storage tank.

(10) "Operator" means any person in control of, or having responsibility for the daily operation of an underground storage tank.

(11) "Orphan site" means a site where there has been a release from an underground storage tank but responsible party issues have not been resolved, and site rehabilitation has not been undertaken.

(12) "Owner" means:

(a) in the case of an underground storage tank system in use on November 8, 1984, or brought into use after that date, a person who owns an underground storage tank system used for storage, use, or dispensing of regulated substances;

(b) in the case of any underground storage tank system in use before November 8, 1984, but no longer in use on that date, a person who owned such an underground storage tank immediately before the discontinuation of its use; or

(c) a person who has assumed legal ownership of the underground

storage tank through the provisions of a contract of sale or other legally binding transfer of ownership.

(13) "Person" means any individual, partner, corporation organized or united for a business purpose, or a governmental agency.

(14) "Petroleum" and "petroleum product" means crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds for each square inch absolute), including any such liquid which consists of a blend of petroleum and alcohol and which is intended for use as a motor fuel. The terms "petroleum" and "petroleum product" do not include any:

(a) hazardous substance as defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA);

(b) substance, other than used oils, regulated as a hazardous waste under Subtitle C of Title II of the Federal Resource Conservation and Recovery Act of 1976 (RCRA); or

(c) mixture of petroleum or a petroleum product containing any such hazardous substance or hazardous waste in greater than de minimis quantities.

(15) "Property damage" means a documented adverse physical impact to structures or property as a result of a release of petroleum or petroleum products from an underground storage tank. The total damage is limited to the difference between the original fair market value of the property or structure and the residual value or the depreciated replacement cost of the property or structure, whichever is less. The documented presence of petroleum or petroleum products at levels not posing an unacceptable risk to human health or environment shall not be grounds for a claim or suit.

(16) "Punitive damages" means damages awarded by a court to an injured party to punish the defendant for a serious wrong. This award only is in addition to actual damages awarded for bodily injury or property damage.

(17) "Regulated substance" means:

(a) a substance defined in Section 101(14) of CERCLA, but not including any substance regulated as a hazardous waste under Subtitle C of RCRA; and

(b) petroleum and petroleum products. The term "regulated substance" includes, but is not limited to, petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and

used oils.

(18) "Related interest" means affiliated companies, principal owners of the client company, or any other party with which the client deals where one of the parties can influence the management or operation policies of the other.

(19) "Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an underground storage tank into subsurface soils, groundwater, or surface water.

(20) "Site rehabilitation" means cleanup actions taken in response to a release from an underground, storage tank which includes, but is not limited to, investigation, evaluation, planning, design, engineering, construction, or other services put forth to investigate or clean up affected subsurface soils, groundwater, or surface water.

(21) "Site rehabilitation contractor" means any person who carries out site rehabilitation actions, including persons retained or hired by these persons to provide services related to site rehabilitation.

(22) "Substantial compliance" means that an underground storage tank owner or operator has demonstrated a good faith effort to comply with regulations necessary and essential in preventing releases, in facilitating their early detection, and in mitigating their impact on public health and the environment.

(23) "Third party claim" means a civil action brought or asserted by an injured party against an owner or operator of an underground storage tank for bodily injury or property damages resulting from a release of petroleum or petroleum products from an underground storage tank. The underground storage tank owner or operator, the owner of the property where the underground storage tank is located, a person to whom properties are transferred in anticipation of damage due to a release, employees or agents of an owner or operator, or employees or agents of the property owner must not be considered a third party.

(24) "Underground storage tank" or "UST" means any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of regulated substance, and the volume of which is ten percent or more beneath the surface of the ground. The term does not include any:

(a) farm or residential tank of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes;

(b) tank used for storing heating oil for consumptive use on the premises where stored;

(c) septic tank;

(d) pipeline facility, including gathering line which is:

(i) regulated under 49 U.S.C. Chapter 601; or

(ii) an intrastate pipeline facility regulated under state laws provided in 49 U.S.C. Chapter 601 and which is determined by the United States Secretary of Transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at a pipeline pressure or as an integral part of a pipeline;

(e) surface impoundment, pit, pond or lagoon;

(f) storm water or wastewater collection system;

(g) flow-through process tank;

(h) liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;

(i) storage tank situated in an underground area, such as a basement, cellar, mineworking, drift, shaft, or tunnel, if the petroleum storage tank is situated upon or above the surface of the floor;

(j) hydraulic lift reservoirs, such as for automobile hoists and elevators, containing hydraulic oil; or

(k) any pipes connected to any tank which is described in subitems (a) through (j).

Treasury accounts

SECTION 2. Section 44-2-40 of the S.C. Code is amended to read:

Section 44-2-40. (A)(1) There is created within the state treasury two separate and distinct accounts which are to be administered by the Department of Environmental Services. The "Superb Account" and the "Superb Financial Responsibility Fund" are created to assist owners and operators of underground storage tanks containing petroleum and petroleum products to the extent provided for in this chapter but not to relieve the owner or operator of any liability that cannot be satisfied by the provisions of this chapter.

(2) The Superb Account must be used for payment of usual, customary, and reasonable costs for site rehabilitation of releases from underground storage tanks containing petroleum or petroleum products.

(3) The Superb Financial Responsibility Fund must be used for compensating third parties for actual costs for bodily injury and property damage caused by accidental releases from underground storage tanks containing petroleum or petroleum products. The Superb Financial Responsibility Fund must not be used for reimbursing claims for punitive damages.

(4) Except for releases reported before July 1, 1994, sites where the underground storage tank, at the time of discovery and reporting of the release to the department, is not in substantial compliance with

regulations promulgated pursuant to Section 44-2-50(A), are not eligible for compensation from the Superb Account, and no third party claims resulting from that release may be paid from the Superb Financial Responsibility Fund.

(B) The Superb Account is established to ensure the availability of funds for the rehabilitation of releases at sites contaminated with petroleum or petroleum products released from an underground storage tank and for administration of the underground storage tank regulatory program established in this chapter. The department shall use the fund to pay the usual, customary, and reasonable costs of site rehabilitation up to a maximum of two million dollars per occurrence as a result of a release from an underground storage tank containing petroleum or petroleum products for releases that were reported to the department before July 1, 1993, and in excess of twenty-five thousand dollars and up to a maximum of two million dollars per occurrence for site rehabilitation for releases reported to the department on or after July 1, 1993. The department shall use the fund to pay these costs of site rehabilitation by owners or operators who qualify for compensation. The department may use the fund to clean up a release at a site where the underground storage tank owner or operator does not qualify for compensation or a site which does qualify but the owner or operator is unwilling or unable to undertake site rehabilitation, and the department shall diligently pursue the recovery of any sum so incurred from the owner or operator responsible or from the United States government under any applicable federal law, unless the department finds the amount involved too small or the likelihood of success too uncertain. The fund must be further used for the payment of costs incurred by the department in providing field and laboratory services and other assistance by the department in the investigation of alleged contamination. This fund must not be used for the cleanup of any other pollutant. Funds in the Superb Account also may not be used to pay any liability claims against the owners or operators of underground storage tanks. The Superb Account must be credited with all fees, charges, commitments, and judgments allowable under this chapter. Charges against the Superb Account only may be made in accordance with the provisions of this chapter. Beginning November 1, 1994, the department shall transfer on a monthly basis one hundred thousand dollars of the funds generated by the environmental impact fee from the Superb Account to the Superb Financial Responsibility Fund until the balance of the Superb Financial Responsibility Fund reaches one million dollars. Subsequently, monthly transfers of one hundred thousand dollars from the Superb Account to the Superb Financial Responsibility Fund shall only occur when the

balance of the Superb Financial Responsibility Fund becomes less than five hundred thousand dollars, and the monthly transfers shall continue until the balance of the Superb Financial Responsibility Fund reaches one million dollars. Additionally, prior to the end of each calendar year, the department shall transfer from the Superb Financial Responsibility Fund to the Superb Fund the total amount of funds exceeding one million dollars. Committed funds for site rehabilitation activity revert to uncommitted status after four months of initiation of commitment if no invoices for that commitment have been received by the department.

(C)(1) The Superb Financial Responsibility Fund must be used to reimburse owners or operators who compensate third parties or compensate third parties directly, only for bodily injury and property damages caused by releases from underground storage tanks containing petroleum or petroleum products, exclusive of any legal costs of the parties, and only when there are judgments, settlements, alternative dispute resolution outcomes, or consent orders for damages for bodily injury or property damage, or both, that are approved by a court of competent jurisdiction within the State of South Carolina. To seek payment from the Superb Financial Responsibility Fund, the owner or operator must notify the department in writing by registered mail within sixty days of receipt of the third party claim or suit and must defend in good faith against the claim or suit. At its discretion, the department may intervene in the claim or suit to protect the Superb Financial Responsibility Fund. Intervention includes, but is not limited to, defending the claim, approving the claim, or participating in the settlement of the claim.

(2) The costs of claim or suit intervention by the department must be recoverable from the Superb Financial Responsibility Fund. These intervention costs must not affect the per occurrence assurance amounts provided by the Superb Account or the Superb Financial Responsibility Fund.

(3) The Superb Financial Responsibility Fund is not liable for any claims where no owner or operator exists.

(4) The amount of money in the Superb Financial Responsibility Fund, the method of collection, or information regarding the administration of the fund is not admissible as evidence in a trial for damages potentially payable by the Superb Financial Responsibility Fund.

(D)(1) The Superb Account and the Superb Financial Responsibility Fund shall provide combined coverage for site rehabilitation and third party claims, respectively, not to exceed two million dollars per occurrence. The estimated cost of site rehabilitation must be reserved

from the combined coverage before payment of third party claims.

(2) The underground storage tank owner or operator must be responsible for the first twenty-five thousand dollars per occurrence for releases of petroleum and petroleum products from underground storage tanks reported to the department subsequent to July 1, 1993.

(3) Nothing in this chapter establishes or creates any liability or responsibility on the part of the department or the State as administrators of the Superb Account and the Superb Financial Responsibility Fund to pay any costs for site rehabilitation or third party claims from any source other than the Superb Account and the Superb Financial Responsibility Fund created by this chapter, and the department and the State as administrators of the Superb Account and the Superb Financial Responsibility Fund have no liability or responsibility to make payments for cleanup costs or third party claims if the funds are insufficient. If the funds are insufficient to make the payments at the time the claim is filed, these claims must be paid in the order of filing at such time as monies accrue in each account, respectively.

(4) The underground storage tank registration fee and annual renewal fee may be used by the department for the administration of the underground storage tank program established by this chapter and its activities as trustees of the Superb Account and the Superb Financial Responsibility Fund, exclusive of legal costs outlined in subsection (C).

Underground storage tank registration

SECTION 3. Section 44-2-60 of the S.C. Code is amended to read:

Section 44-2-60. (A) The owner or operator of an underground storage tank which stores or is intended to store a regulated substance shall register the tank with the department. The owner or operator of the tank shall display a registration certificate listing all registered tanks at a facility and in plain view in the office or the kiosk of the facility where the tanks are registered. Upon application for a registration certificate, the owner or operator shall pay to the department an initial registration fee for each tank; however, the department may prorate the initial registration fees on a daily basis for underground storage tanks installed on or after July 1, 1997. The owner or operator shall pay to the department an annual renewal fee each year. Beginning July 1, 2029, the annual renewal fee for each tank will be as follows:

(1) 2029: two hundred dollars;

(2) 2034: two hundred fifty dollars; and

(3) 2039: three hundred dollars.

(B) No person may place a regulated substance and no owner or operator may cause a regulated substance to be placed into an underground storage tank for which the owner or operator does not hold a currently valid registration. The department may not issue a registration certificate until all past and present fees and penalties owed on a tank are paid. The department may not issue a registration certificate to any owner or operator who has not complied with all terms of a consent or final administrative order issued under Section 44-2-140.

(1) All fees are due to the department within thirty days of billing. The department shall issue a late notice, with no penalty due, to an underground storage tank owner or operator who has unpaid fees thirty days after billing. An owner or operator who fails to pay the fees within sixty days of the initial billing must pay a ten percent penalty in addition to the ten percent penalty for any fees remaining unpaid ninety days after the initial billing. An owner or operator with unpaid fees ninety days after the initial billing is subject to additional enforcement action as provided for in Section 44-2-140.

(2) The department may not disburse Superb Account or Superb Financial Fund monies to any person or persons for the rehabilitation of a petroleum or petroleum product release from any underground storage tank or underground storage tank system where all past and present fees and penalties owed on the applicable tank have not been paid.

(3) The funds generated by the registration and late penalty fees on annual tank renewals may be used by the department for administration of the provisions of this chapter and for administration of the underground storage tank regulatory program established by this chapter. The amount used for administration may not exceed the amount collected from funds received from federal grants specifically designated for administrative use, interest, the annual tank registration fees, annual renewal fees, and late penalty fees on annual tank renewals.

(C) In addition to the inspection fee of one-fourth cent a gallon imposed pursuant to Section 39-41-120, an environmental impact fee of one-half cent a gallon is imposed which must be used by the department for the purposes of carrying out the provisions of this chapter. This one-half cent a gallon environmental impact fee must be paid and collected in the same manner that the one-fourth cent a gallon inspection fee is paid and collected except that the monies generated from these environmental impact fees must be transmitted by the Department of Agriculture to the Department of Environmental Services which shall deposit the fees as provided for in Section 44-2-40.

Superb Account compensation

SECTION 4. Section 44-2-130(E) of the S.C. Code is amended to read:

Section 44-2-130. (E)(1) An owner or operator of an underground storage tank or his agent seeking to qualify for compensation from the Superb Account for site rehabilitation shall submit a written application to the department. The written application must be on a form specified by the department and include certification that site rehabilitation is necessary, the tanks at the site have been registered in compliance with applicable law and regulations, and all registration fees have been paid. The department shall accept certification that the release at the site is in need of rehabilitation if the certification is provided jointly by the owner or operator and a South Carolina registered professional geologist or engineer, and if the certification is supported with geotechnical data which reasonably justifies the claim. Upon final determination the department shall provide written notice to the applicant of its findings including detailed reasons for any denial. The department is exempt from this time frame for applications which are received within three months of the close of the grace period allowed in Section 44-2-110.

(2) The owner or operator responsible for conducting the site rehabilitation or his agents shall keep and preserve suitable records of hydrological and other site assessments, site plans, contracts, accounts, invoices, or other transactions related to the cleanup and rehabilitation and the records must be accessible to the department during regular business hours.

Superb Advisory Committee

SECTION 5. Section 44-2-150 of the S.C. Code is amended to read:

Section 44-2-150. (A) There is established a Superb Advisory Committee to study the implementation and administration of the Superb program, including the Superb Account, the Superb Financial Responsibility Fund, and the regulatory requirements applicable to underground storage tanks; to make recommendations to the department and the General Assembly on ways to improve the efficiency of the program and to maximize available funds; and to advise the department on administration of the program.

(B) The members of the committee must be appointed before August 1, 1994.

(C) The committee shall consist of fifteen members, appointed by the

commissioner of the department as follows:

(1) one member representing the general public;

(2) two members representing environmental organizations;

(3) one member representing the South Carolina Petroleum Council;

(4) two members representing the South Carolina Convenience and Petroleum Marketers Association, one of whom must be an underground storage tank owner as defined in Section 44-2-20(22);

(5) one member representing business that specializes in the sale or service of petroleum equipment;

(6) one member representing South Carolina Manufacturers and Commerce;

(7) one member representing the South Carolina Bankers Association;

(8) one member representing a business that specializes in the assessment or remediation, or both, of contamination resulting from leaking underground storage tanks;

(9) one member representing the South Carolina Department of Insurance;

(10) one member representing the Department of Environmental Services;

(11) one member representing the State Department of Administration, Division of General Services;

(12) one member representing the Municipal Association of South Carolina; and

(13) one member representing the South Carolina Association of Counties.

(D) The committee shall have the following duties and responsibilities:

(1) to conduct an initial review of the management of the Superb Program and the Superb Financial Responsibility Fund and the availability of funds in the account and the fund and thereafter to monitor the management of the account and the fund;

(2) to determine the success of the Superb program in achieving its statutory purpose of providing a means for the investigation and cleanup of spills, leaks, and other discharges from underground storage tanks without delay, which determination shall include a list of all sites cleaned up pursuant to the Superb program;

(3) to review the administration of the Superb program and to determine the feasibility and desirability of maintaining or separating the function of environmental regulation from the function of administering the Superb Account and Superb Financial Responsibility Fund;

(4) to make recommendations on the development of regulations for prioritizing sites;

(5) to make recommendations on the development of regulations establishing reasonable site-specific cleanup goals and utilizing risk-based goals for corrective action;

(6) to review the financial solvency of the Superb Account and to examine and make recommendations regarding alternative funding mechanisms;

(7) to review the interaction between the Federal Trust Fund and the Superb Account;

(8) to review and provide recommendations on standards and procedures to reduce time and costs to achieve site cleanup in a high quality and efficient manner;

(9) to study and make recommendations regarding the feasibility of utilizing a competitive bidding process in any or all stages of the Superb program;

(10) to study and make recommendations regarding the feasibility of the State's contracting with private entities to provide services for the program, such as having private insurers process compensation applications;

(11) to make recommendations regarding actions the department could take to facilitate commercial lending activity involving Superb-qualified sites; and

(12) to make recommendations regarding the development of an appeals process for those owners or operators who are denied access to the Superb fund because they were found not to be in substantial compliance under Section 44-2-40(B).

(E) Members of the committee shall serve for terms of two years and until their successors are appointed and qualify. The committee shall select a chairman and vice-chairman. The committee shall adopt operating procedures, including attendance requirements. A majority of the members constitute a quorum to do business. The committee shall meet on the call of the chairman or of a majority of the members; however, the committee shall meet at least monthly before the date that its initial report required by subsection (F) is due. The department shall provide the necessary staff and the administrative facilities and services to the committee and shall cooperate fully with the committee, including providing information necessary for the committee to perform its functions.

(F) Not later than December 16, 1994, the committee shall submit a report to the department and General Assembly addressing the issues identified in subsection (D) of this section. The report shall include

recommendations for any statutory changes that the committee determines should be made in the Superb program and recommendations regarding regulations required to be promulgated pursuant to Section 44-2-50(B).

(G) Following its initial report, the committee shall submit to the department and the General Assembly by the end of each calendar year an annual report which, at a minimum, shall address the financial status and viability of the Superb Account and the Superb Financial Responsibility Fund, the number of sites successfully remediated pursuant to the Superb program, the number of sites remaining to be remediated, and any statutory or regulatory changes that the committee recommends.

Time effective

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 181

(R162, S895)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-130, RELATING TO STATE HEALTH FACILITY LICENSURE ACT DEFINITIONS, SO AS TO ADD TO THE DEFINITION OF "HOSPITAL" ALL HOSPITALS THAT CONVERT TO RURAL EMERGENCY HOSPITALS.

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

Definitions

SECTION 1. Section 44-7-130(17) of the S.C. Code is amended to read:

(17)(a) "Hospital" means a facility that is organized and administered to provide overnight medical or surgical care or nursing care for an illness, injury, or infirmity and must provide on-campus emergency services; that may provide obstetrical care; and in which all diagnoses, treatment, or care is administered by or under the direction of persons currently licensed to practice medicine, surgery, or osteopathy. This definition shall include all hospitals that convert to Rural Emergency Hospitals pursuant to 42 C.F.R. Part 485 Subpart E and Section 125 of the Consolidated Appropriations Act of 2021.

(b) "Hospital" may include a residential treatment facility for children, adolescents, or young adults in need of mental health treatment that is physically a part of a licensed psychiatric hospital. This definition does not include facilities that are licensed by the Department of Social Services. A residential treatment facility for children, adolescents, or young adults in need of mental health treatment that is physically part of a licensed psychiatric hospital is not required to provide on-campus emergency services.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 182

(R163, S1005)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-1-200, RELATING TO THE ESTABLISHMENT OF SALARIES OF SUPREME COURT JUSTICES AND COURT OF APPEALS, CIRCUIT COURT, AND FAMILY COURT JUDGES, SO AS TO PROVIDE A REVISED SALARY SCHEDULE FOR JUDGES.

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

Judicial salaries revised

SECTION 1. Section 14-1-200 of the S.C. Code is amended to read:

Section 14-1-200. The General Assembly shall establish the salary of the Chief Justice and Associate Justices of the Supreme Court in the annual general appropriation act with the salary of the Chief Justice to be one hundred five percent of the salary fixed for Associate Justices of the Supreme Court and shall fix the salaries for the court of appeals, circuit court, and family court according to the following schedule:

(1) the chief judge of the court of appeals shall receive a salary in an amount equal to ninety-nine percent of the salary fixed for Associate Justices of the Supreme Court;

(2) judges of the court of appeals shall receive a salary in an amount equal to ninety-seven and one-half percent of the salary fixed for Associate Justices of the Supreme Court;

(3) judges of the circuit court shall receive a salary in an amount equal to ninety-five percent of the salary fixed for Associate Justices of the Supreme Court; and

(4) judges of the family court shall receive a salary in an amount equal to ninety-five percent of the salary fixed for Associate Justices of the Supreme Court.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 183

(R176, H3551)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-10, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE EARNABLE COMPENSATION DOES NOT INCLUDE CERTAIN AMOUNTS PAID TO MANAGERS AND CLERKS OF ELECTIONS; AND BY AMENDING SECTION 12-6-1120, RELATING TO THE COMPUTATION OF SOUTH CAROLINA GROSS INCOME, SO AS TO EXCLUDE CERTAIN AMOUNTS PAID TO MANAGERS AND CLERKS OF ELECTIONS.

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

Earnable compensation

SECTION 1.A. Section 9-1-10(8) of the S.C. Code is amended by adding:

(c) Earnable compensation does not include amounts paid to managers and clerks of elections to the extent the amounts are not subject to Federal Insurance Contribution Act tax pursuant to Internal Revenue Code Sections 3121(b)(7)(F)(iv) and 3121(u)(2)(B)(ii)(V).

B. This SECTION takes effect on June 30, 2026.

Gross income

SECTION 2. Section 12-6-1120 of the S.C. Code is amended by adding:

(12) Amounts paid to managers and clerks of elections to the extent the amounts are not subject to Federal Insurance Contribution Act tax pursuant to Internal Revenue Code Sections 3121(b)(7)(F)(iv) and 3121(u)(2)(B)(ii)(V).

Time effective

SECTION 3. Except as otherwise provided, this act takes effect upon approval by the Governor and applies to tax years beginning after 2025.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 184

(R180, H3569)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27-40-350 SO AS TO PROVIDE THAT RESIDENTIAL TENANTS WHO ARE VICTIMS OF CERTAIN DOMESTIC VIOLENCE OFFENSES MAY TERMINATE A RENTAL AGREEMENT AND TO PROVIDE FOR NECESSARY REQUIREMENTS; AND BY AMENDING SECTION 27-40-210, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS.

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

Rental agreement termination

SECTION 1. Subarticle IV, Article 1, Chapter 40, Title 27 of the S.C. Code is amended by adding:

Section 27-40-350. (A) If a residential tenant is a protected tenant, then the tenant may:

(1) terminate the protected tenant's future obligations under a rental agreement within sixty days of the date of a documented qualifying incident; and

(2) not be held liable for penalties or fees that might otherwise be imposed for the termination of the protected tenant's obligations under a rental agreement within sixty days of the documented qualifying incident; provided, however, that the protected tenant shall be liable for any damage that the protected tenant caused to the premises prior to the termination and no security deposits will be required to be returned until the end of the lease if such is due to be returned under the terms of the lease.

(B) A protected tenant must provide the landlord with written notice of the intent to terminate the protected tenant's obligations under a rental agreement within sixty days after a documented qualifying incident. The termination shall be effective on the date stated in the notice as long as it is at least thirty days after the landlord's receipt of the notice, unless the landlord consents in writing to an earlier date. The notice to the landlord must be accompanied by documentation of the qualifying incident such as a restraining order, an order of protection, or evidence of a conviction for domestic violence or abuse. The protected tenant must relinquish all legal rights of possession to the premises, but is still responsible for paying rent and other amounts owed, other than any fees imposed for early termination of the rental agreement.

(C) The protected tenant's obligations as a tenant must continue through the effective date of the termination. Any cotenants on the lease with the protected tenant shall remain responsible for the full rent for the balance of the term of the rental agreement. If the perpetrator is the remaining sole tenant obligated on the rental agreement, the landlord may terminate the rental agreement with five days' written notice and collect actual damages for such termination against the perpetrator.

(D) A landlord:

(1) may not require or force the protected tenant to vacate the residence before the expiration of the sixty days after the date of the qualifying incident authorized by this section, but may enter into an agreement with the protected tenant to terminate the protected tenant's

obligations under a rental agreement earlier than what is required pursuant to this section; and

(2) is entitled to all remedies available arising from the destruction or damage of the rental unit caused by the protected tenant or permitted by the protected tenant while on the premises with the protected tenant's permission.

(E) A landlord may not take any retaliatory action against a protected tenant in response to the early termination of the protected tenant's obligations under a rental agreement pursuant to this section.

(F) A landlord or property owner, who acts in good faith in reliance upon documentation provided by a protected tenant to establish a "qualifying incident" under Section 27-40-210(20), may not be held liable for terminating or modifying a lease under this section.

Definitions

SECTION 2. Section 27-40-210 of the S.C. Code is amended by adding:

(19) "protected tenant" means a tenant who is a victim of a qualifying incident;

(20) "qualifying incident" means domestic abuse or violence as defined by Chapter 4, Title 20 or Chapter 25, Title 16 wherein both the victim and the perpetrator are leaseholders on the same property and the domestic abuse or violence is documented by a restraining order or an order of protection or the perpetrator has been convicted of the domestic violence or abuse.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 185

(R187, H3874)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 42-15-90, RELATING TO FEES OF ATTORNEYS AND PHYSICIANS AND HOSPITAL CHARGES APPROVED BY THE COMMISSION, SO AS TO REQUIRE THE COMMISSION TO ESTABLISH MEDICAL FEE SCHEDULES AND RELATED SYSTEMS.

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

Fee schedules

SECTION 1. Section 42-15-90(C) of the S.C. Code is amended to read:

(C)(1) The commission may adopt criteria to establish a new fee schedule or adjust an existing fee schedule to establish maximum allowable payments for medical services provided by medical practitioners exclusive of hospital inpatient services and hospital outpatient services and ambulatory surgery centers based in whole or in part on the requirements of a federally funded program, but if it adopts adjustments to an existing fee schedule, it must adopt these adjustments on an annual basis. The commission, in consultation with the cost containment committee, must establish a medical fee schedule and a related system that includes, but is not limited to, procedures for a review of charges and enforcement and implementation procedures. In establishing the fee schedule, the commission must strive to assure the delivery of quality medical care in workers' compensation cases and access by injured workers to primary and specialist care while controlling prices and system costs. The commission may consider multiple reimbursement systems and methodologies in developing the fee schedule including, but not limited to, applying single or multiple conversion factors to the Centers for Medicare and Medicaid Services (CMS) Resource Based Relative Value Scale (RBRVS) system.

(2) The commission, in consultation with the cost containment committee, must review the fee schedules adopted pursuant to this section on an annual basis and, when appropriate, the commission shall revise the fee schedules as necessary. The annual review must consider among other factors, the medical consumer price index and the workers' compensation fee schedules of other states in the region.

(3) The commission must hold a public hearing to receive comments from stakeholders and shall consider comments received in consultation with the cost containment committee prior to finalizing the annual fee schedule update.

(4) The cost containment committee must be comprised of nine voting members appointed by the chairman of the commission: two members representing the medical provider industry; two members representing the workers' compensation insurance industry; two members representing the employer community; two members representing the rights of injured workers; and the chairman of the commission or his appointee.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 186

(R189, H3974)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 10, TITLE 59 SO AS TO AUTHORIZE EVALUATORS TO EVALUATE PUBLIC SCHOOL STUDENTS FOR HEALTH, BEHAVIORAL HEALTH, OR THERAPEUTIC NEEDS, TO AUTHORIZE CERTAIN PRIVATE PROVIDERS TO PROVIDE RELATED SERVICES AT SCHOOLS DURING THE SCHOOL DAY, TO SPECIFY THESE EVALUATIONS AND SERVICES ONLY MAY OCCUR UPON REQUEST OF THE PARENT OR GUARDIAN OF THE STUDENT AND IN ACCORDANCE WITH APPLICABLE REQUIREMENTS, TO PROVIDE SCHOOL DISTRICTS MAY NOT PROHIBIT SUCH EVALUATIONS OR SERVICES IN SCHOOLS DURING THE SCHOOL DAY, TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL ADOPT A

RELATED MODEL POLICY, TO PROVIDE REQUIREMENTS FOR THE MODEL POLICY, TO PROVIDE SCHOOL DISTRICTS SHALL ADOPT RELATED POLICIES, AND TO DEFINE NECESSARY TERMS.

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

Private Providers

SECTION 1. Chapter 10, Title 59 of the S.C. Code is amended by adding:

Article 5

Private Providers

Section 59-10-510. For purposes of this article:

(1) "Private provider" means a provider who:

(a) renders Applied Behavior Analysis therapy or performs an evaluation or observation pursuant to such therapy, and includes:

(i) board-certified behavior analysts;

(ii) board-certified assistant behavior analysts;

(iii) board-certified behavior analyst-doctoral; and

(iv) registered behavior technicians under the appropriate supervision of a board-certified behavior analyst or board-certified assistant behavior analyst;

(b) provides or seeks to provide services in a South Carolina public school;

(c) is licensed by this State and in good standing or, if state licensure is not available, is certified by and in good standing with a national certification or accreditation organization; and

(d) is not an employee of a public school district or the State Department of Education.

(2) "Medically necessary service" means services that meet the following requirements:

(a) ordered by a healthcare provider within the scope of the healthcare provider's license for the treatment or remediation of functional impairments associated with a diagnosis of autism spectrum disorder;

(b) not for experimental or investigational purposes;

(c) within the generally accepted standards of medical care in the community;

(d) not solely for the convenience or personal preference of the insured, the insured's family, or the provider; and

(e) is medically necessary during school hours in the school setting.

(3) "Third-party payor" includes, but is not limited to, Medicaid, self-funded health plans, and commercial insurance.

(4) "Undue burden" has the same meaning as Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 793, as amended, and Title II of the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. Section 12101, et seq., as amended.

(5) "Fundamental alteration" has the same meaning as Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 793, as amended, and Title II of the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. Section 12101, et seq., as amended.

Section 59-10-520. Districts must consider on a case-by-case basis a request from a parent or legal guardian of a student for a private provider to provide medically necessary services authorized by an independent third-party payor to a student at a public school during school hours, including the ability of a private provider to observe or evaluate the student and the environment where services will be provided.

(1) If a parent or legal guardian of a student requests medically necessary services in excess of what the district has determined is appropriate pursuant to its obligations under the IDEA and the child's IEP and is providing to the student, the school must review the medically necessary service pursuant to an ADA analysis, which would allow a private provider to render the service as a reasonable accommodation as long as it does not impose an undue burden on or fundamental alteration to school operations as contemplated by the ADA and Section 504 of the Rehabilitation Act.

(2) The collaboration of school personnel and private providers is intended to enhance but not supplant or replace the obligations or responsibilities of districts under the IDEA.

(3) Districts may not apply or use a district's determination about its obligations in a child's IEP pursuant to the IDEA to deny or limit a student's access to medically necessary services from a private provider pursuant to the ADA.

(4) Districts may utilize existing review processes or create new ones to review a request for medically necessary services pursuant to the ADA. Requests may be reviewed by a student's IEP team or 504 committee or another group convened to review the request; however, the participants must apply the appropriate ADA standards to review a request for medically necessary services.

(5) A request made pursuant to this section does not automatically entitle a student to receive services in the school setting from a private provider absent a determination made by the school district on a case-by-case basis through the review process described in item (4).

(6) If a parent or legal guardian requests a medically necessary service pursuant to the ADA for a student who does not currently have an IEP or 504 plan, the district must initiate the appropriate evaluation to determine if the child is entitled to services under the IDEA or Section 504 in addition to evaluating the ADA request.

(7) Nothing in this article shall be construed to preclude a school district from utilizing certified educators or other district personnel to provide instructional, behavioral, or therapeutic supports to students as otherwise permitted by law.

Section 59-10-530. (A) The State Board of Education shall develop a model policy setting the parameters for private providers to observe and evaluate a student or to provide medically necessary services during the school day, including during instructional time, in compliance with this chapter.

(B) At a minimum, the model policy must:

(1) require districts adopt a case-by-case review process for requests made by parents or guardians for a private provider to serve a child at a school during school hours;

(2) set forth a process for evaluating a request for medically necessary, disability-based services and supports pursuant to the ADA, which is a separate determination not limited to or determined by what is necessary for a Free and Appropriate Public Education (FAPE) under the IDEA or Section 504;

(3) require private providers to submit documentation of completed background checks to the district prior to entering a school building;

(4) determine the appropriate amount of professional liability insurance coverage for private providers and require them to maintain professional liability insurance coverage;

(5) allow for services to be provided during instructional time if:

(a) the team, committee, or group convened to review the ADA request determines those services appropriate at that time pursuant to Section 59-10-520(1); and

(b) services can be provided in a manner that does not interfere with the delivery of instruction to other students or otherwise prevent a classroom teacher from effectively managing and implementing classroom policies and procedures pursuant to Section 59-10-520(1);

(6) require the parent or legal guardian of a student receiving a service

from a private provider to execute and submit to the district:

(a) a written confirmation of the funding source for services provided by the private provider;

(b) a parent or guardian authorization for the provision of services at school during the school day; and

(c) a consent to release information form between the private provider and the school district;

(7) require private providers to complete a written agreement with a school district that, at minimum, outlines:

(a) the school, teacher, and district's responsibilities;

(b) the duration and type of services to be provided;

(c) that the medically necessary services do not interfere with or impede other mandated services without collaboration and agreement between the service providers;

(d) expectations and requirements related to FERPA and any other applicable state and federal law;

(e) guidelines for any missed instructional time and assignments;

(f) expectations and guidelines for providers when interacting with students other than those receiving services with a goal of minimizing such interactions to the greatest extent possible;

(g) that a private provider must not be listed on a federal, state, or other child abuse or sex offender registries or otherwise be prohibited by state law from working in a school;

(h) expectations that the private provider must follow school policies and procedures; and

(i) allocation of liability between or among the parties; and

(8) provide procedures for a school district to establish sanctions, including termination of the authorization to provide services on any school campus, against a private provider for failure to comply with the policy of the district.

(C) The Department of Education shall develop and make available training on requesting access and guidance on the provision of services in school settings.

Section 59-10-540. The board shall finalize its model policy by January 6, 2027. Districts must adopt the model policy or develop their own policy that meets the minimum requirements of the model policy and is subject to department approval by July 1, 2027.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 187

(R190, H4163)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA HIGH SCHOOL LEAGUE OVERSIGHT AND ACCOUNTABILITY ACT" BY ADDING CHAPTER 9 TO TITLE 59 SO AS TO ESTABLISH REQUIREMENTS FOR INTERSCHOLASTIC ATHLETIC ASSOCIATIONS, ORGANIZATIONS, OR ENTITIES AS A CONDITION FOR PUBLIC SCHOOL DISTRICTS, CHARTER SCHOOLS, AND CHARTER SCHOOL AUTHORIZERS TO JOIN, AFFILIATE WITH, PAY DUES OR FEES TO, OR OTHERWISE PROVIDE FINANCIAL SUPPORT TO SUCH ASSOCIATIONS, ORGANIZATIONS, OR ENTITIES; BY AMENDING SECTION 2-2-10, RELATING TO DEFINITIONS CONCERNING LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS, SO AS TO EXPAND THE DEFINITION OF "AGENCY" TO INCLUDE OTHER ENTITIES AS PRESCRIBED BY LAW; AND BY AMENDING SECTION 2-15-50, RELATING TO DEFINITIONS CONCERNING THE LEGISLATIVE AUDIT COUNCIL, SO AS TO EXPAND THE DEFINITION OF "STATE AGENCIES" TO INCLUDE ANY INTERSCHOLASTIC ATHLETIC ASSOCIATION, BODY, OR ENTITY AS PRESCRIBED BY LAW.

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

Citation

SECTION 1. This act may be cited as the "South Carolina High School League Oversight and Accountability Act."

High School League Oversight and Accountability

SECTION 2. Title 59 of the S.C. Code is amended by adding:

CHAPTER 9

High School League Oversight and Accountability

Section 59-9-110. Effective June 30, 2027, a public school district, including charter schools and their authorizers, may not join, affiliate with, pay dues or fees to, or in any way financially support any interscholastic athletic association, body, or entity unless the constitution, bylaws, rules, or other governing documents that govern the association, body, or entity contain the following:

(1) A provision requiring that the governing body of the association, body, or entity must be comprised solely of:

(a) one superintendent member or his designated district level administrator, one principal member who shall be a member of the South Carolina Association of School Administrators (SCASA) secondary affiliate and one athletic administrator who shall be a member of the South Carolina Athletic Administrators Association, from each classification selected by a vote of the respective schools;

(b) two members appointed by the Chair of the House Education and Public Works Committee, who are not employees of any high school league member school or its school district;

(c) two members appointed by the Chair of the Senate Education Committee, who are not employees of any high school league member school or its school district;

(d) the State Superintendent of Education or his designee;

(e) one middle school representative, selected by a vote of the respective schools but must be a superintendent, principal, or athletic director;

(f) one representative from private member schools and one representative from charter member schools selected by a vote of the respective schools but must be a superintendent, principal, or athletic director;

(g) the executive committee chairman shall be elected annually by

the membership of the executive board. A chairman may not serve in this capacity more than two consecutive years; and

(h) the elected members shall serve staggered terms with the odd-numbered classifications originally serving three-year terms and the even numbered classifications serving two-year terms. The remaining appointments shall serve three-year terms. A committee member shall not serve more than two consecutive three-year terms.

(2) A provision requiring that an interscholastic athletic association, body, or entity be subject to audits performed by the Legislative Audit Council. For the purpose of this item an interscholastic athletic association, body, or entity is an "agency" for the purpose of Section 2-2-10(1).

(3) A provision requiring that the interscholastic athletic association, body, or entity shall submit its annual budget to the General Assembly and be subject to appearing before the House Ways and Means Committee and the Senate Finance Committee.

(4) A provision requiring that the interscholastic athletic association, body, or entity must be subject to legislative oversight as provided in Chapter 2, Title 2.

(5) A provision requiring that the commissioner of the interscholastic athletic association, body, or entity shall file an annual Statement of Economic Interest with the South Carolina Ethics Commission.

(6) A provision requiring that any employment contract with the commissioner of the interscholastic athletic association, body, or entity may not:

(a) exceed three years;

(b) contain an automatic renewal provision; or

(c) be renewed yearly prior to the expiration of the current contract.

(7) A provision requiring the use of a range of sanctions that:

(a) may be applied to a student, coach, team, or program; and

(b) considers factors such as seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the interscholastic athletic association, body, or entity.

(8) Provisions concerning private schools and charter schools that:

(a) afford a private school or a charter school the same rights and privileges that are enjoyed by all other members of the interscholastic athletic association, body, or entity;

(b) prohibit expulsion of a private school or a charter school or the unreasonable withholding of the membership of a private school or a charter school based solely on its status as a private school or a charter school;

(c) prohibit restrictions on the ability of a private school or a charter school to participate in interscholastic athletics including, but not limited to, state playoffs or championships;

(d) require the establishment of reasonable standards for the admission of private schools and charter schools as members of the interscholastic athletic association, body, or entity; and

(e) require that when a private school or a charter school is denied membership in the interscholastic athletic association, body, or entity, the school must be provided the reason or reasons for the rejection of its application for membership in writing within five business days after the denial.

(9) A provision that guarantees a South Carolina home school athletic team that is a member of a home school athletic association may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and invitational tournaments, based solely on its status as a home school athletic team; provided, however, all other rules or policies of the interscholastic athletic association, body, or entity must apply.

(10) A provision that creates a uniform system applicable to all member schools at the varsity, sub-varsity, junior varsity, and middle school levels that establishes fines for the cancellation of a scheduled contest regardless of whether the contest is in-region or out-of-region, including for the refusal of a member school to schedule a mandatory region contest with another member school within the same region including, but not limited to, requirements that:

(a) a school which cancels a scheduled contest must be fined an amount equal to the cost incurred for officials, tickets, and concessions or one thousand dollars, whichever is greater; and

(b) a waiver of the fine may be granted only if the contest is rescheduled or cancelled for a documented health or safety reason, in which case the school may not be fined.

(11) A total provision that prohibits students from earning compensation from the use of their names, images, or likenesses (NIL).

(12) A provision that allows an individual student who attends a private school in this State to have the opportunity to try out for and, if selected, participate in an interscholastic athletic program offered at a public school in the district if the:

(a) student resides within the attendance zone boundaries of the public school;

(b) private school which the student attends is not a member of the South Carolina High School League;

(c) private school which the student attends does not offer the

particular sport for the student's gender;

(d) particular sport in which the student seeks to participate is offered at the public school located in the attendance zone where the student resides;

(e) student notifies the superintendent of the public school district in writing of his intent to try out in the particular sport as a representative of the public school before the beginning date of the season for the sport in which he wishes to try out;

(f) student pays for all sport-specific fees charged by the public school for an individual student to participate in the particular sport;

(g) student meets all public school district eligibility requirements, except for the:

(i) class and enrollment requirements of the school district; and

(ii) class and enrollment requirements of the interscholastic athletic association, body, or entity which administers the interscholastic sports;

(h) student and the student's parent or guardian agrees for the student to be subject to the code of conduct of the public school;

(i) student has not been expelled from the same public school during the same academic year; and

(j) the percentage of private school students on a public school athletic team may not exceed ten percent.

(13) A provision that establishes uniform eligibility requirements for new students to participate in interscholastic athletics. These eligibility requirements may not be more restrictive in language or application than the rules or policies of the interscholastic athletic association, body, or entity that were in effect on January 1, 2020.

(14) A provision that the interscholastic athletic association, body, or entity may not apply public school academic, athletic, or extracurricular policies or procedures to any private school that a student attends if the student also participates in a public high school league sport pursuant to the terms of this chapter, except for requirements related to maintaining a certain grade-point average and grade level for participating in and attending regularly scheduled practices of the sports team.

(15) A provision that the interscholastic athletic association, body, or entity shall establish a multiplier system for the purpose of classification that considers a school's geographic location, student population to include, but not limited to, out-of-attendance zone students, adequate number of roster players to safely field a team, and performance in each sport in which it participates. A school with a satellite or auxiliary campus must be counted as one school for the purpose of this item.

(16) A provision that the interscholastic athletic association, body, or

entity shall abide by all eligibility determinations made by the Department of Education and the State Board of Education pursuant to Section 59-39-160.

Section 59-9-120. (A) Notwithstanding any athlete transfer rules and policies adopted by the interscholastic athletic association, body, or entity, a student who attends a school outside of his attendance zone may immediately participate in interscholastic competitions if the student is otherwise academically eligible and the following conditions are met:

(1) for students enrolled in middle school, the interscholastic athletic association shall allow a one-time transfer after eligibility is established in the seventh grade; and

(2) for students enrolled in high school, the interscholastic athletic association shall allow a one-time transfer after eligibility is established in the ninth grade.

(B) This section does not apply if the student transfers because of a bona fide residency change and a student may not participate in any interscholastic competitions or practices of a school until he is registered in the school.

Section 59-9-130. (A) The interscholastic athletic association, body, or entity shall establish an appeals process through which appeals of decisions by the interscholastic athletic association, body, or entity may be made to a disinterested third-party appellate panel. The panel must consist of seven members who serve four-year terms, with one person appointed by the delegation of each congressional district.

(B)(1) A member of the panel shall serve until his successor is appointed and qualified. A vacancy on the panel must be filled in the manner of the original appointment.

(2) Members of the appellate panel may not concurrently serve as officers of the interscholastic athletic association, body, or entity and may not have served as a member of the executive committee within the three-year period immediately preceding their appointment to the appellate panel.

(3) Principals and superintendents may appeal a ruling of the interscholastic athletic association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought against a decision of the interscholastic athletic association, body, or entity.

(C) The interscholastic athletic association, body, or entity shall establish and ensure a procedure for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process

would prohibit the participation of a student, team, program, or school in an athletic event, to include competitions and practices.

(D) An appeal stays the determination of a sanction made by the association, body, or entity pending the outcome of the appeal. The appellate panel must consider the following factors prior to making a determination on a sanction:

(1) the seriousness of a violation including, but not limited to, the degree in which a violation made a material difference in the outcome of a contest, if applicable;

(2) the frequency in which a violation is committed;

(3) whether a violation was wilful; and

(4) whether a violation was self-reported.

Legislative Oversight of Executive Departments, definition revised

SECTION 3. Section 2-2-10(1) of the S.C. Code is amended to read:

(1) "Agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive or judicial departments of state government, including administrative bodies. "Agency" includes a body corporate and politic established as an instrumentality of the State. "Agency" may include other such entities as prescribed by law. "Agency" does not include:

(a) the legislative department of state government; or

(b) a political subdivision.

Legislative Audit Council, definitions revised

SECTION 4. Section 2-15-50 of the S.C. Code is amended to read:

Section 2-15-50. For the purpose of this chapter "state agencies" means all officers, departments, boards, commissions, institutions, universities, colleges, bodies politic and corporate of the State and any other person, any other administrative unit of state government or corporate outgrowth of state government or any interscholastic athletic association, body, or entity as prescribed by law, expending or encumbering state funds by virtue of an appropriation from the General Assembly, or handling money on behalf of the State, or holding any trust funds from any source derived, but does not mean or include counties.

For the purposes of this chapter, "audit" means a full-scope examination of and investigation into all state agency matters necessary to make a determination of:

(a)(1) whether the entity is acquiring, protecting, and using its resources, such as personnel, property, and space, economically and efficiently;

(2) the causes of inefficiencies or uneconomical practices; and

(3) whether the entity has complied with laws and regulations concerning matters of economy and efficiency; and

(b)(1) the extent to which the desired results or benefits established by the General Assembly or other authorizing body are achieved;

(2) the effectiveness of organizations, programs, activities, or functions and whether these organizations, programs, activities, or functions should be continued, revised, or eliminated; and

(3) whether the entity has complied with laws and regulations applicable to the program.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 188

(R201, H4738)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-26-20, RELATING TO CERTAIN DUTIES OF THE STATE BOARD OF EDUCATION AND THE COMMISSION ON HIGHER EDUCATION RELATING TO PUBLIC EDUCATOR TRAINING, SO AS TO ELIMINATE THE GOVERNOR'S TEACHING SCHOLARSHIP LOAN PROGRAM; BY AMENDING SECTION 59-26-35, RELATING TO THE SOUTH CAROLINA EDUCATOR PREPARATION REPORT CARD, SO AS TO REVISE DUTIES OF THE STATE DEPARTMENT OF EDUCATION AND THE COMMISSION ON HIGHER EDUCATION; BY AMENDING SECTION 59-53-40, RELATING TO COLLEGE PARALLEL

COURSES AND ASSOCIATE DEGREE PROGRAMS, SO AS TO REMOVE RELATED BUDGETARY REVIEW REQUIREMENTS OF THE COMMISSION; BY AMENDING SECTION 59-104-40, RELATING TO THE CONVERSION FROM THE QUARTER CALENDAR SYSTEM TO THE SEMESTER CALENDAR SYSTEM BY THE TECHNICAL EDUCATION SYSTEM, SO AS TO REMOVE OBSOLETE PROVISIONS; BY AMENDING 59-143-10, RELATING TO THE ALLOCATION OF CERTAIN FUNDS FROM THE CHILDREN'S EDUCATION ENDOWMENT, SO AS TO REMOVE SPECIFIC TIMES FOR RELEASING THE FUNDS; BY AMENDING SECTION 59-143-30, RELATING TO THE ALLOCATION FORMULA FOR CERTAIN FUNDS MADE AVAILABLE FOR HIGHER EDUCATION SCHOLARSHIP GRANTS TO STUDENTS ATTENDING INDEPENDENT COLLEGES, SO AS TO REVISE THE FORMULA; BY AMENDING SECTION 59-150-355, RELATING TO EDUCATION LOTTERY APPROPRIATIONS AND USES, SO AS TO REMOVE OBSOLETE PROVISIONS, AMONG OTHER THINGS; BY AMENDING SECTION 8-17-380, RELATING TO THE GRIEVANCE AND PERFORMANCE APPRAISAL PROCEDURE FOR ACADEMIC EMPLOYEES, SO AS TO REMOVE REFERENCES TO THE COMMISSION; BY REPEALING CHAPTER 51 OF TITLE 11 RELATING TO THE SOUTH CAROLINA RESEARCH UNIVERSITY INFRASTRUCTURE ACT; BY REPEALING SECTION 39-9-230 RELATING TO IMPLEMENTATION OF THE METRIC SYSTEM BY THE COMMISSIONER OF AGRICULTURE WITH ASSISTANCE BY AN ADVISORY COMMITTEE; BY REPEALING SECTION 59-54-20 RELATING TO THE STATE OCCUPATIONAL TRAINING ADVISORY COMMITTEE; BY REPEALING SECTION 59-101-340 RELATING TO ALLOCATION OF FUNDS APPROPRIATED FOR A CERTAIN INVESTMENT INITIATIVE; BY REPEALING SECTION 59-101-360 RELATING TO CERTAIN REVENUE FROM TAX ON CATALOG SALES CREDITABLE TO MAIL ORDER SALES TAX FUND; BY REPEALING SECTION 59-103-50 RELATING TO THE ADVISORY COUNCIL OF PRIVATE COLLEGE PRESIDENTS; BY REPEALING SECTION 59-103-120 RELATING TO THE ACCREDITATION AND CHARTERING OF CHIROPRACTIC COLLEGES; BY REPEALING SECTION 59-103-162 RELATING TO THE SOUTH CAROLINA

MANUFACTURING EXTENSION PARTNERSHIP; BY REPEALING SECTION 59-104-210 RELATING TO THE COMPETITIVE GRANTS PROGRAM; BY REPEALING SECTION 59-104-230 RELATING TO THE ENDOWED PROFESSORSHIPS PROGRAM; BY REPEALING SECTION 59-104-410 RELATING TO THE RESEARCH INVESTMENT FUND; BY REPEALING SECTION 59-104-420 RELATING TO CRITERIA FOR RESEARCH INVESTMENT FUND USES; BY REPEALING SECTION 59-104-430 RELATING TO COMPREHENSIVE REPORTS FOR THE RESEARCH INVESTMENT FUND TO BE MADE AT THE END OF THE FISCAL YEAR; BY REPEALING SECTION 59-104-440 RELATING TO THE ALLOCATION OF FUNDS FROM THE RESEARCH INVESTMENT FUND; BY REPEALING SECTION 59-105-60 RELATING TO THE MODEL SEXUAL ASSAULT POLICY CREATED BY THE CAMPUS SEXUAL ASSAULT INFORMATION ACT; BY REPEALING SECTION 59-111-75 RELATING TO THE COLLEGE LOAN PROGRAM FOR NATIONAL GUARD MEMBERS; BY REPEALING SECTION 59-121-15 RELATING TO THE AUTHORITY OF THE BOARD OF TRUSTEES OF THE CITADEL TO CHANGE THE NAME OF THE INSTITUTION; BY REPEALING SECTION 59-127-75 RELATING TO THE FELTON-LABORATORY SCHOOL AT SOUTH CAROLINA STATE UNIVERSITY; AND BY REPEALING SECTION 59-150-380 RELATING TO THE EDUCATION LOTTERY TEACHING SCHOLARSHIP GRANTS.

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

Governor's Teaching Scholarship Loan Program eliminated

SECTION 1. Section 59-26-20(n) of the S.C. Code is amended to read:

(n) Reserved.

South Carolina Educator Preparation Report Card

SECTION 2. Section 59-26-35(A) of the S.C. Code is amended to read:

(A) The State Department of Education, with the assistance of the Commission on Higher Education, State Board of Education, the Center for Research on Teacher Education (SC-TEACHER), and the Revenue and Fiscal Affairs Office, shall form a commission to conduct a detailed assessment of the current data infrastructure, develop metrics, determine weightings, construct a unified data upload system, and construct public and private facing data reports including, but not limited to, annually publishing before November first an online report card known as the "South Carolina Educator Preparation Report Card." The report card must be made available on the State Department of Education and the Commission on Higher Education's websites. The commission shall develop a format that each educator preparation program must use on its website that shows all required information regarding its respective program. The report card shall evaluate the ability of educator preparation programs, including alternative programs, to prepare new teachers for success in South Carolina's classrooms, as well as describe the school and district contexts in which completers work. The report card must include data on a variety of measures to provide an overall picture of how well each educator preparation program prepares effective educators and meets state goals including, but not limited to, the following:

(1) number of undergraduate and graduate completers;

(2) placement and one, three, and five year retention rates by districts and regions of the State;

(3) performance-based assessments of candidates;

(4) ability of program to recruit a strong, diverse cohort of candidates and prepare them to teach in the content areas of greatest need;

(5) quality of clinical experiences, including access to qualified and trained mentors, time in the field, and opportunities to apply knowledge and skills in the clinical setting;

(6) effectiveness of individuals who completed a provider's program and are employed in a public school classroom. The information must be differentiated by provider and, where applicable, across content areas; and

(7) graduate and employer satisfaction.

College parallel courses and associate degree programs, CHE budgetary review eliminated

SECTION 3. Section 59-53-40 of the S.C. Code is amended to read:

Section 59-53-40. (A) The board and local area commissions shall ensure effective coordination with the public schools, other state agencies, literary councils, and private and nonprofit training organizations to maximize opportunities to best meet local education and training needs. The board shall maintain effective coordination with the Commission on Higher Education and other educational boards and state agencies.

(B) All college parallel courses or associate degree programs are subject to the approval or termination by the Commission on Higher Education.

Conversions from quarter calendar system to semester calendar system

SECTION 4. Section 59-104-40 of the S.C. Code is amended to read:

Section 59-104-40. The State Board for Technical and Comprehensive Education, in consultation with the commission, shall limit the offering of courses designed for college transfer in those technical colleges that do not have approved college transfer programs. The offering of "college parallel" general education courses in institutions not authorized to award the associate in arts or associate in science degree is limited to those necessary to support approved nontransfer programs. The commission, after consultation with the State Board for Technical and Comprehensive Education and with public senior colleges and universities, shall establish rules and procedures by which this limitation must be regulated. The commission shall establish procedures concerning courses acceptable for transfer as provided in Section 59-103-45(1).

Children's Education Endowment fund release dates eliminated

SECTION 5. Section 59-143-10(C) of the S.C. Code is amended to read:

(C) Funds made available for Need-based Grants and Palmetto Fellows Scholarships through the Higher Education Scholarship Grants

allocation must be no more than the prior year's earned revenue. Notwithstanding the provisions of this section, any unspent balance in the Higher Education Scholarship Grants allocation of the Children's Education Endowment Fund, including interest and low-level radioactive waste tax revenue from previous years' collections, may be made available for Need-based Grants and Palmetto Fellows Scholarships.

Scholarship grants to students attending independent colleges, allocation formula revised

SECTION 6. Section 59-143-30 of the S.C. Code is amended to read:

Section 59-143-30. (1) Of the funds made available for higher education scholarship grants from the higher education scholarship grant allocation under Section 59-143-10 for any year, one-half shall be allocated for Need-based Grants and one-half shall be allocated for Palmetto Fellows Scholarships.

(2) Of the total funds made available for higher education scholarship grants from the higher education scholarship grant allocation under Section 59-143-10 for any year, a percentage thereof must be allocated for students attending independent institutions of higher learning in this State. This percentage shall be equivalent to the percentage of the independent colleges' share of the total South Carolina resident undergraduate full-time (FTE) enrollment of all public and independent institutions of higher learning in this State based on the previous year's data as determined by the Commission on Higher Education and the South Carolina Tuition Grants Commission. This percentage shall be drawn from the funds allocated under item (1) for Need-based Grants.

(3) The allocation each year to students at the South Carolina independent colleges under item (2) shall be used to provide tuition grants under Chapter 113. The funds allocated for South Carolina Tuition Grants to South Carolina independent colleges students under this subsection shall be included in the annual appropriation to the Commission on Higher Education and transferred annually into the budget of the South Carolina Tuition Grants Commission in the amount prescribed in item (2).

(4) Independent colleges for purposes of this subsection means those institutions eligible to participate in the South Carolina Tuition Grants Program as defined by Section 59-113-50.

(5) Public institutions shall receive the remaining allocation each year of the funds made available for higher education scholarship grants

under Section 59-143-10.

(6) The maximum amount of funding provided for awards to students attending South Carolina independent colleges from the Children's Education Endowment Fund for South Carolina Tuition Grants shall not exceed the percentage funding calculation described under item (2).

Education lottery appropriations and uses, obsolete provisions eliminated

SECTION 7. Section 59-150-355 of the S.C. Code is amended to read:

Section 59-150-355. (A) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed below. These appropriations must be used to supplement and not supplant existing funds for education. Distributions from the Education Lottery Account must be made on a quarterly basis by the last day of January, April, July, and October of each year, beginning in July 2002 if the account has accrued more than $35,000,000 in net proceeds by that date. The Executive Budget Office is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in the annual appropriations act.

(B)The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items and between recurring and nonrecurring funds in order to ensure the timely receipt of scholarships and tuition assistance.

(C) Annual net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings are appropriated and must be used and must be carried forward to ensure that all LIFE, Palmetto Fellows, and HOPE Scholarships created or supplemented by the General Assembly are fully funded annually. If the lottery revenue received is less than the amounts appropriated, the projects and programs receiving appropriations for any such year must have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, Palmetto Fellows, and HOPE Scholarships.

Grievance and performance appraisal procedures for academic employees, CHE removed

SECTION 8. Section 8-17-380 of the S.C. Code is amended to read:

Section 8-17-380. With respect to the teaching and research faculty, professional librarians, academic administrators, and all other persons holding faculty appointments at any post-secondary educational institutions described in item (10) of Section 8-17-370, each such institution, subject to the approval of the Director of the Department of Administration or its designee shall establish in writing:

(a) A performance appraisal procedure which shall assure:

(1) annual review and evaluation of such employees;

(2) written findings;

(3) review of evaluations with each covered employee;

(4) retention of performance appraisals and written comments of such employee, if any, in a permanent file with right of full disclosure to the employee.

(b) A grievance procedure which shall at an appropriate stage provide a hearing for such employees before an individual or committee designated for such purposes, at which the employee shall have the right to representation by counsel and the opportunity to present evidence in his behalf. Any such procedure shall include the right of the employee to appeal the post-hearing decision to the governing board of the institution, or a committee designated by the board for this purpose, such appeal to be limited to the record of the hearing. Discrimination in compensation, promotion, and work assignment shall be subjects for consideration by such grievance procedure. Dismissal of tenured or other permanent employees and dismissal prior to the end of an employment contract term shall be only for cause, and shall be subject for consideration by such grievance procedure. The granting or the failure to grant tenured status to such employees or nonrenewal of employment contracts at the end of the contract term shall not be subjects for consideration by such grievance procedure.

The grievance and performance appraisal procedure provided for herein shall be submitted to the Department of Administration or its designee for approval within six months after the establishment of any new institution.

Repeals

SECTION 9. Chapter 51, Title 11, and Sections 39-9-230, 59-54-20, 59-101-340, 59-101-360, 59-103-50, 59-103-120, 59-103-162, 59-104-210, 59-104-230, 59-104-410, 59-104-420, 59-104-430, 59-104-440, 59-105-60, 59-111-75, 59-121-15, 59-127-75, and 59-150-380 of the S.C. Code are repealed.

Time effective

SECTION 10. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 189

(R204, H4804)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-395, RELATING TO FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCREASE THE MINIMUM PENALTY TO FIVE YEARS' IMPRISONMENT AND PROVIDE AN ADDITIONAL PENALTY FOR REGISTERED SEX OFFENDERS WHO VIOLATE THE STATUTE; BY AMENDING SECTION 16-15-405, RELATING TO SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCREASE THE MINIMUM PENALTY TO THREE YEARS' IMPRISONMENT AND PROVIDE AN ADDITIONAL PENALTY FOR REGISTERED SEX OFFENDERS WHO VIOLATE THE STATUTE; AND BY AMENDING SECTION 16-15-410, RELATING TO THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO ESTABLISH PENALTIES BASED ON THE NUMBER OF IMAGES POSSESSED, INCLUDING A PENALTY OF UP TO TEN YEARS IF THERE ARE ONE TO TWENTY-FIVE IMAGES, ONE TO TEN YEARS IF THERE ARE

TWENTY-SIX TO TWO HUNDRED FIFTY IMAGES, AND A PENALTY OF TWO TO TEN YEARS IF THERE ARE MORE THAN TWO HUNDRED FIFTY IMAGES; AND TO PROVIDE A MINIMUM PENALTY OF FIVE YEARS FOR A REGISTERED SEX OFFENDER WHO VIOLATES THE STATUTE.

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

Sexual exploitation of a minor, first degree, penalties

SECTION 1. Section 16-15-395 of the S.C. Code is amended to read:

Section 16-15-395. (A) An individual commits the offense of first degree sexual exploitation of a minor if, knowing the character or content of the material or performance, he:

(1) uses, employs, induces, coerces, encourages, or facilitates a minor to engage in or assist others to engage in sexual activity or appear in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation for a live performance or for the purpose of producing material that contains a visual representation depicting this activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation;

(2) permits a minor under his custody or control to engage in sexual activity or appear in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation for a live performance or for the purpose of producing material that contains a visual representation depicting this activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation;

(3) transports or finances the transportation of a minor through or across this State with the intent that the minor engage in sexual activity or appear in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation for a live performance or for the purpose of producing material that contains a visual representation depicting this activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation; or

(4) records, photographs, films, develops, duplicates, produces, or creates a digital electronic file for sale or pecuniary gain material that contains a visual representation depicting a minor or a morphed image of an identifiable minor engaged in sexual activity or a state of sexually explicit nudity when a reasonable person would infer the purpose is

sexual stimulation.

(B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in a sexual activity or a state of sexually explicit nudity depicted in material as a minor through its title, text, visual representations, or otherwise, is a minor.

(C) Mistake of age is not a defense to a prosecution pursuant to this section.

(D)(1) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned for not less than five years nor more than twenty years. No part of the minimum sentence of imprisonment may be suspended nor is the individual convicted eligible for parole until he has served the minimum term of imprisonment. Sentences imposed pursuant to this section must run consecutively with and commence at the expiration of another sentence being served by the person sentenced.

(2) A person who violates the provisions of this section and previously has been convicted of an offense that required the person to register as a sex offender in accordance with Section 23-3-430, upon conviction, must be sentenced for an additional five years.

(E) The offense is a misdemeanor to be heard by the family court if the person charged under the provisions of subsection (A)(4) is a minor and the offense is the minor's first offense related to a morphed image of an identifiable minor. The family court may order behavioral health counseling from an appropriate agency or provider, as a condition of adjudicating a minor.

Sexual exploitation of a minor, second degree, penalties

SECTION 2. Section 16-15-405 of the S.C. Code is amended to read:

Section 16-15-405. (A) An individual commits the offense of second degree sexual exploitation of a minor if, knowing the character or content of the material, he:

(1) records, photographs, films, develops, duplicates, produces, or creates digital electronic file material that contains a visual representation of a minor or a morphed image of an identifiable minor engaged in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation; or

(2) distributes, transports, exhibits, receives, sells, purchases, exchanges, or solicits material that contains a visual representation of a minor or a morphed image of an identifiable minor engaged in sexual

activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

(B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted in material as a minor through its title, text, visual representations, or otherwise, is a minor.

(C) Mistake of age is not a defense to a prosecution pursuant to this section.

(D)(1) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not less than three years nor more than ten years. No part of the minimum sentence may be suspended nor is the individual convicted eligible for parole until he has served the minimum sentence.

(2) A person who violates the provisions of this section and previously has been convicted of an offense that required the person to register as a sex offender in accordance with Section 23-3-430, upon conviction, must be imprisoned for a minimum sentence of five years.

(3) For any violation of the provisions of this section, no part of the minimum sentence may be suspended nor is the person convicted eligible for parole until he has served the minimum sentence.

(E) The offense is a misdemeanor to be heard by the family court if the person charged under the provisions of subsection (A) is a minor and the offense is the minor's first charge related to a morphed image of an identifiable minor. The family court may order behavioral health counseling from an appropriate agency or provider, as a condition of adjudicating a minor.

Sexual exploitation of a minor, third degree, penalties

SECTION 3. Section 16-15-410 of the S.C. Code is amended to read:

Section 16-15-410. (A) An individual commits the offense of third degree sexual exploitation of a minor if, knowing the character or content of the material, he possesses material that contains a visual representation of a minor or a morphed image of an identifiable minor engaging in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation.

(B) In a prosecution pursuant to this section, the trier of fact may infer that a participant in sexual activity or a state of sexually explicit nudity depicted as a minor through its title, text, visual representation, or otherwise, is a minor.

(C)(1) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned for:

(a) not more than ten years if the person possesses one to twenty-five or less visual representations or images;

(b) one to ten years if the person possesses twenty-six images to two hundred fifty visual representations or images; and

(c) two to ten years if the person possesses more than two hundred fifty visual representations or images.

(2) A person who violates the provisions of this section and previously has been convicted of an offense that required the person to register as a sex offender in accordance with Section 23-3-430, upon conviction, must be imprisoned for a minimum of five years.

(3) For any violation of the provisions of this section, no part of the minimum sentence may be suspended nor is the person convicted eligible for parole until he has served the minimum sentence.

(D) This section does not apply to an employee of a law enforcement agency, including the State Law Enforcement Division, a prosecuting agency, including the South Carolina Attorney General's Office, or the South Carolina Department of Corrections who, while acting within the employee's official capacity in the course of an investigation or criminal proceeding, is in possession of material that contains a visual representation of a minor engaging in sexual activity or appearing in a state of sexually explicit nudity when a reasonable person would infer the purpose is sexual stimulation. The employee's official capacity in the course of such investigation or criminal proceeding includes making material available for inspection to the defendant's counsel in response to discovery requests.

(E) The offense is a misdemeanor to be heard by the family court if the person charged under the provisions of subsection (A) is a minor and the offense is the minor's first charge related to a morphed image of an identifiable minor. The family court may order behavioral health counseling from an appropriate agency or provider, as a condition of adjudicating a minor.

Savings clause

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws

repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 190

(R209, H5069)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ESTABLISH THE "SOUTH CAROLINA PROTECTED LANDS AND CONSERVATION COORDINATION ACT"; TO RECOGNIZE CONSERVATION OF NATURAL RESOURCES AS AN IMPORTANT STATE INTEREST; AND TO ESTABLISH A STATEWIDE PROTECTED LAND BENCHMARK.

Whereas, South Carolina's natural resources, including forests, farmlands, wetlands, wildlife habitats, beaches, and coastal areas, are vital to the State's environmental health, economic vitality, agricultural productivity, and quality of life; and

Whereas, continued growth and rapid land development in South Carolina place increasing pressure on natural resource preservation and have affected the health of the State's streams, rivers, wetlands, water quality, wildlife habitats, and working lands, all of which impact the quality of life of the state's current and future citizens; and

Whereas, conservation of these resources is achieved through a combination of public and private efforts, voluntary landowner participation, agency programs, and local initiatives; and

Whereas, coordination among state agencies promotes the efficient use of public funds and strengthens conservation outcomes while respecting private property rights; and

Whereas, voluntary conservation easements on private lands provide a cost-effective means of protecting working lands and natural resources and are an important tool for advancing landscape-scale conservation across the State. Now, therefore:

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

Citation

SECTION 1. This act may be cited as the "South Carolina Protected Lands and Conservation Coordination Act."

State policy and goals

SECTION 2. Title 48 of the S.C. Code is amended by adding:

CHAPTER 61

South Carolina Protected Lands and Conservation Coordination Act

Section 48-61-110. It is the policy of this State to recognize the conservation of natural resources as an important state interest and to encourage resource agencies, consistent with their statutory authority and missions, to support conservation through planning, grant program administration, land management, voluntary landowner partnerships, and activities that contribute to the establishment of protected land. Nothing in this chapter may be construed to authorize the regulation of private property beyond statutory authority, require the acquisition of private land, or diminish private property rights.

Section 48-61-120. (A) The General Assembly recognizes that approximately three million four hundred thousand acres of land in this State are currently protected through conservation easements, public ownership, and other legally enforceable conservation mechanisms.

(B) It is the long-range goal of the State to increase protected land to seven million acres by the year 2050, representing roughly one third of the state's land area. This benchmark is intended solely for purposes of long-term planning, performance measurement, and evaluation of conservation trends and does not create a legal requirement, mandate, or entitlement.

(C) Progress toward the benchmark described in subsection (B) shall be measured based on acres of protected land established or enhanced through voluntary conservation mechanisms and within statutory authority and available resources.

(D) Nothing in this section may be construed to require the acquisition of private land or interests in land, authorize regulatory restrictions on private property beyond the law, or obligate the General Assembly to appropriate funds.

Severability

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 18th day of May, 2026

No. 191

(R221, S70)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 19, TITLE 59 SO AS TO PROVIDE A SCHOOL BOARD MEMBER CODE OF ETHICS; AND BY ADDING SECTION 59-19-45, RELATING TO MANDATORY TRAINING FOR SCHOOL DISTRICT TRUSTEES, SO AS TO REVISE THE TRAINING CONTENT REQUIREMENTS, APPLICABILITY, AND COMPLIANCE REQUIREMENTS, AMONG OTHER THINGS.

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

School Board Member Code of Ethics

SECTION 1. Chapter 19, Title 59 of the S.C. Code is amended by adding:

Article 5

School Board Member Code of Ethics

Section 59-19-710. The purpose of this article is to enhance local school governance by promoting the highest standards of ethical behavior.

Section 59-19-720. For the purposes of this article, "board member" means a person holding membership, whether by election or appointment, on a board of education, including a charter school board, charter school authorizer board, or the South Carolina Charter School District Board, other than the State Board of Education.

Section 59-19-730. (A) The State Board of Education shall adopt, and revise as necessary, a model code of ethics consistent with standards established by the South Carolina Ethics Commission for local school board members.

(B)(1) A local school board shall adopt a local code of ethics applicable to that board within three months after adoption of the model code of ethics by the State Board of Education. A local code must include, at a minimum, the State Board of Education's model code of

ethics.

(2) If the State Board of Education adopts a revision to the model code of ethics, then local school boards shall adopt and incorporate the revision into their local code within three months of the adoption of the revision by the State Board of Education.

(3) A local school board may only adopt its local code of ethics or any changes to that local code at a regularly scheduled meeting.

(4) A local school board may not adopt or follow a code of ethics that prevents its members from freely discussing the policies and actions of the board outside of a board meeting except for matters discussed in executive session. This does not preclude a local school board from adopting a policy in a regularly scheduled meeting that prohibits certain disclosures allowed by law.

(5) A local school board shall submit a copy of its local code of ethics and subsequent revisions to the State Board of Education within sixty days of adoption.

(6) Nothing contained in this section may be construed to repeal, replace, or preclude application of any other statute.

School board member training, content, applicability, and compliance

SECTION 2. Section 59-19-45 of the S.C. Code is amended to read:

Section 59-19-45. (A) The department shall:

(1) adopt a required training program for new local school board members delivered by the department or the department's designee(s).

(2) adopt a required training program for local school board members that have been reelected or reappointed delivered by the department or the department's designee(s).

(3) review the training program and adopt any necessary revisions every three years. The department may designate a designee(s) for this review process.

(B) Within nine months of taking office, all persons elected, reelected, appointed, or reappointed as members of a school district board of trustees regardless of the date of their election, reelection, appointment, or reappointment, shall complete the required training program in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, superintendent and board relations, instructional programs, district finance, school law, ethics, nepotism, conflicts of interest, and community relations. This program must be offered by the department or its designee(s) and

completed by each board member within nine months after his election, reelection, appointment, or reappointment. The State Board of Education must keep a record of the school board trustees who complete the training program within the required time. The State Board of Education shall issue a letter of caution informing any school board trustee who fails to comply with the requirements of this section providing a time in which to cure the noncompliance. If the school board trustee fails to cure his noncompliance, the State Board of Education shall submit the name of the school board trustee to the Governor for recommendation of removal under Section 59-19-60.

(C) In addition to meeting other requirements provided by law, a person serving on a local school board shall sign a statement certifying that he understands and is in compliance with the South Carolina ethics law, the applicable local code of ethics, and the training required pursuant to this section.

(D) A local school board shall certify compliance with the provisions of subsections (B) and (C) by all board members within nine months of the election, reelection, appointment, or reappointment of the board and publish this certification in the minutes of the next regularly scheduled school board meeting.

Time effective

SECTION 3. Section 59-19-730(A) and Section 59-19-45(A)(1) takes effect upon approval by the Governor but must be completed by December 31, 2026. The training program pursuant to Section 59-19-45(B) must be offered by the department or its designee(s) and completed by each board member within one year after the effective date of this act.

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 192

(R222, S235)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-90, RELATING TO PROSTITUTION, SO AS TO DEFINE THE TERM "PROSTITUTION," REVISE THE STATUTE AND PENALTIES FOR VIOLATIONS, AND PROVIDE EXCEPTIONS TO PROSECUTION FOR VICTIMS OF HUMAN TRAFFICKING AND VICTIMS UNDER THE AGE OF EIGHTEEN; BY AMENDING SECTION 16-15-100, RELATING TO FURTHER ACTS OF PROSTITUTION, SO AS TO DEFINE NECESSARY TERMS, REVISE THE STATUTE REGARDING PROMOTING PROSTITUTION, INCREASE THE PENALTIES FOR VIOLATIONS, AND PROVIDE EXCEPTIONS TO PROSECUTION TO PERSONS COERCED AS RESULT OF BEING A VICTIM OF HUMAN TRAFFICKING; BY AMENDING SECTION 16-15-110, RELATING TO SOLICITATION OF PROSTITUTION OFFENSES, SO AS TO DEFINE THE TERM "PROSTITUTION," AND INCREASE THE PENALTIES FOR VIOLATIONS; AND BY ADDING SECTION 16-15-115 SO AS TO PROVIDE THAT PERSONS PREVIOUSLY CONVICTED OF A PROSTITUTION OFFENSE MAY BE ELIGIBLE TO PARTICIPATE IN A TREATMENT AND REHABILITATION PROGRAM UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE A PROCEDURE FOR EXPUNGEMENT OF THE ARREST RECORD.

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

Prostitution offenses, revisions, penalties, and exclusions

SECTION 1. Sections 16-15-90 through 16-15-110 of the S.C. Code are amended to read:

Section 16-15-90. (A) For the purposes of this section "prostitution" means the practice or instance of engaging in sexual activity for money or any other thing of value.

(B) It is unlawful to:

(1) engage in prostitution;

(2) expose indecently the private person for the purpose of

prostitution; or

(3) reside in, enter, or remain in any place, structure, building, vehicle, trailer, or conveyance for the purpose of prostitution.

(C) In the prosecution of a person who is charged with a violation of this section, it is an affirmative defense to those charges if the person was under duress or coerced into committing the offense or the crime was committed as a direct result of or interrelated to victimization of human trafficking.

(D) A person is immune from prosecution under this section if that person was under the age of eighteen at the time of the alleged act.

(E) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(1) for a first offense, a fine not exceeding two hundred dollars or confinement in prison for a period of not more than thirty days;

(2) for a second offense, a fine not exceeding five hundred dollars or confinement in prison for a period of not more than sixty days, or both; or

(3) for a third or any subsequent offense, a fine not exceeding three thousand dollars or confinement for a period of not more than one year, or both.

(F) Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, a violation of this section must be tried in magistrates court.

Section 16-15-100. (A) For the purposes of this section:

(1) “Prostitution” means the practice or instance of engaging in sexual activity for money or any other thing of value.

(2) “Sexual grooming” means a person’s attempt to gradually establish an emotional connection with another person to lessen their inhibitions to engage in sexual activities with or at the direction of the person.

(B) It shall further be unlawful to:

(1) procure, recruit, sexually groom, cause, induce, persuade, or encourage by promise, threat, violence, or by any scheme or device a person to become a prostitute or to enter, remain, or reside in a place, structure, building, vehicle, trailer, or conveyance with the intent to commit an act of prostitution;

(2) receive or give, or agree to receive or give, any money or thing of value for procuring or attempting to procure any person to become a prostitute;

(3) accept or receive knowingly any money or other thing of value without consideration from a prostitute;

(4) keep or set up a trailer, place, structure, building, or any other conveyance to facilitate prostitution;

(5) receive any person for purposes of prostitution into any vehicle, conveyance, trailer, place, structure, or building;

(6) permit any person to remain for the purpose of prostitution in any vehicle, conveyance, trailer, place, structure, or building;

(7) direct, take, or transport, offer or agree to direct, take, or transport, or aid or assist in directing, taking, or transporting any person to any vehicle, conveyance, trailer, place, structure, or building or to any other person with knowledge of or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution;

(8) lease or rent, or contract to lease or rent, any vehicle, conveyance, trailer, place, structure, or building or part thereof with actual knowledge or having reasonable cause to believe that it is intended to be used for prostitution;

(9) promote, market, or advertise prostitution on a media platform accessible to the public including, but not limited to, social media platforms; or

(10) aid, abet, or participate knowingly in the doing of any of the acts herein prohibited.

(C) In the prosecution of a person who is charged with a violation of this section, it is an affirmative defense to those charges if the person was under duress or coerced into committing the offense or the crime was committed as a direct result of or interrelated to victimization of human trafficking.

(D) A person who violates this section must be punished as follows:

(1) for a first offense, a person is guilty of misdemeanor and, upon conviction, must be fined at least three thousand dollars and imprisoned for a period of not more than three years;

(2) for a second offense, a person is guilty of a misdemeanor and, upon conviction, must be fined at least five thousand dollars and imprisoned for a period of not more than five years; or

(3) for a third or subsequent offense, a person is guilty of a felony and, upon conviction, must be fined at least five thousand dollars with a maximum of up to ten thousand dollars and confinement in prison for not more than ten years.

(E) Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, a violation of this section must be tried in magistrates court.

Section 16-15-110. (A) For the purposes of this section "prostitution" means the practice or instance of engaging in sexual activity for money or any other thing of value.

(B) It is unlawful for a person to solicit, induce, entice, or offer money or anything of value to a prostituted person for the purpose of engaging in prostitution.

(C) A person who violates this section must be punished as follows:

(1) for a first offense, the person is guilty of a misdemeanor and, upon conviction, must be fined at least two thousand dollars and imprisoned for a period of not more than two years;

(2) for a second offense, the person is guilty of a misdemeanor and, upon conviction, must be fined at least three thousand dollars and imprisoned for a period of not more than three years; or

(3) for a third or subsequent offense, the person is guilty of a misdemeanor and, upon conviction, must be fined at least five thousand dollars with a maximum fine of up to ten thousand dollars and imprisoned for a period of not more than five years.

(D) Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, a violation of this section must be tried in magistrates court.

Prostitution, treatment and rehabilitation programs

SECTION 2. Article 1, Chapter 15, Title 16 of the S.C. Code is amended by adding:

Section 16-15-115. (A) When a person who has not previously been convicted of an offense pursuant to Section 16-15-90 or any similar offense under any state or federal statute relating to prostitution pleads guilty to or is found guilty of a violation of Section 16-15-90, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions as it requires, including the requirement that the person cooperate in a treatment and rehabilitation program of a state-supported facility, if available. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal pursuant to this section is without court adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. However, a nonpublic record must be forwarded to and retained

by the South Carolina Law Enforcement Division solely for the purpose of use by the courts in determining whether or not a person has committed a subsequent offense pursuant to this section. Discharge and dismissal pursuant to this section may occur only once with respect to any person.

(B) Upon the dismissal of the person and discharge of the proceedings against him pursuant to subsection (A), the person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained as provided in subsection (B)) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines, after a hearing, that the person was dismissed and the proceedings against him discharged, it shall enter the order. The effect of the order is to restore the person, in the contemplation of the law, to the status he occupied before the arrest or indictment or information. No person as to whom the order has been entered may be held pursuant to another provision of law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge the arrest, or indictment or information, or trial in response to an inquiry made of him for any purpose.

(C) Before a person may be discharged and the proceedings dismissed pursuant to this section, the person must pay a fee to the summary court of one hundred fifty dollars. No portion of the fee may be waived, reduced, or suspended, except in cases of indigency. If the court determines that a person is indigent, the court may partially or totally waive, reduce, or suspend the fee. The revenue collected pursuant to this subsection must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer within thirty days of receipt. The State Treasurer shall transmit these funds to the Prosecution Coordination Commission which shall then apportion these funds among the sixteen judicial circuits on a per capita basis equal to the population in that circuit compared to the population of the State as a whole based on the most recent official United States census. The funds must be used for drug treatment court programs only. The amounts generated by this subsection are in addition to any amounts presently being provided for drug treatment court programs and may not be used to supplant funding already allocated for these services. The State Treasurer may request the State Auditor to examine the financial records of a jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to this subsection. The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.

Savings clause

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Severability clause

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 193

(R225, S416)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-210, RELATING TO THE EXPULSION, SUSPENSION, AND TRANSFER OF STUDENTS, SO AS TO REVISE RESTRICTIONS APPLICABLE TO EXPELLED AND SUSPENDED STUDENTS WHILE ON SCHOOL PROPERTY OR ATTENDING SCHOOL ACTIVITIES, AND TO REMOVE LIMITATIONS ON DISCIPLINARY ACTION FOR CERTAIN VIOLATIONS; BY AMENDING SECTION 59-63-235, RELATING TO THE EXPULSION OF STUDENTS WHO BRING FIREARMS TO SCHOOL, SO AS TO REQUIRE A MINIMUM ONE-YEAR EXPULSION FOR KNOWINGLY BRINGING A FIREARM TO SCHOOL, TO PROVIDE PROCEDURES FOR MODIFICATION, REVIEW, AND REINSTATEMENT OF THE EXPULSION PERIOD, TO PRESERVE STUDENT APPEAL RIGHTS, AND TO AUTHORIZE EDUCATIONAL SERVICES IN ALTERNATIVE OR VIRTUAL SETTINGS; BY ADDING SECTION 59-63-237 SO AS TO PROVIDE FOR THE EXPULSION OF STUDENTS WHO MAKE CERTAIN THREATS OF VIOLENCE AGAINST SCHOOLS OR SCHOOL PERSONNEL, TO ESTABLISH STANDARDS AND PROCEDURES FOR SUCH EXPULSIONS, TO AUTHORIZE EDUCATIONAL SERVICES IN ALTERNATIVE OR VIRTUAL SETTINGS, AND TO REQUIRE REFERRAL TO THE DEPARTMENT OF JUVENILE JUSTICE; AND BY AMENDING SECTION 59-63-250, RELATING TO THE TRANSFER OF STUDENTS, SO AS TO CLARIFY THE AUTHORITY OF DISTRICT BOARDS AND DESIGNATED ADMINISTRATORS TO TRANSFER STUDENTS WITHIN THE DISTRICT IN LIEU OF SUSPENSION OR EXPULSION, TO REQUIRE PARENT CONFERENCES OR HEARINGS AND NOTICE TO AND INPUT FROM THE RECEIVING SCHOOL PRINCIPAL, AND TO PROVIDE APPEAL RIGHTS FOR TRANSFERS ORDERED BY AN ADMINISTRATOR.

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

Restrictions applicable to expelled and suspended students

SECTION 1. Section 59-63-210 of the S.C. Code is amended to read:

Section 59-63-210. (A) Any district board of trustees may authorize or order the expulsion, suspension, or transfer of any pupil for the commission of any crime, gross immorality, gross misbehavior, persistent disobedience, or for violation of written rules and promulgated regulations established by the district board, county board, or the State Board of Education, or when the presence of the pupil is detrimental to the best interest of the school. Each expelled pupil has the right to petition for readmission for the succeeding school year.

(1) Expulsion must be construed to prohibit a pupil from entering the school or school grounds including, but not limited to, attending any day or night school functions or riding a school bus. An expelled student may only enter school or school grounds for a prearranged conference with an administrator. This prohibition shall continue for the duration of the expulsion period.

(2) Suspension must be construed to prohibit a pupil from entering the school or school grounds, except for a prearranged conference with an administrator, attending any day or night school functions, or riding a school bus. This prohibition shall continue for the duration of the suspension period.

(B) The provisions of this section do not preclude enrollment and attendance in any alternate education program to include adult education or virtual programming.

Expulsions for knowingly bringing firearms to school

SECTION 2. Section 59-63-235 of the S.C. Code is amended to read:

Section 59-63-235. (A) A student who is determined to have knowingly brought a firearm to a school or any setting under the jurisdiction of a local board of trustees must be expelled for no less than one year from the date of the incident. The expulsion hearing must follow the procedures established pursuant to Section 59-63-240.

(B) If the hearing is conducted by the district board of trustees, the one-year expulsion period is subject to modification by the board on a case-by-case basis.

(C) If the hearing is conducted by any authority other than the district board of trustees, the one-year expulsion period is subject to modification by the district superintendent of education. The board must

receive and review a copy of the results of the expulsion hearing and affirm any modification recommendations by the district superintendent of education. If the board does not affirm a modification recommendation of the district superintendent, the expulsion period established in this section shall be reinstated. A student shall retain all rights afforded to him by Section 59-63-240.

(D) Students expelled pursuant to this section are not precluded from receiving educational services in an alternative setting to include virtual programming. Each local board of trustees is to establish a policy which requires the student to be referred to the local county office of the Department of Juvenile Justice or its representative.

Expulsions for threats of violence

SECTION 3. Chapter 63, Title 59 of the S.C. Code is amended by adding:

Section 59-63-237. (A) The district board of trustees must expel for no more than one academic year a student who is determined to have knowingly and wilfully delivered or conveyed a threat to commit bodily harm by means of a weapon against students or employees of a school by means of any letter or paper, writing, document, electronic communication, or other type of communication that is intended to reach another person. The expulsion period is subject to modification on a case-by-case basis as determined by the district board of trustees or district superintendent of education.

(B) In order for a student to be expelled under this section, the board or any authority the board designates to conduct an expulsion hearing, must find, at a minimum:

(1) the threat was directed at specific students, staff, or school;

(2) an ordinary person reviewing the threat would have a reasonable expectation of a violent act resulting in bodily harm;

(3) the student making the threat could be reasonably expected to have the capacity to carry out the threat; and

(4) the threat resulted in a material and substantial disruption to school operations including, but not limited to, the cancellation of classes or families declining to send students to school in response to the threat or a lock-down of the school and students.

(C) The expulsion hearing must follow the procedures established pursuant to Section 59-63-240. Students expelled pursuant to this section must be afforded access to educational services through an alternative or virtual setting. Each local board of trustees is to establish

a policy which requires the student to be referred to the local county office of the Department of Juvenile Justice or its representative.

Student transfers for disciplinary matters

SECTION 4. Section 59-63-250 of the S.C. Code is amended to read:

Section 59-63-250. The board or a designated administrator may transfer a pupil to another school within the school district in lieu of suspension or expulsion but only after a hearing with the parents or legal guardian and notification to and input from the principal at the receiving school. The parents or legal guardian may request a conference in lieu of the hearing provided under this section. The parents or legal guardian may appeal a transfer made by an administrator to the board.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 194

(R230, S751)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 25 TO CHAPTER 53, TITLE 44 SO AS TO PROHIBIT THE SALE OF NITROUS OXIDE OR NITROUS OXIDE PRODUCTS IN THE STATE OF SOUTH CAROLINA, WITH EXCEPTIONS; TO AUTHORIZE THE DEPARTMENT OF PUBLIC HEALTH TO PROMULGATE REGULATIONS IN CONSULTATION WITH THE STATE LAW ENFORCEMENT DIVISION; TO CREATE CRIMINAL PENALTIES; AND FOR OTHER PURPOSES.

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

Nitrous oxide

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

Article 25

Nitrous Oxide

Section 44-53-2510. As used in this article:

(1) "Department" means the South Carolina Department of Public Health.

(2) "Division" means the State Law Enforcement Division.

(3) "Food" means any food, food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption.

(4) "Nitrous oxide" means dinitrogen monoxide (N_2O) and any compound, liquid, gas, or chemical that contains nitrous oxide whether compressed, liquified, or contained in a cartridge, cylinder, tank, canister, or other vessel.

(5) "Nitrous oxide products" means a cartridge, cylinder, tank, or other container that contains nitrous oxide.

(6) "Characterizing flavor" means a distinguishable taste or aroma described by reference to a fruit, candy, dessert, beverage, mint, menthol, or any other flavor or aroma.

(7) "Flavored nitrous oxide product" means a nitrous oxide product that is labeled, advertised, marketed, or sold by reference to a characterizing flavor.

(8) "Exempt entity" means:

(a) a physician, dentist, veterinarian, hospital, clinic, or other licensed healthcare facility acting within the lawful scope of practice;

(b) a licensed commercial food and beverage business that holds a valid South Carolina retail food establishment permit or food service permit and uses nitrous oxide solely for legitimate culinary or beverage preparation in the ordinary course of business;

(c) an automotive business operating with a business license and with an authorized dealer or distributor agreement and having the primary purpose of providing automotive supplies and services and using nitrous oxide solely for a lawful automotive performance, testing, or competition purpose;

(d) an industrial or manufacturing business operating with a business license using nitrous oxide solely for lawful industrial or

manufacturing purposes;

(e) an institute of higher education, laboratory, or research facility using nitrous oxide solely for scientific research or instruction; or

(f) a governmental entity or emergency services agency acting within the scope of official duties.

(9) "Sell" or "sale" means to sell, furnish, give, distribute, provide, deliver, offer for sale, or possess with intent to sell, furnish, give, distribute, provide, deliver, or offer for sale.

Section 44-53-2520. (A) Except as provided in subsection (E), it is unlawful for an individual or a retailer to sell, furnish, give, distribute, or provide nitrous oxide or nitrous oxide products in this State.

(B) Except as provided in subsection (E), it is unlawful for a person to possess nitrous oxide or a nitrous oxide product with the intent to sell or distribute in this State.

(C) A person may not possess, sell, market, or represent nitrous oxide for recreational inhalation.

(D)(1) It is unlawful for any person to sell, furnish, give, distribute, provide, deliver, offer for sale, or possess with intent to sell a flavored nitrous oxide product in this State.

(2) A person engaged in the sale of nitrous oxide or nitrous oxide products made through the internet or other remote sales methods shall perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is eighteen years of age or older, and shall use a method of mailing, shipping, or delivery that requires the signature of a person at least eighteen years of age purchasing for an exempted use before nitrous oxide or a nitrous oxide product will be released to the purchaser, unless the internet or other remote sales methods employ the following protections to ensure age verification:

(a) the customer creates an online profile or account with personal information including, but not limited to, name, address, social security information, and a valid phone number, and that personal information is verified through publicly available records; or

(b) the customer is required to upload a copy of his government-issued identification in addition to a current photograph of the customer; and

(c) delivery is made to the customer's name and address.

(E) Subsections (A) and (B) do not apply to the sale, distribution, or transfer of nitrous oxide or nitrous oxide products to an exempt entity or

to an individual for the exempt entity's or individual's lawful purpose, provided the seller complies with Section 44-53-2530. An individual who is over the age of eighteen may have the following lawful purpose:

(1) for personal mechanical repair of automotive or recreational vehicles, provided the product was purchased from a licensed automotive business;

(2) for home culinary use, limited to nonrefillable cartridges of not more than 8 grams per cartridge; or

(3) for medical use, as prescribed by a medical doctor.

(F) Each unlawful sale, delivery, distribution, or transfer constitutes a separate offense.

(G)(1) A retailer must not sell to an individual purchasing for an excepted personal use more than a case per day. A case contains a maximum of twenty-four individual cartridges that contain 8 grams of nitrous oxide.

(2) An automotive business operating with a business license and with an authorized dealer or distributor agreement may only sell containers of nitrous oxide when mixed with not less than one hundred parts per million of sulfur dioxide as a fuel additive for combustion engines to exempt individuals as described in subsection (E). Retailers may only sell to exempt entities either by delivery to a business address or by invoice to an exempted entity.

(3) A tobacco retail establishment with the primary purpose of selling tobacco products, as defined in Section 16-17-501, is prohibited from selling nitrous oxide or nitrous oxide products.

Section 44-53-2530. (A) A person who sells or distributes nitrous oxide or nitrous oxide products pursuant to Section 44-53-2520(E) shall take reasonable steps to verify that the purchaser is an exempt entity or is using nitrous oxide or nitrous oxide products for an exempt purpose.

(B) At a minimum, reasonable steps include obtaining and retaining:

(1) the purchaser's business name and business address or personal name and address;

(2) a copy of, or the identifying number for, the purchaser's applicable license, permit, or registration demonstrating exempt entity status, or an electronic copy of the person's driver's license or other government-issued identification; and

(3) an invoice or receipt documenting the date of sale or transfer and the quantity and form of nitrous oxide or nitrous oxide products sold or transferred.

(C)(1) Records required by this section must be retained for not less than two years and must be made available for inspection by the division

or local law enforcement during normal business hours upon reasonable request.

(2) The division may inspect premises during normal business hours for enforcement of this article.

(D) The department may promulgate regulations in consultation with the division to administer and enforce the provisions of this article, including purchaser verification standards and recordkeeping requirements. Nothing in this article confers enforcement authority upon the department, and suspected violations shall be referred to appropriate law enforcement.

Section 44-53-2540. (A) A person who knowingly violates Section 44-53-2520 is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not more than one thousand dollars or imprisoned for a term not to exceed six months, or both;

(2) for a second offense, must be fined not more than five thousand dollars or imprisoned for a term not to exceed one year, or both; and

(3) for a third or subsequent offense, must be fined not more than ten thousand dollars or imprisoned for a term not to exceed three years, or both.

(B) In addition to criminal penalties, a business entity convicted of a violation of this article is subject to administrative action by the state or local authority that issued the business license, permit, or registration, including suspension or revocation, consistent with law.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 195

(R231, S765)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-11-83, RELATING TO PAYROLL DEDUCTIONS, SO AS TO AUTHORIZE THE COMPTROLLER GENERAL TO DEDUCT DUES FOR THE SOUTH CAROLINA WILDLIFE LAW ENFORCEMENT OFFICERS' ASSOCIATION FROM THE COMPENSATION OF STATE EMPLOYEES AND RETIREES.

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

South Carolina Wildlife Law Enforcement Officers' Association payroll deduction

SECTION 1. Section 8-11-83 of the S.C. Code is amended by adding:

(E) Dues for the South Carolina Wildlife Law Enforcement Officers' Association also may be deducted from the compensation of state employees and retirees and paid over to his association in the same manner other dues under this section are deducted and paid over. The same restrictions and conditions that apply to the other deductions under this same section also apply to the deduction of dues for the South Carolina Wildlife Law Enforcement Officers' Association.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 196

(R232, S823)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTIONS 63-7-2630 AND 63-9-765 SO AS TO REQUIRE FAMILY COURTS TO CONSIDER THE APPROPRIATENESS OF NO CONTACT ORDERS OR SUPERVISED CONTACT ORDERS WHEN TERMINATING PARENTAL RIGHTS OR FINALIZING ADOPTIONS; TO AUTHORIZE THESE ORDERS; AND FOR OTHER PURPOSES.

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

No contact and supervised contact orders

SECTION 1. Article 7, Chapter 7, Title 63 of the S.C. Code is amended by adding:

Section 63-7-2630. (A) For purposes of this section:

(1) "Contact" means any in-person contact, telephone call, text message, electronic communication, including social media, mail, third-party communication, or attempt to effectuate communication directed to the child or any caregiver of the child.

(2) "No contact order" means a court order prohibiting all contact as that term is defined in this section.

(3) "Supervised contact order" means a court order permitting contact only in the presence of, and under the supervision of, a court-approved individual and subject to any conditions the court may impose.

(B) Upon motion of any party, except for a person who is the subject of the termination of parental rights action, or at the discretion of the court, when the court enters an order terminating parental rights pursuant to this article, the court may:

(1) consider whether a no contact order or supervised contact order between the child and any biological parent or relative is necessary to protect the child's safety, welfare, or attachment to the prospective adoptive family or other caregiver; and

(2) if the court determines that a no contact order or supervised contact order is not necessary, make written findings on the record stating the factual basis for that determination.

(C) In making a determination pursuant to subsection (B), the court

shall consider, where relevant:

(1) any history of violence, stalking, harassment, threats, or unlawful interference by the biological parent or relative;

(2) credible allegations of abuse or neglect or attempts to abduct or remove the child or a sibling from lawful custody;

(3) the child's age, maturity, and expressed preference, if of sufficient age to form an intelligent preference;

(4) the nature and quality of any existing relationship between the child and the biological parent or relative;

(5) the effect of contact on the child's safety, stability, and attachment to the prospective adoptive family or other caregiver; and

(6) any proposed plan for supervised contact and whether it adequately mitigates identified risks.

(D)(1) The court may include a no contact order or supervised contact order in the final termination of parental rights order when necessary to protect the child or, upon motion of any party to the action, except a person who is the subject of the termination of parental rights action, or at the discretion of the court, may amend a termination of parental rights order to include a no contact order or supervised contact order.

(2) A violation of a no contact order entered pursuant to this section may be enforced by civil contempt and may be referred to law enforcement for criminal investigation as appropriate.

(E) Nothing in this section prevents the limited disclosure of non-contact information necessary for medical care, education, or law enforcement purposes, provided disclosure does not enable direct or indirect contact in violation of this section.

(F) A no contact order or supervised contact order entered pursuant to this section remains in effect until the child reaches eighteen years of age, unless modified or terminated earlier by the court.

(G) A no contact order or supervised contact order entered pursuant to this section restrains the biological parent or relative and does not prohibit the child from initiating contact. The child is not subject to enforcement or penalty for initiating contact.

(H) Upon motion of any party or the child, if of sufficient age and maturity, the court may modify or terminate a no contact order or supervised contact order upon a showing that modification is in the child's best interests.

(I) In response to a motion by a party or a request from the court, pursuant to subsection (B) or subsection (D), any party to a termination of parental rights action, or any party to a former termination of parental rights action involving a sibling of the child who is the subject of the current action, who has actual knowledge of the following, shall bring

the evidence to the attention of the court for the court's consideration in issuing a no contact order or supervised contact order:

(1) incident reports where a party to the termination of parental rights action was alleged to have committed a criminal offense against the child, or a sibling of the child, who is the subject of the termination of parental rights action;

(2) arrest records of a party to the termination of parental rights action or other evidence that shows the party was arrested for a criminal offense against the child, or a sibling of the child, who is the subject of the termination of parental rights action;

(3) arrest records of a party to the termination of parental rights action or other evidence that shows the party was convicted of a criminal offense against the child, or a sibling of the child, who is the subject of the termination of parental rights action; or

(4) documented history of an indicated case of abuse or neglect against a party to the termination of parental rights action where the party was the alleged perpetrator of child abuse or neglect or harm against the child, or against a sibling of the child, who is the subject of the termination of parental rights action, if the party is named in the Central Registry of Child Abuse and Neglect or if such documented history of an indicated case is less than seven years old at the time of the filing of the termination of parental rights action.

(J) Nothing in this section limits the authority of an adoptive parent or other caregiver not to consent to contact where a no contact order or supervised contact order has been modified or terminated by the court.

No contact and supervised contact orders

SECTION 2. Subarticle 7, Article 1, Chapter 9, Title 63 of the S.C. Code is amended by adding:

Section 63-9-765. (A) For purposes of this section:

(1) "Contact" means any in-person contact, telephone call, text message, electronic communication, including social media, mail, third-party communication, or attempt to effectuate communication directed to the child or any caregiver of the child.

(2) "No contact order" means a court order prohibiting all contact as that term is defined in this section.

(3) "Supervised contact order" means a court order permitting contact only in the presence of, and under the supervision of, a court-approved individual and subject to any conditions the court may impose.

(B) Upon motion of any party or at the discretion of the court, when the court enters a final decree of adoption pursuant to this article, the court may:

(1) consider whether a no contact order or supervised contact order between the child and any biological parent or relative is necessary to protect the child's safety, welfare, or attachment to the adoptive family; and

(2) if the court determines that a no contact order or supervised contact order is not necessary, make written findings on the record stating the factual basis for that determination.

(C) In making a determination pursuant to subsection (B), the court shall consider, where relevant:

(1) any history of violence, stalking, harassment, threats, or unlawful interference by the biological parent or relative;

(2) credible allegations of abuse or neglect or attempts to abduct or remove the child or a sibling from lawful custody;

(3) the child's age, maturity, and expressed preference, if of sufficient age to form an intelligent preference;

(4) the nature and quality of any existing relationship between the child and the biological parent or relative;

(5) the effect of contact on the child's safety, stability, and attachment to the adoptive family; and

(6) any proposed plan for supervised contact and whether it adequately mitigates identified risks.

(D)(1) The court may include a no contact order or supervised contact order in the final decree of adoption when necessary to protect the child or, upon motion, may amend an adoption decree to include a no contact order or supervised contact order.

(2) A violation of a no contact order entered pursuant to this section may be enforced by civil contempt and may be referred to law enforcement for criminal investigation as appropriate.

(E) Nothing in this section prevents the limited disclosure of non-contact information necessary for medical care, education, or law enforcement purposes, provided disclosure does not enable direct or indirect contact in violation of this section.

(F) A no contact order or supervised contact order entered pursuant to this section remains in effect until the child reaches eighteen years of age, unless modified or terminated earlier by the court in violation of this section.

(G) A no contact order or supervised contact order entered pursuant to this section restrains the biological parent or relative and does not prohibit the child from initiating contact. The child is not subject to

enforcement or penalty for initiating contact.

(H) Upon motion of any party or the child, if of sufficient age and maturity, the court may modify or terminate a no contact order or supervised contact order upon a showing that modification is in the child's best interests.

(I) In response to a motion by a party or a request from the court pursuant to subsection (B) or subsection (D), any party to an adoption, or any party to the adoption of a sibling of the child who is the subject of the current adoption, who has actual knowledge of the following shall bring the evidence to the attention of the court for the court's consideration in issuing a no contact or supervised contact order:

(1) incident reports where a party to the action was alleged to have committed a criminal offense against the child, or a sibling of the child, who is the subject of the adoption action;

(2) arrest records of a party to the action or other evidence that shows the party was arrested for a criminal offense against the child, or a sibling of the child, who is the subject of the adoption action;

(3) arrest records of a party to the action or other evidence that shows the party was convicted of a criminal offense against the child, or a sibling of the child, who is the subject of the adoption action; or

(4) documented history of an indicated case of abuse or neglect against a party to the action where the party was the alleged perpetrator of child abuse or neglect or harm against the child, or a sibling of the child, who is the subject of the adoption action, if the party is named in the Central Registry of Child Abuse and Neglect or if such documented history of an indicated case is less than seven years old at the time of the filing of the adoption action.

(J) Nothing in this section limits the authority of an adoptive parent not to consent to contact where a no contact order or supervised contact order has been modified or terminated by the court.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 197

(R233, S832)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 53-1-20, RELATING TO COLLEGE AND UNIVERSITY CAMPUSES EXEMPT FROM THE PROHIBITION ON SUNDAY PUBLIC SPORTS, SO AS TO DEFINE TERMS PERTAINING TO CAMPUS EVENTS AND LAND USE APPROVAL, TO PROVIDE THAT NO COUNTY OR MUNICIPALITY MAY PROHIBIT, RESTRICT, CONDITION, DELAY, OR REQUIRE LAND USE APPROVAL FOR EVENTS HELD ON THE CAMPUS OF A STATE-SUPPORTED INSTITUTION OF HIGHER LEARNING BASED ON ZONING ORDINANCES OR LAND USE CLASSIFICATIONS, AND TO CLARIFY THE APPLICATION OF GENERALLY APPLICABLE SAFETY LAWS.

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

University campus events zoning

SECTION 1. Section 53-1-20 of the S.C. Code is amended to read:

Section 53-1-20. (A) As used in this section:

(1) "Campus" means real property owned, leased, or otherwise controlled by a state-supported institution of higher learning, including stadiums, arenas, athletic facilities, performance venues, and associated grounds and parking areas, whether the property is located within or outside municipal boundaries.

(2) "Event" means a concert, performance, commencement, lecture, exhibition, festival, ceremony, athletic contest, or similar gathering, whether hosted solely by the institution or in partnership with a third party, provided the event is approved by the governing board of the institution.

(3) "Land use approval" means any approval, permit, determination, exception, variance, or authorization required because of the use of land or a land use classification under a local ordinance, including approvals administered by a zoning administrator, planning department, board of zoning appeals, or similar body.

(B) Notwithstanding any provision of law to the contrary, college and university campuses shall be exempt from the provisions of Section

53-1-10.

(C) No county or municipality may prohibit, restrict, condition, delay, or require a land use approval for an event held on the campus of a state-supported institution of higher learning based on any zoning ordinance, zoning district, overlay district, land use classification, or other land use regulation including, but not limited to, any requirement for a special exception, conditional use approval, variance, zoning permit, certificate of zoning compliance, zoning determination, site plan approval, development plan approval, or similar land use approval, provided that the event is approved by the governing board of the institution.

(D) Nothing in this section may be construed to limit a county's or municipality's authority to apply and enforce generally applicable building, fire, life safety, health, and traffic laws and regulations.

(E)(1) Any event sponsored in an outdoor venue within one thousand feet of a residential neighborhood must provide public notice of the proposed event and must notify any impacted neighborhood association recognized by the applicable municipality at least thirty days before the scheduled vote for approval by the governing board of the institution where the event is proposed to be held pursuant to subsection (C). The affected public and neighborhood associations must be given an opportunity to appear before the governing board of the institution prior to approval of the event.

(2) This subsection applies only to nonathletic events, to events featuring speakers reasonably expected to attract one thousand or more attendees, and to outdoor musical concerts.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 198

(R234, S845)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-11-1930, RELATING TO THE STATE CHILD FATALITY ADVISORY COMMITTEE, SO AS TO ADD THE EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA COMMISSION FOR COMMUNITY ADVANCEMENT AND ENGAGEMENT AS A MEMBER OF THE COMMITTEE, TO ESTABLISH CERTAIN RESTRICTIONS ON SERVING IN A HOLDOVER CAPACITY, AND FOR OTHER PURPOSES.

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

Child Fatality Advisory Committee, membership

SECTION 1. Section 63-11-1930(A) of the S.C. Code is amended to read:

(A) There is created a State Child Fatality Advisory Committee composed of:

(1) the Director of the South Carolina Department of Social Services;

(2) the Director of the South Carolina Department of Public Health;

(3) the State Superintendent of Education;

(4) the Executive Director of the South Carolina Criminal Justice Academy;

(5) the Chief of the State Law Enforcement Division;

(6) the Office Director of the Office of Substance Use Services;

(7) the Office Director of the Office of Mental Health;

(8) the Office Director of the Office of Intellectual and Developmental Disabilities;

(9) the Director of the Department of Juvenile Justice;

(10) the Chief Executive Officer of the Children's Trust of South Carolina;

(11) the Executive Director of the South Carolina Commission for Community Advancement and Engagement;

(12) the State Child Advocate;

(13) a county coroner or medical examiner;

(14) a solicitor;

(15) one senator to be appointed by the President of the Senate;

(16) one representative to be appointed by the Speaker of the House of Representatives;

(17) an attorney with experience in prosecuting crimes against children;

(18) a board certified or eligible for board certification child abuse pediatrician, appointed from recommendations submitted by the State Chapter of the American Academy of Pediatrics;

(19) a forensic pathologist; and

(20) two members of the public at large, one of whom shall represent a private nonprofit organization that advocates children services.

Child Fatality Advisory Committee, membership

SECTION 2. Section 63-11-1930(B) of the S.C. Code is amended to read:

(B) Those members in items (1)-(16) shall serve ex officio and may appoint a designee to serve in their place from their particular departments or agencies who have administrative or program responsibilities for children and family services. The Governor shall appoint the remaining members for terms of four years and until their successors are appointed and qualify. Members may succeed themselves, but a member shall not serve on the committee in a holdover capacity at the conclusion of his term for more than one hundred eighty days.

Child Fatality Advisory Committee, quarterly meetings

SECTION 3. Section 63-11-1930(D) of the S.C. Code is amended to read:

(D) The committee shall hold meetings at least quarterly. A majority of the committee who have been appointed and duly qualified, excluding the committee members in subsection (A)(15) and (16) or their designees, constitutes a quorum.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 199

(R237, S858)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 63-11-700, 63-11-710, 63-11-740, 63-11-760, AND 63-11-770, ALL RELATING TO THE DIVISION OF FOSTER CARE REVIEW OF THE DEPARTMENT OF CHILDREN'S ADVOCACY, SO AS TO CHANGE THE STANDARDS FOR SERVING ON THE DIVISION'S BOARD AND THE PROCEDURE FOR TERMS OF OFFICE; TO AUTHORIZE THE DEPARTMENT TO ESTABLISH CERTAIN STANDARDS FOR LOCAL REVIEW BOARDS; TO AUTHORIZE THE DIRECTOR TO APPOINT OR REMOVE MEMBERS OF LOCAL BOARDS, WITH EXCEPTIONS; TO ALLOW THE DEPARTMENT TO DISSOLVE LOCAL BOARDS; TO REQUIRE THE DEPARTMENT TO PROVIDE CERTAIN ASSISTANCE TO LOCAL BOARDS; AND FOR OTHER PURPOSES.

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

Foster Care Review Division

SECTION 1. Section 63-11-700 of the S.C. Code is amended to read:

Section 63-11-700. (A) There is created, within the Department of Children's Advocacy, the Foster Care Review Division. The division must be supported by a board consisting of seven members, all of whom must be past or present members of local review boards. There must be

one member from each congressional district, all appointed by the Governor with the advice and consent of the Senate.

(B) Terms of office for the members of the board are for four years and until their successors are appointed and qualify. Members may succeed themselves, but a member shall not serve on the board in a holdover capacity at the conclusion of his term for more than one hundred eighty days. Appointments must be made by the Governor for terms of four years to expire on December thirty-first of the appropriate year. Vacancies on the board must be filled in the same manner as the initial appointment for the unexpired term.

(C) The board shall elect from its members a chairman who shall serve for two years. Five members of the board constitute a quorum for the transaction of business. Members of the board shall receive per diem, mileage, and subsistence as provided by law for members of boards, commissions, and committees while engaged in the work of the board.

(D) The board shall meet at least quarterly and more frequently upon the call of the division director to review and coordinate the activities of the local review boards and make recommendations to the director, the Governor, and the General Assembly with regard to foster care policies, procedures, and deficiencies of public and private agencies which arrange for foster care of children as determined by the review of cases provided for in Section 63-11-720(A)(1) and (2). These recommendations must be submitted to the Governor and included in the department's annual report, filed with the General Assembly, of the activities of the state and local review boards.

(E) The Department of Children's Advocacy shall promulgate regulations to carry out the provisions of this article. These regulations shall provide for and must be limited to procedures for: reviewing reports and other necessary information at state, county, and private agencies and facilities; scheduling of reviews and notification of interested parties; conducting local review board and board of directors' meetings; disseminating local review board recommendations, including reporting to the appropriate family court judges the status of judicially approved treatment plans; participating and intervening in family court proceedings; developing policies for summary review of children privately placed in privately owned facilities or group homes; and the organization and administration of local review boards to include board jurisdiction, membership standards, and other necessary policies.

(F) The Department of Children's Advocacy may employ a division director and staff as is necessary to carry out this article, and the funds for the division director, staff, and other purposes of this division must be provided for in the annual general appropriations act.

Local review boards

SECTION 2. Section 63-11-710 of the S.C. Code is amended to read:

Section 63-11-710. (A) The department shall create local boards for review of cases of children receiving foster care pursuant to Section 63-11-700(E). Members of local boards will be appointed by the director upon the recommendation of their county legislative delegation. Current board members shall continue to serve until the expiration of their respective terms.

(B) A member of a local board who is guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity must be subject to removal by the director upon any of the foregoing causes being made to appear to the satisfaction of the director. Before removing any such member, the director shall inform him and the local legislative delegation in writing of the specific grounds for removal brought against him and give him an opportunity on reasonable notice to be heard. The consent of the majority of the local legislative delegation is needed to remove a member of a local board. The state board may recommend to the director that a member of a local board be removed pursuant to this section.

(C) If the Department determines that a local board is no longer necessary, then the department may dissolve that local review board upon notice to the majority of the local legislative delegation.

Meetings

SECTION 3. Section 63-11-740 of the S.C. Code is amended to read:

Section 63-11-740. The department shall provide administrative and technical assistance to each board to perform its functions as set forth in this article with funds provided in the annual state general appropriations act. Members of the local boards may not receive compensation for their services but must be allowed mileage, per diem, and subsistence as provided by law for state boards, committees, and commissions for attendance at board meetings. If needed to ensure a quorum at a board meeting, a current member of a local board may serve as a substitute on a board other than his own board.

Immunity

SECTION 4. Section 63-11-760 of the S.C. Code is amended to read:

Section 63-11-760. After participating in the training program provided by the department of the foster care review system, a local review board member is not liable for damages for personal injury as a result of an act or omission in the discharge of his duties as a member if he acts in good faith and his conduct does not constitute gross negligence, recklessness, wilfulness, or wantonness.

Required cooperation

SECTION 5. Section 63-11-770 of the S.C. Code is amended to read:

Section 63-11-770. All public and private agencies and facilities which provide for or arrange foster care for children and all public agencies providing services to children in foster care shall make records available for review as requested by the department, the state board of directors, or local review boards.

Time effective

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 200

(R239, S933)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-3-20, RELATING TO COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT MEMBERS OF THE GENERAL ASSEMBLY SHALL RECEIVE LEGISLATIVE COMPENSATION AND AN IN-DISTRICT LEGISLATIVE SERVICE ALLOWANCE OF A COMBINED FORTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS, AND TO PROVIDE THAT SUCH AMOUNT SHALL BE ADJUSTED EVERY TWO YEARS BY AN INFLATION FACTOR NOT TO EXCEED FIVE PERCENT.

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

Legislative compensation

SECTION 1. Section 2-3-20 of the S.C. Code is amended to read:

Section 2-3-20. (A) Beginning with the 128th General Assembly, members of the General Assembly shall annually receive as legislative compensation fifteen thousand dollars at a daily remuneration rate in accordance with Article III, Section 9 of the State Constitution and an in-district legislative service allowance of thirty-two thousand five hundred dollars as adjusted pursuant to subsection (C). Members of the General Assembly shall also receive mileage at the rate provided for by law for the actual distance traveled in the most direct route going to and returning from their homes on weekend adjournments of the General Assembly at the place where the sessions of the General Assembly are held. The terms of this provision shall be subject to limitations imposed by the State Constitution.

(B) The President of the Senate, the Speaker of the House, and the Speaker Pro Tempore of the House shall receive, in addition, such amounts as may annually appear in the state appropriations act.

(C) The legislative compensation and the in-district legislative service allowance provided for in subsection (A) shall be adjusted biennially after elections for the House of Representatives by an amount equal to the increase of the consumer price index using the chained methodology during the two previous years not to exceed five percent. The Revenue

and Fiscal Affairs Authority shall calculate the biennial adjustment, publish it on its website, and transmit the amount of the adjustment to the Senate and the House of Representatives prior to the second Tuesday in January in the appropriate years.

(D) For the members of the 128th General Assembly, to be eligible to receive the increased compensation, as compared to the 126th General Assembly, set forth in subsection (A), as adjusted by subsection (C), a member must file a written statement accepting the increase with the Clerk of the House of Representatives or the Clerk of the Senate, as applicable. A member who does not file a statement of acceptance remains entitled to receive compensation in the same amount as a member of the 126th General Assembly received. A member's filing or failure to file a statement of acceptance may not be based on, conditioned upon, or affected by the member's vote for the increase allowed in subsection (A).

Severability

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 201

(R244, S1038)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-340 SO AS TO DESIGNATE THE FIRST DAY OF MARCH OF EACH YEAR AS "RELIGIOUS LIBERTY DAY" IN SOUTH CAROLINA.

Whereas, religious liberty is a God-given right and one of the foundational principles upon which both the United States and the State of South Carolina were established; and

Whereas, the Constitution of South Carolina of 1790 declared that the free exercise and enjoyment of religious profession and worship shall forever be allowed in this State, without discrimination or preference; and

Whereas, our rights do not come from government, but are God-given, and government's duty is to protect them; and

Whereas, on January 15, 2025, representatives of many faiths joined together for the inaugural South Carolina Religious Liberty Conference for the purpose of celebrating and promoting the Palmetto State's historic and contemporary embrace of the freedom of religion and conscience; and

Whereas, the inaugural South Carolina Religious Liberty Conference was hosted by the University of South Carolina's Rice School of Law; and

Whereas, on January 8, 2026, the Second Annual South Carolina Religious Liberty Conference was convened in the chamber of the South Carolina House of Representatives, which continued the multifaith discussion on the importance of religious liberty in our State and nation; and

Whereas, in addition to legal scholars and elected officials, presenters at the South Carolina Religious Liberty Conferences have included representatives of many various faiths; and

Whereas, by acclamation of the participants in the inaugural South Carolina Religious Liberty Conference, it was resolved to promote contemporary support for the principles of religious liberty by petitioning the South Carolina General Assembly to recognize South Carolina's unique history in promoting and safeguarding the members of a free society's right to worship when, where, and how their conscience may dictate, as first guaranteed by the South Carolina Constitution; and

Whereas, this daring and historic masterpiece is a source of pride for all South Carolinians and a reason for all of our citizens to embrace, support, and celebrate our state's legacy and leadership in the promotion of religious liberty; and

Whereas, as the result of the inaugural South Carolina Religious Liberty Conference, and the resolution and recommendation thereof, the South Carolina House of Representatives adopted House Resolution 4036, formally declaring March 1, 2025, as "South Carolina, First in Religious Liberty Day"; and

Whereas, by acclamation of the participants in the Second Annual South Carolina Religious Liberty Conference, it was resolved to expand upon House Resolution 4036 by petitioning the South Carolina General Assembly to recognize and honor South Carolina's unique history in promoting and safeguarding the members of a free society's right to worship when, where, and how their conscience may dictate, as continuously guaranteed by the state constitution, by enacting in permanent law that the first day of March of each year be designated as "Religious Liberty Day" in South Carolina; and

Whereas, while South Carolina has been a beacon of religious liberty, its history also includes periods where the ideals of freedom were not fully realized. Let us honor South Carolina's contributions to the cause of religious liberty while committing ourselves to continue to learn from the lessons of our past and ensure these sacred freedoms extend to all. Now, therefore,

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

Religious Liberty Day

SECTION 1. Chapter 3, Title 53 of the S.C. Code is amended by adding:

Section 53-3-340. The first day of March of each year is designated as "Religious Liberty Day" in South Carolina.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 202

(R245, H3195)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-10-10, RELATING TO PHYSICAL EDUCATION AND PHYSICAL ACTIVITY REQUIREMENTS IN PUBLIC SCHOOLS, SO AS TO EXPAND SUCH REQUIREMENTS TO INCLUDE STUDENTS IN FOUR-YEAR-OLD KINDERGARTEN THROUGH EIGHTH GRADE AND TO ESTABLISH REQUIREMENTS FOR PHYSICAL EDUCATION, PHYSICAL ACTIVITY, AND RECESS; BY AMENDING SECTION 59-10-30, RELATING TO PHYSICAL EDUCATION ACTIVITY DIRECTORS AND VOLUNTEERS, SO AS TO INCLUDE NONCERTIFIED STAFF AND MAKE CONFORMING CHANGES; BY AMENDING SECTION 59-29-80, RELATING TO REQUIRED SUBJECTS AND PHYSICAL EDUCATION COURSEWORK, SO AS TO EXEMPT CERTAIN MIDDLE SCHOOL STUDENTS WHO ARE ATTEMPTING HIGH SCHOOL CREDITS; AND TO REDESIGNATE ARTICLE 1, CHAPTER 10, TITLE 59 AS "PHYSICAL EDUCATION AND ACTIVITY."

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

Physical activity and education standards, prescribed times

SECTION 1. Section 59-10-10(A) of the S.C. Code is amended to read:

(A)(1) The goal of this article is to provide every public school student in four-year-old kindergarten through eighth grade with a prescribed amount of time in physical education and/or of physical activity daily.

(2) Beginning in the 2028-2029 School Year, students in kindergarten through fifth grade must be provided a minimum of one hundred fifty minutes a week of physical education and physical activity, a majority of which must be physical education. Students in sixth grade through eighth grade must be provided a minimum of sixty hours of physical education and physical activity during each school year, a majority of which must be physical education. Physical education courses offered in kindergarten through eighth grade must meet academic standards adopted by the State Board of Education. The certified physical education teacher to student ratio is designed to provide students in kindergarten through eighth grade with scheduled physical education and must be based on the South Carolina Physical Education Curriculum Standards. The student to teacher ratio in a physical education class may not exceed the average student to teacher ratio as specified in the defined program. An individual student's fitness status must be reported to his parent or guardian during a student's fifth grade, eighth grade, and high school physical education courses. The physical activity must be planned and coordinated by the certified/licensed Physical Education Activity Director pursuant to Section 59-10-30.

(3) Every student in four-year-old kindergarten through fifth grade must be provided a minimum of twenty minutes of unstructured outdoor recess daily, with allowance for short-term interruption not to exceed three consecutive school days due to facility and staffing availability, in addition to the time required to meet existing physical education standards of this title and other academic curriculum requirements.

(4) In the event of inclement weather, the school shall hold recess period indoors as conducive to allowing physical activity as practical. Recess periods may not be used to fulfill any curriculum or physical education requirements and cannot be removed as a form of punishment to an individual or group more than two days per week.

Physical activity and education standards, annual reporting, arts displacement prohibited

SECTION 2. Section 59-10-10(C) and (D) of the S.C. Code is amended to read:

(C) Each district shall annually report to the State Department of Education by June fifteenth, the number of minutes of physical education instruction and the minutes of additional physical activity students receive daily with a total for the week. The report must be listed by school and by individual class and grade level. The State Department of Education shall provide a summary of this information to the General Assembly by December first of each year.

(D) The implementation of the requirements of Section 59-10-10(A) shall not result in the replacement or reduction of time dedicated to instruction in the arts taught by certified arts specialists.

Physical activity and education standards, noncertified staff, conforming changes

SECTION 3. Section 59-10-30(C) of the S.C. Code is amended to read:

(C) Noncertified staff or adult volunteers may assist in implementing or supervising these structured physical activities, including the daily recess requirement in Section 59-10-10(A), if approved by the district superintendent. If volunteers are used, appropriate liability insurance must be provided. The director annually shall submit to the principal a report outlining the additional physical activities for students.

Physical education requirement exemptions

SECTION 4. Section 59-29-80(B) of the S.C. Code is amended to read:

(B) A student may be exempted from physical education requirements in Section 59-29-80(A) and Section 59-10-10(A)(2) by seeking a waiver from the local school board of trustees. The local board may grant such a request based on the following criteria:

(1) the student must present a statement by his attending physician indicating that participation in physical education will jeopardize the student's health and well-being; or

(2)(a) the parent and student must show that the student's attending physical education classes will violate their religious beliefs and would

not be merely a matter of personal objection; and

(b) the parent or student must be members of a recognized religious faith that objects to physical education as part of its official doctrine or creed; or

(3)(a) for students in seventh or eighth grade who seek middle school level physical education credit, a student taking units of ninth grade or higher work for high school credit at an off-campus location; and

(b) the school has made reasonable efforts to accommodate the student's participation in physical education;

(4)(a) for students in eighth grade who seek middle school level physical education credit, a student taking three or more units of ninth grade or higher work for high school credit; and

(b) the school has made reasonable efforts to accommodate the student's participation in physical education.

The local board shall encourage the student to take, as an alternative to physical education, appropriate instruction in health education or other instruction in lifestyle modification if an exemption is granted pursuant to this section.

Article redesignation

SECTION 5. Article 1, Chapter 10, Title 59 of the S.C. Code is redesignated "Physical Education and Activity."

Implementation deadline

SECTION 6. The provisions of this act must be fully implemented by July 1, 2028.

Time effective

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 203

(R250, H4589)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-10-470, RELATING TO COUNTIES IN WHICH THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX MAY BE IMPOSED, SO AS TO PROVIDE ADDITIONAL AUTHORIZATIONS.

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

Education Capital Improvements Sales and Use Tax

SECTION 1. Section 4-10-470 of the S.C. Code is amended by adding:

(G)(1) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county which does not meet the collection requirements of subsection (A) so long as the county is only imposing the local option sales tax imposed pursuant to Article 1, and the county has only imposed that tax for less than ten years as of the date of the imposition of the education capital improvements sales tax authorized in this article and:

(a) the county in which the tax is to be imposed is encompassed completely by one entire school district; and

(b) the county collected less than seventy thousand dollars in state accommodations taxes as imposed pursuant to Section 12-36-920(A) in the most recent fiscal year for which full collection figures are available.

(2) Once a county meets this threshold, it thereafter remains eligible to impose this tax pursuant to this subsection.

(3) Notwithstanding Section 4-10-125, the approving resolution required pursuant to Section 4-10-25 must be adopted by the county's governing body.

(H)(1) The Education Capital Improvements Sales and Use Tax authorized by this article also may be imposed in a county which does not meet the collection requirements of subsection (A) so long as the county in which the tax is to be imposed:

(a) has two school districts which encompasses the entire county area in which the tax is to be imposed; and

(b) imposes no taxes pursuant to this chapter at the time of the referendum.

(2) Notwithstanding any other provision of this article, if the Education Capital Improvements Sales and Use Tax is imposed pursuant to this subsection, then:

(a) ten percent of the proceeds must be used to provide property tax relief by using the proceeds to offset the existing debt service millage levy on general obligation bonds pursuant to Section 4-10-445; and

(b) the tax revenue distributed to each district must be in the proportion agreed to and reflected in the resolution required pursuant to Section 4-10-425.

(3) Notwithstanding Section 4-10-425, the approving resolution required pursuant to Section 4-10-425 must be adopted by the county's governing body.

(4) Once a county meets the provisions of item (1) and imposes the Education Capital Improvements Sales and Use Tax, it thereafter remains eligible to impose this tax pursuant to this subsection.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 204

(R254, H5073)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-29-250 SO AS TO PROVIDE REQUIREMENTS FOR PUBLIC SCHOOL GRADING SYSTEMS, TO CONDITION ELIGIBILITY FOR CREDIT RECOVERY AND CONTENT RECOVERY ON COMPLETION OF REQUIRED ASSIGNMENTS, TO LIMIT THE USE OF CERTAIN ASSESSMENTS, TO PROVIDE ENFORCEMENT MECHANISMS, TO DIRECT THE STATE BOARD OF EDUCATION TO ESTABLISH A TASK FORCE TO EVALUATE AND RECOMMEND REVISIONS TO THE UNIFORM

GRADING POLICY, AND TO REQUIRE THE STATE BOARD OF EDUCATION AND LOCAL SCHOOL DISTRICTS TO ADOPT THE RECOMMENDED REVISIONS, AMONG OTHER THINGS.

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

Public school grading practices

SECTION 1. Article 1, Chapter 29, Title 59 of the S.C. Code is amended by adding:

Section 59-29-250. (A) No public school district or public school may adopt any type of grading system that requires a teacher to assign a minimum grade or score that exceeds the student's actual performance on required assignments. If a school district is found to be in violation of this section, the State Department of Education shall withhold ten percent of the school district's State Aid to Classroom funding.

(B) In order for a student to be eligible to participate in a district-approved credit recovery course as defined in the South Carolina Uniform Grading Policy, a student must have submitted all required assignments for the course in a manner consistent with district policies for timely submission of student work.

(C) In order for a student to be eligible to participate in a district-approved content recovery program as defined in the South Carolina Uniform Grading Policy, a student must have completed all required assignments for the relevant subset of the course in a manner consistent with district policies for timely submission of student work.

(D) Public school districts shall not require the inclusion of student performance on the formative assessments required in Section 59-18-310(D) or on any district-selected benchmark assessment in calculating a student's final grade in any course or subject. District selected benchmark assessments may only be used as formative assessments for instructional purposes and shall not factor into a student's course grade unless the assessment is developed or directly accessible to the course instructor prior to administration of the assessment and exclusively measures content that has previously been taught in the course. These provisions do not apply to end of course assessments. This section does not prohibit a district from requiring administration of benchmark assessments for the purpose of informing and improving instructional practices through evaluation and monitoring of student mastery of state academic standards. Student results on

district-developed benchmark assessments must be made available in a timely fashion to educators, students, and parents after administration of the assessment.

(E) Prior to the start of the 2026-2027 School Year, the State Board of Education is directed to establish a task force comprised of three superintendents, principals, teachers, representatives of public school boards each, and three high school students to evaluate potential revisions to the Uniform Grading Policy in order to enhance the utility of grades in evaluating college and career readiness, ensure high school grade point averages are meaningful indicators of academic achievement, and reduce the need for and use of credit recovery and content recovery programs. The task force shall make recommendations to the board for potential revisions in areas including, but not limited to, the use of term weighting in calculating final student grades, the method of awarding quality points on the basis of unique numeric final course averages when calculating student grade point averages, and the use of a 100-point grading scale. The task force shall report its findings to the State Board of Education before June 1, 2027. The State Board of Education shall consider the findings and adopt any updates to the Uniform Grading Policy. Public school districts shall implement any updates to the Uniform Grading Policy by no later than the 2028-2029 School Year. At a minimum thereafter, the uniform grading policy should be reviewed and updated every seven years.

(F) Nothing in this section shall restrain a public school district from adopting policies regarding credit or content recovery.

(G) For the purpose of this section, the use of "public school district" shall include charter school districts and the use of "public school" shall include charter schools.

Time effective

SECTION 2. This act takes effect July 1, 2026.

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 205

(R257, H5120)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-19-2020, RELATING TO CONFIDENTIALITY OF JUVENILE RECORDS, SO AS TO CLARIFY WHEN NOTICE ABOUT THE DISPOSITION OF A CASE AGAINST A CHILD CHARGED WITH CERTAIN OFFENSES MUST BE PROVIDED TO A SCHOOL PRINCIPAL, AND TO CLARIFY WHEN JUVENILE FINGERPRINT RECORDS AND PHOTOGRAPHS ARE TAKEN, HOW THESE RECORDS ARE MAINTAINED, AND THE CIRCUMSTANCES UNDER WHICH THESE RECORDS MAY BE TRANSMITTED TO ANOTHER AGENCY OR PERSON; AND BY AMENDING SECTION 63-19-2030, RELATING TO JUVENILE LAW ENFORCEMENT RECORDS, SO AS TO CLARIFY WHEN INCIDENT REPORTS ABOUT A CHILD CHARGED WITH CERTAIN OFFENSES MUST BE PROVIDED TO A SCHOOL PRINCIPAL.

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

Confidentiality

SECTION 1. Section 63-19-2020 of the S.C. Code is amended to read:

Section 63-19-2020. (A) Except as provided herein, all information obtained and records prepared in the discharge of official duty by an employee of the court or department are confidential and must not be disclosed directly or indirectly to anyone, other than the judge, the child's attorney, or others entitled under this chapter or any other provision of law to receive this information, unless otherwise ordered by the court. The court may order the records be disclosed to a person having a legitimate interest and to the extent necessary to respond to that legitimate interest. However, these records are open to inspection without a court order where the records are necessary to defend against an action initiated by a child.

(B) The director of the department must develop policies providing for the transmission of necessary and appropriate information to ensure the provision and coordination of services or assistance to a child under the custody or supervision of the department. This information must

include that which is required for the admission or enrollment of a child into a program of services, treatment, training, or education. The information may be provided to another department or agency of state or local government, a school district, or a private institution or facility licensed by the State as a child-serving organization. This information may be summarized in accordance with agency policy.

(C) The director is authorized to enter into interagency agreements for purposes of sharing information about children under the supervision or in the custody of the department. The agencies entering into these agreements must maintain the confidentiality of the information.

(D) Reports and recommendations produced by the department for the court for the purpose of a dispositional hearing must be disseminated by the agency to the court, the solicitor, and the child's attorney.

(E)(1) The department must notify the principal of a school in which a child is enrolled, intends to be enrolled, or was last enrolled upon final disposition of a case in which the child is charged with any of the following offenses:

(a) a violent crime, as defined in Section 16-1-60;

(b) a crime in which a weapon, as defined in Section 59-63-370, was used;

(c) assault and battery where the victim is a school employee or volunteer;

(d) assault and battery of a high and aggravated nature committed on school grounds or at a school-sponsored event against any person affiliated with the school in an official capacity; or

(e) distribution or trafficking in unlawful drugs, as defined in Article 3, Chapter 53 of Title 44.

(2) Each school district is responsible for developing a policy for schools within the district to follow to ensure that the confidential nature of a child offense history and other information received is maintained. This policy must provide for, but is not limited to:

(a) the retention of the child offense history and other information relating to the child offense history in the child's school disciplinary file or in some other confidential location;

(b) the destruction of the child offense history upon the child's completion of secondary school or upon reaching twenty-one years of age; and

(c) limiting access to the child's school disciplinary file to school personnel. This access must only occur when necessary and appropriate to meet and adequately address the educational needs of the child.

(F) When requested, the department must provide the victim of a crime with the name of the child and the following information retained

by the department concerning the child charged with the crime:

(1) other basic descriptive information, including but not limited to, a photograph;

(2) information about the juvenile justice system;

(3) the status and disposition of the delinquency action including hearing dates, times, and locations;

(4) services available to victims of child crime; and

(5) recommendations produced by the department for the court for the purpose of a dispositional hearing.

(G) The department or the South Carolina Law Enforcement Division, or both, must provide to the Attorney General, a solicitor, or a law enforcement agency, upon request, a copy of a child offense history for criminal justice purposes. This information must not be disseminated except as authorized in Section 63-19-2030. The department and the South Carolina Law Enforcement Division must maintain the child offense history of a person for the same period as for offenses committed by an adult.

(H) Other information retained by the department may be provided to the Attorney General, a solicitor, or a law enforcement agency pursuant to an ongoing criminal investigation or prosecution.

(I) The department must fingerprint and photograph as part of the admission process to any secure facility operated by the agency. Fingerprints and photographs taken by the department remain confidential and must be transmitted to the State Law Enforcement Division and kept separate from the fingerprint records of adults. The agency and the South Carolina Law Enforcement Division must not transmit the child's fingerprints and photographs except to the Federal Bureau of Investigation, or another agency or person, for the purpose of:

(1) aiding the department in apprehending an escapee from the department;

(2) assisting the Missing Persons Information Center in the location or identification of a missing or runaway child;

(3) locating and identifying a child who fails to appear in court as summoned;

(4) locating a child who is the subject of a house arrest order; or

(5) as otherwise provided in this section.

(J) Nothing in this section shall be construed to waive any statutory or common law privileges attached to the department's internal reports or to information contained in the file of a child under the supervision or custody of the department.

Law enforcement records

SECTION 2. Section 63-19-2030 of the S.C. Code is amended to read:

Section 63-19-2030. (A) Except as provided herein, law enforcement records and information identifying children pursuant to this chapter are confidential and may not be disclosed directly or indirectly to anyone, other than those entitled under this chapter to receive the information.

(B) Law enforcement records of children must be kept separate from records of adults. Information identifying a child must not be open to public inspection, but the remainder of these records are public records.

(C) Law enforcement agencies must maintain admission and release records on children held in secure custody, nonsecure custody, or both. The records must include the times and dates of admission and release from secure and nonsecure custody and, if appropriate, the times and dates of transfer from one custody status to another.

(D) Law enforcement information or records of children created pursuant to the provisions of this chapter may be shared among law enforcement agencies, solicitors' offices, the Attorney General, the department, the Department of Mental Health, the Department of Corrections, and the Department of Probation, Parole and Pardon Services for criminal justice purposes without a court order.

(E) Incident reports in which a child is the subject are to be provided to the victim of a crime pursuant to Section 16-3-1520. Incident reports, including information identifying a child, must be provided by law enforcement to the principal of the school in which the child is enrolled when the child has been charged with any of the following offenses:

(1) a violent crime, as defined in Section 16-1-60;

(2) an offense that would carry a maximum term of imprisonment of fifteen years or more if committed by an adult;

(3) a crime in which a weapon, as defined in Section 59-63-370, was used;

(4) assault and battery where the victim is a school employee or volunteer;

(5) assault and battery of a high and aggravated nature committed on school grounds or at a school-sponsored event against any person affiliated with the school in an official capacity; or

(6) distribution or trafficking in unlawful drugs, as defined in Article 3, Chapter 53 of Title 44.

Incident reports involving other offenses must be provided upon request of the principal. This information must be maintained by the principal in the manner set forth in Section 63-19-2020(E) and must be

forwarded with the child's permanent school records if the child transfers to another school or school district.

(F) A child charged with any offense may be photographed by the law enforcement agency that takes the child into custody. If the child is taken into secure custody and detained, the detention facility must photograph the child upon admission. These photographs may only be disseminated for criminal justice purposes or to assist the Missing Persons Information Center in the location or identification of a missing or runaway child.

(G) A child charged with an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult must be fingerprinted by the law enforcement agency that takes the child into custody. If the child is taken into secure custody and detained, the detention facility must fingerprint the child upon admission. In addition, a law enforcement agency may petition the court for an order to fingerprint a child when:

(1) the child is charged with any other offense; or

(2) the law enforcement agency has probable cause to suspect the child of committing any offense.

(H) The fingerprint records of a child must be kept separate from the fingerprint records of adults. The fingerprint records of a child must be transmitted to the files of the State Law Enforcement Division.

(I) The fingerprint records of a child may be transmitted by the State Law Enforcement Division to the files of the Federal Bureau of Investigation only when the child has been adjudicated delinquent for having committed an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult.

(J) The fingerprint records of a child adjudicated delinquent for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult must be provided by the State Law Enforcement Division or the law enforcement agency who took the child into custody to a law enforcement agency upon request by that agency for criminal justice purposes or to assist the Missing Person Information Center in the location or identification of a missing or runaway child.

(K) The fingerprints and any record created by the South Carolina Law Enforcement Division as a result of the receipt of fingerprints of a child pursuant to Section 63-19-2020(I) and this section must not be disclosed for any purpose not specifically authorized by law or court order.

(L) Upon notification that a child has not been adjudicated delinquent for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult, the South Carolina Law Enforcement Division and the law enforcement agency who took the

child into custody must destroy the fingerprints and all records created as a result of such information.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 206

(R260, H5168)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-687 SO AS TO DESIGNATE "CAROLINA WHEN I DIE" BY PATRICK DAVIS AS AN OFFICIAL STATE SONG.

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

Official state song

SECTION 1. Article 9, Chapter 1, Title 1 of the S.C. Code is amended by adding:

Section 1-1-687. "Carolina When I Die" by Patrick Davis is designated as an official state song.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 207

(R261, H5217)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-9-650, RELATING TO DEER HUNTING, SO AS TO CHANGE THE NUMBER OF DEER TAGS ISSUED.

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

Deer tags

SECTION 1. Section 50-9-650(B)(2) of the S.C. Code is amended to read:

(2)(a) With the purchase of a South Carolina hunting license and a big game permit, a resident shall be issued three individual antlerless deer tags, two unrestricted individual antlered deer tags, and one antler restriction individual antlered deer tag valid for deer with a minimum of four points on one antler or a minimum twelve-inch inside antler spread. Persons under the age of sixteen, lifetime, and gratis licensees may receive these tags upon request to the department. Residents, including persons under the age of sixteen, lifetime, and gratis licensees also may purchase:

(i) two antler restriction individual antlered deer tags valid for deer with a minimum of four points on one antler or a minimum twelve-inch inside antler spread for five dollars per tag; and

(ii) additional individual antlerless deer tags for five dollars per tag.

(b) Fees for nonresident deer tags are as follows:

(i) fifty dollars for the first antlered deer tag and twenty dollars for each additional antlered deer tag up to a maximum of four tags; two of which must be an antler restriction individual antlered deer tag valid only for deer with a minimum of four points on one antler or a minimum twelve-inch inside antler spread; and

(ii) ten dollars per individual antlerless deer tag.

Time effective

SECTION 2. This act takes effect on January 2, 2027.

Ratified the 15th day of May, 2026

Approved the 18th day of May, 2026

No. 208

(R131, S163)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 47 TO TITLE 34 SO AS TO PROHIBIT A GOVERNING AUTHORITY FROM ACCEPTING OR REQUIRING PAYMENT USING CENTRAL BANK DIGITAL CURRENCY OR PARTICIPATING IN A TEST OF CENTRAL BANK DIGITAL CURRENCY; TO PERMIT INDIVIDUALS OR BUSINESSES USING DIGITAL CURRENCY FOR TRANSACTIONS; TO PROVIDE THAT DIGITAL ASSETS MAY NOT BE SINGLED OUT FOR DISPARATE TAX TREATMENT; TO PROVIDE THAT DIGITAL CURRENCY TRANSACTION MAY BE TAXED IF THE TAXATION IS THE SAME AS IF THE TRANSACTION USED UNITED STATES LEGAL TENDER; TO RESTRICT CERTAIN ACTIVITY FOR DIGITAL CURRENCY OPERATIONS THAT ARE ZONED FOR INDUSTRIAL USE; TO PROVIDE THAT DIGITAL ASSET MINING BUSINESS OPERATIONS SHALL NOT PLACE ANY ADDITIONAL STRESS ON THE ELECTRICAL GRID FOR WHICH THEY ARE CONNECTED AND TO PROVIDE THAT DIGITAL MINING BUSINESSES MUST PROVIDE CERTAIN INFORMATION TO THE PUBLIC SERVICE COMMISSION UPON REQUEST; TO PROVIDE THAT THOSE ENGAGED IN DIGITAL MINING OPERATIONS DO NOT HAVE TO OBTAIN CERTAIN LICENSES AND THAT THOSE WHO PROVIDE CERTAIN SERVICES RELATED TO DIGITAL MINING OR STAKING ARE NOT OFFERING A SECURITY; TO PROVIDE THAT THE ATTORNEY GENERAL CAN PROSECUTE AN

INDIVIDUAL OR BUSINESS THAT FRAUDULENTLY CLAIM TO BE OFFERING DIGITAL ASSET MINING AS SERVICE OR STAKING AS A SERVICE; AND TO DEFINE NECESSARY TERMS.

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

Cryptocurrency

SECTION 1. Title 34 of the S.C. Code is amended by adding:

CHAPTER 47

Cryptocurrency

Section 34-47-10. For the purposes of this chapter:

(1) "Blockchain" means data that is:

(a) shared across a peer-to-peer network to create a ledger of verified transactions or information among network participants linked using cryptography to maintain the integrity of the ledger and to execute other functions; and

(b) distributed among network participants in an automated fashion to concurrently update network participants on the state of the ledger and any other functions.

(2) "Blockchain protocol" means any executable software deployed to a blockchain composed of source code that is publicly available and accessible, including a smart contract or any network of smart contracts and is governed by a set of predefined rules that execute autonomously without human intervention, the rules of which can be altered by some predetermined mechanism.

(3) "Central bank digital currency" means a digital currency, a digital medium of exchange, or a digital monetary unit of account issued by the United States Federal Reserve System or a federal agency which is made directly available to institutions or consumers by such entities, or which is processed or validated directly by such entities. The term does not mean a digital asset backed by legal tender or government treasuries and issued by a private entity.

(4) "Digital assets" means virtual currency, cryptocurrencies, natively electronic assets, including stablecoins, fungible tokens, and non-fungible tokens, and other digital-only assets that confer economic, proprietary, or access rights or powers.

(5) "Digital asset mining" means using computer hardware and

software specifically designed or utilized for the purpose of validating data and securing a blockchain network.

(6) "Digital asset mining business" means an individual or company that is operating a digital asset mining facility which cumulatively draw more than one megawatt of power in this State.

(7) "Digital asset mining as a service" means an individual or business that takes the responsibility for running, maintaining, and servicing digital asset mining devices on behalf of another individual or business for a payment in dollars or other digital assets.

(8) "Governing authority" means any state board, commission, department, or agency or any political subdivision of the State.

(9) "Hardware wallet" means a physical device that is not continuously connected to the internet and allows an individual to secure and transfer digital assets. The term "hardware wallet" also includes a physical device under which the owner of digital assets retains independent control over the digital assets.

(10)(a) "Node" means software run on a computer that:

(i) communicates with other devices or participants on a blockchain to maintain consensus and integrity of that blockchain;

(ii) creates and validates blocks of transactions; or

(iii) contains and updates a copy of a blockchain.

(b) A node does not exercise discretion over transactions initiated by the end user of the blockchain protocol.

(11) "Self-hosted wallet" means a digital interface used to secure and transfer digital assets and under which the owner of the digital asset retains independent control over the secured digital assets by the owner of the digital asset that are secured by a digital interface.

(12) "Staking" means committing digital assets to a blockchain network to participate in such blockchain network's operations by validating transactions, proposing and attesting to blocks, and securing the network.

(13) "Staking as a service" means the provision of technical staking services including, but not limited to, the operation of nodes and the associated infrastructure necessary to facilitate participation in blockchain networks' consensus mechanisms by the service provider on behalf of an individual or entity that owns the digital assets being staked.

Section 34-47-20. A governing authority shall not:

(1) accept or require a payment using central bank digital currency; and

(2) participate in any test of central bank digital currency by the Board of Governors of the Federal Reserve System or branch or agency of the

federal government.

Section 34-47-30. (A) An individual or business shall not be prohibited, restricted, or otherwise prevented from:

(1) accepting digital assets to purchase legal goods or services; or

(2) using a self-hosted wallet or hardware wallet, to maintain self-custody of digital assets.

(B) Digital assets used as a method of payment may not be subject to any additional tax, withholding, assessment, or charge by the state or a local government that is based solely on the use of the digital asset as the method of payment.

(C) This section shall not be construed to prohibit the state or a local government from imposing or collecting a tax, withholding, assessment, or charge that would otherwise be imposed or collected if the transaction had taken place with United States legal tender.

Section 34-47-40. (A) In areas that are zoned for industrial use, a political subdivision shall not:

(1) place restrictions on a digital asset mining business that do not generally apply to businesses in that area;

(2) place a specific limit on sound decibels generated from a digital asset mining business other than limits generally imposed for sound pollution in that area; or

(3) change the zoning of a digital asset mining business without going through the proper notice and comment.

(B) A digital asset mining business may appeal a change in zoning to the proper court of jurisdiction.

Section 34-47-50. A digital asset mining business shall:

(1) operate in a manner that shall not place any additional stress on the electrical grid for which they are connected; and

(2) upon request, provide a copy of their power purchase agreement to the Public Service Commission demonstrating that the digital asset mining business can reduce power consumption during periods of electrical grid stress.

Section 34-47-60. (A) A money transmitter license pursuant to Article 2, Chapter 11, Title 35 shall not be required of an individual or business due to their participation in the following activities:

(1) digital asset mining;

(2) operating a node or a series of nodes on a blockchain protocol;

(3) developing software on a blockchain protocol, even if the

software effectuates the exchange of one digital asset for another digital asset; or

(4) exchanging a digital asset for another digital asset without exchanging digital assets for legal tender or bank deposits.

(B) An individual or business shall not be prohibited from operating a node for the purpose of connecting to a blockchain protocol and participating in such blockchain protocol's operations.

(C) A business offering to provide digital asset mining as a service or staking as a service for individuals or to other businesses is not offering a security pursuant to Title 35.

Section 34-47-70. Nothing contained in this chapter shall prevent the Attorney General from instituting action alleging fraud against an individual who or business that fraudulently claims to be offering digital asset mining as service or staking as a service.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 209

(R132, S196)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 91 TO TITLE 38 SO AS TO REGULATE THE LICENSURE OF INSURANCE ADJUSTERS, AMONG OTHER THINGS; BY ADDING CHAPTER 92 TO TITLE 38 SO AS TO REGULATE THE LICENSURE OF PUBLIC INSURANCE ADJUSTERS, AMONG OTHER THINGS; TO AMEND SECTION 38-1-20, RELATING TO DEFINITIONS, SO AS TO PROVIDE A DEFINITION; AND BY REPEALING CHAPTERS 47 AND 48 OF TITLE 38 RELATING TO INSURANCE ADJUSTERS AND PUBLIC INSURANCE

ADJUSTERS.

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

Insurance Adjusters

SECTION 1. Title 38 of the S.C. Code is amended by adding:

CHAPTER 91

Insurance Adjusters

Section 38-91-10. As used in this chapter, unless the context requires otherwise:

(1) "Adjuster" means an individual, other than a public adjuster, or business entity who undertakes on behalf of insurers or self-insurers to investigate, evaluate, and negotiate the resolution of the amount of a property, casualty, crop, or workers' compensation claim or loss on behalf of an insurance policy or insurer or as a third party on behalf of a self-insurer. Such term includes an independent contractor or an employee of:

(a) an association;

(b) a property and casualty producer;

(c) an independent contractor;

(d) an insurer; or

(e) a managing general agent.

(2) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

(3) "Director" means the Director of Insurance or his designee, as defined in Section 38-1-20.

(4) "Home state" means the District of Columbia and any state or territory of the United States in which the adjuster's principal place of residence or principal place of business is located. If neither the state in which the adjuster maintains the principal place of residence nor the state in which the adjuster maintains the principal place of business has a substantially similar law governing adjusters, the adjuster may designate another state in which he becomes licensed and acts as an adjuster to be the "home state."

(5) "Individual" means a natural person.

(6) "Insurer" means any type of insurer conducting business in this State and authorized in accordance with Section 38-5-180.

(7) "Person" includes an individual or business entity, as defined in Section 38-1-20.

(8) "Self-insurer" means an individual or business entity that insures itself or risks by setting aside an amount of money to provide for any losses that occur rather than insuring such risks through an insurance company.

(9) "Uniform individual application" means the current version of the National Association of Insurance Commissioners (NAIC) Uniform Individual Application for resident and nonresident individuals.

(10) "Uniform business entity application" means the current version of the National Association of Insurance Commissioners (NAIC) Uniform Business Entity Application for resident and nonresident business entities.

Section 38-91-20. (A) No individual may act or hold himself out as an adjuster in this State unless the individual is licensed as an adjuster or qualifies for one of the license exemptions set forth in this chapter. The director must satisfy himself that each applicant for an adjuster license is an individual of good moral character, has sufficient knowledge of the insurance business and his duties as an adjuster, has not violated the insurance laws of this State, and is a fit and proper individual for the position. No license may be issued to a nonresident adjuster who resides in a state refusing to license South Carolina adjusters. Individuals must apply for a license on a uniform individual application or as prescribed by the director.

(B) No business entity may adjust losses or otherwise act as an adjuster unless the entity and the adjusters it employs are licensed by the director or qualify for one of the license exemptions set forth in this chapter. Business entities must apply for a license on a uniform business entity application or as prescribed by the director.

(C) A person applying for an adjuster license must make application on the uniform individual application or uniform business entity application and declare under penalty of refusal, denial, suspension, or revocation that the statements made in the application are true, correct, and complete to the best of the applicant's knowledge and belief.

(D) The license must contain the adjuster's name, business address, license number, date of issuance, expiration date, and any other relevant information the director deems necessary. An adjuster may receive qualification for a license in one or more of the following lines of authority: property and casualty; workers' compensation; crop; or such other lines as prescribed by the director.

(E) The fee for an individual adjuster license is one hundred dollars

and the fee for a business entity adjuster license is fifty dollars. These fees are payable in advance and fully earned when received, not refundable, transferable, nor proratable. All fees collected by the director must be paid into the state general fund in the same manner as other funds collected by him.

(F) An adjuster license is for a biennial term and remains in effect unless revoked, terminated, suspended, or denied renewal or reinstatement.

(G) The director may contract with nongovernmental entities, including the National Association of Insurance Commissioners (NAIC), or any affiliates or subsidiaries that the NAIC oversees, to perform any ministerial functions, including the collection of fees and data related to licensing that the director may deem appropriate.

Section 38-91-30. When an individual or business entity applies for an adjuster license, he must supply the department his legal name, email address, and business mailing address and residential mailing address. The adjuster must notify the department within thirty days of any change in the information required by this section.

Section 38-91-40. (A) The following individuals are exempt from licensure as an adjuster:

(1) an individual who, for portable electronics insurance, collects claim information from, or furnishes claim information to, insureds or claimants and who conducts data entry, including entering data into an automated claims adjudication system, provided that no more than twenty-five people are under the supervision of a licensed adjuster or a licensed producer who is otherwise exempt from licensure pursuant to item (5);

(2) an attorney at law admitted to practice in this State, when acting in his professional capacity as an attorney;

(3) an employee of an insurer who is not regularly engaged in the adjustment or investigation of insurance claims;

(4) a person employed only to furnish technical assistance to a licensed adjuster including, but not limited to, an investigator, an attorney, an engineer, an estimator, a handwriting expert, a photographer, and a private detective;

(5) a producer of an authorized insurer or a licensed employee of a producer who processes an undisputed or uncontested loss for the insurer under a policy issued by the producer;

(6) a person who performs solely clerical duties and does not negotiate with parties on disputed or contested claims or otherwise

perform the duties of an adjuster;

(7) a person who handles claims arising under life, accident, and health or sickness insurance policies;

(8) an individual who is employed to investigate suspected fraudulent insurance claims but who does not adjust losses or determine claims payments;

(9) a person who handles claims arising under service contracts;

(10) a person handling commercial claims for excess coverages;

(11) a person who settles only reinsurance or subrogation claims;

(12) a full-time salaried employee of a self-insurer; and

(13) a person authorized to adjust workers' compensation or disability claims under the authority of a third-party administrator (TPA) license pursuant to Chapter 51.

(B) For purposes of this section, "automated claims adjudication system" means a preprogrammed computer system designed for the collection, data entry, calculation, and final resolution of portable electronics insurance claims that:

(1) only may be used by a licensed adjuster, licensed producer, or supervised individuals operating pursuant to this section;

(2) must comply with all claims payment requirements of Title 38; and

(3) must be certified as compliant with this section by a licensed independent adjuster who is an officer of the entity or an affiliate of the entity that employs an individual operated pursuant to this section.

(C) This chapter may not be construed to prevent an executive officer of an insurer, an employee of an insurer handling claims, the duly designated attorney, or producer authorized and acting for subscribers to reciprocal insurers with respect to residential property insurance from adjusting food spoilage claims, loss, or damages under any insurance contract of such insurer in which the amount of coverage for the applicable type of loss is contractually limited to five hundred dollars or less. If any such officer, employee, attorney, or producer in connection with the adjustment of any such food spoilage claim, loss, or damage engages in improper claims practices pursuant to the provisions of Chapter 59 or violates any other provision of this title, the director may suspend or revoke the insurer's certificate of authority.

Section 38-91-50. (A) Unless denied licensure pursuant to Section 38-91-120, a nonresident person may receive a nonresident adjuster license with the same lines of authority held in the home state upon complying with the following requirements:

(1) The person is currently licensed as a resident adjuster, has

passed an adjuster examination, has furnished a complete set of fingerprints and undergone a background check, and is in good standing in the home state.

(a) If the home state does not require an examination, then the individual must meet the examination requirements provided for in Section 38-91-60.

(b) If the home state does not require fingerprints and a background check, then the individual must meet the fingerprint and background check requirements provided for in Section 38-91-60.

(2) The person has submitted the proper fees required by Section 38-91-20.

(3) The person has submitted or transmitted to the director the appropriate completed application for licensure.

(4) The person's home state issues nonresident adjuster licenses to residents of this State on the same basis. The director may waive any license requirements imposed under this chapter for an applicant who holds a valid license from another state if the state has license requirements substantially equivalent to the requirement for a license issued under this chapter.

(B) The director may verify the adjuster's licensing status through regulatory or other databases.

(C) As a condition of licensure, the nonresident adjuster licensee must maintain a resident adjuster license in his home state. The nonresident adjuster license issued pursuant to this section must terminate and be surrendered immediately to the director if the home state adjuster license terminates for any reason. If the license terminates for any reason, the adjuster may not transact any adjustment of claims.

Section 38-91-60. (A) Before issuing an adjuster license to an applicant pursuant to this chapter the director must find that the applicant:

(1) is eligible to designate this State as his home state;

(2) has not committed any act that is grounds for denial, suspension, or revocation of a license pursuant to this chapter;

(3) has submitted the proper fees required by Section 38-91-20; and

(4) has submitted or transmitted to the director the appropriate completed application for licensure.

(B) In addition to satisfying the requirements of subsection (A), an individual must:

(1) be at least eighteen years of age;

(2) be a person of good moral character and has not been convicted of a felony or any act within the last ten years that is a ground for denial,

suspension, or revocation as provided for in Section 38-91-120 or been convicted of a misdemeanor involving dishonesty, breach of trust, or other financial or insurance-related crime within five years;

(3) have successfully passed the adjuster examination required by Section 38-91-70 unless exempted pursuant to Section 38-91-80; and

(4)(a) furnish a complete set of his fingerprints and the required fees and information in accordance with this subsection to the director. Failure to furnish the complete set of fingerprints and required fees constitutes grounds for denial of an application for licensure. However, the director may waive the fingerprinting requirements if it is impossible for the applicant to provide fingerprints due to a medically-certified physical injury; and

(b) undergo a state criminal records check, supported by his fingerprints, by the South Carolina Law Enforcement Division (SLED) and a national criminal records check, supported by his fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal record checks must be reported to the department. SLED is authorized to retain the fingerprints for use in identification purposes including, but not limited to, unsolved latent prints. The cost associated with the criminal history record checks must be borne by the applicant. The applicant's fingerprints must be certified by a law enforcement officer authorized by SLED.

(C) In addition to satisfying the requirements of subsection (A), a business entity must:

(1) designate a licensed individual adjuster responsible for the business entity's compliance with the insurance laws, rules, and regulations of this State and for adjusting losses on behalf of the entity;

(2) maintain an office in the home state of residence with public access by reasonable appointment or regular business hours; and

(3) provide a listing of all executive officers and directors of the applicant and of all executive officers and directors of entities controlling and any individuals controlling, directly or indirectly, ten percent or more of the outstanding voting securities of the applicant. In order to make a determination of eligibility for licensure, the director may require any person listed pursuant to this section to submit addresses, criminal and administrative history, fingerprints, background checks, and biographical statements or affidavits.

(D) A nonresident who is not eligible for a license pursuant to Section 38-91-50 may designate South Carolina as his home state and apply for licensure as a resident adjuster. Such person is required to successfully pass the adjuster examination and comply with the other provisions of this chapter applicable to residents of this State.

(E) The director may require any documents reasonably necessary to verify the information contained in the application for licensure including, but not limited to, a driver's license.

Section 38-91-70. (A) An individual applying for an adjuster license under this chapter must pass a written examination unless exempt pursuant to Section 38-91-80. The examination must test the knowledge of the individual concerning the duties and responsibilities of an adjuster and the insurance laws and regulations of this State. Examinations required by this section must be developed and conducted under rules and regulations prescribed by the director.

(B) The director may contract with one or more outside testing services to administer examinations and collect the examination fees. The director may require that the applicant pay the cost of the examination directly to the testing firm.

(C) An individual who fails to appear for the examination as scheduled or fails to pass the examination may reapply for an examination and must remit all required fees and forms before being rescheduled for another examination.

Section 38-91-80. (A) An individual licensed as a resident adjuster in another state who moves to this State must make application within ninety days of establishing legal residence to become a resident adjuster pursuant to Section 38-91-60. No examination may be required of that person to obtain a license for any line of insurance previously held in another state. This exemption is available only if the application is received within ninety days of the cancellation of the applicant's previous adjuster license and records indicate that the adjuster is or was licensed in good standing.

(B) An adjuster applicant holding a designation as Chartered Property and Casualty Underwriter (CPCU) is not required to pass a written examination prior to being issued a license.

(C) A licensed adjuster whose license lapses or expires may, within twelve months from the expiration or lapse date of the license, reinstate the same license without having to retake the examination if the adjuster has:

(1) applied to reinstate the same license within twelve months from the compliance date;

(2) met the continuing insurance education requirements; and

(3) paid a penalty set forth by the director or his designee in full.

(D) The director may prescribe other exemptions through bulletins, orders, or regulations.

Section 38-91-90. (A) An individual who holds an adjuster license and who is not exempt under subsection (D) must satisfactorily complete a minimum of twenty-four hours of continuing education courses, including three hours of ethics as approved by the director and reported on a biennial basis in conjunction with the license renewal cycle. Any individual who holds an adjuster license and adjusts workers' compensation claims must complete at least three hours of education related to the laws and regulations specific to adjusting workers' compensation claims in South Carolina. These hours must be included in the twenty-four hours of required continuing education.

(B) This section does not apply to either of the following:

(1) an individual renewing an adjuster license for the first time after initial issuance; or

(2) licensees holding nonresident adjuster licenses who have met the continuing education requirements of their home state and whose home state gives credit to residents of this State in a manner consistent with the provisions of this chapter.

(C) Only continuing education courses and providers approved by the director may satisfy the continuing education requirement of subsection (A).

(D) An individual who holds both a resident producer license and a resident adjuster license may not be required to complete continuing education requirements for both licenses. Completion of continuing education requirements for an adjuster license must be satisfied if the individual is required to complete continuing education for the resident producer license. If the resident producer is exempt from the continuing education requirements, the adjuster is also exempt from the continuing education requirements. Nonetheless, any adjuster adjusting workers' compensation claims must complete at least three hours of education related to the laws and regulations specific to adjusting workers' compensation claims in South Carolina, as specified in subsection (A).

(E) The director must develop an approval process for adjuster continuing education similar to that set forth in Section 38-43-106(B).

Section 38-91-100. (A) An adjuster license continues on a biennial basis unless revoked, terminated, suspended, or denied renewal or reinstatement provided the fee set forth in Section 38-91-20 has been paid and the requirements for license renewal are met by August thirty-first of each odd-numbered year.

(B) Every licensed adjuster must file a biennial application for renewal of his license in accordance with the requirements of this chapter.

(C) All continuing education requirements pursuant to Section 38-91-90 must be completed prior to the applicant submitting a biennial application for renewal.

(D) A licensed adjuster who allows his license to lapse or expire may, within twelve months from the expiration date of the license, reinstate the same license upon proof of fulfilling all continuing education requirements as applicable, through the date of reinstatement and upon payment of all fees due. If the license has lapsed for more than twelve months, the applicant must fulfill the requirements for issuance of a new license.

(E) If the license is to be reinstated, a renewal application must be filed and a reinstatement fee equal to the biennial license fee unpaid must be paid in addition to the regular biennial license fee.

(F) A licensed adjuster who is unable to comply with license renewal procedures due to active military service, long-term medical disability, or other extenuating circumstances, may request a waiver of any continuing education requirement, fine, or other penalty imposed for failure to comply with renewal procedures.

Section 38-91-110. (A) A licensed adjuster is subject to the provisions of the chapters that prohibit unfair trade and unfair claims practices of this title.

(B) An adjuster may not permit an unlicensed employee or representative of the adjuster to conduct business for which a license is required under this chapter.

(C) An adjuster may not have a direct or indirect financial interest in any aspect of the claim, other than the salary, fee, or other consideration established with the insurer.

(D) An adjuster may not acquire any interest in salvage of property subject to the contract with the insurer.

(E) An adjuster may not solicit employment for, recommend, or otherwise solicit engagement, directly or indirectly, for or on behalf of any attorney at law, contractor, or subcontractor, in connection with any loss or damage with respect to which such adjuster is concerned or employed.

(F) An adjuster may not solicit or accept any compensation, directly or indirectly, from, by, or on behalf of any contractor or subcontractor engaged by or on behalf of any insured by which such adjuster has been, is, or will be employed or compensated, directly or indirectly.

(G) Adjusters must adhere to the following general requirements:

(1) An adjuster may not undertake the adjustment of any claim if the adjuster is not competent and knowledgeable as to the terms and

conditions of the insurance coverage, or which otherwise exceeds the adjuster's current expertise.

(2) An adjuster may not knowingly make any oral or written material misrepresentations or statements which are false and intended to injure any person engaged in the business of insurance.

(3) No adjuster, while so licensed by the department, may represent or act as a public adjuster.

(4) No adjuster may materially misrepresent to an insured or other interested party the terms and coverage of an insurance contract with intent and for the purpose of effecting settlement of a claim for loss or damage or benefit under such contract on less favorable terms than those provided in and contemplated by the insurance contract.

(5) If the insured's claim is denied and the insured contests the denial, an individual licensed under this chapter must review the denial with the insured.

Section 38-91-120. (A) The director may place on probation, revoke, suspend, or refuse to issue, renew, or reinstate an adjuster's license or may levy a fine as set forth in Section 38-2-10 for any one or more of the following causes:

(1) providing incorrect, misleading, incomplete, or materially false information in the license or renewal application;

(2) violating the insurance laws or regulations of the United States, this State, or any other jurisdiction or a subpoena or order of the director or of another state's insurance commissioner;

(3) obtaining or attempting to obtain a license through misrepresentation or fraud or improperly using notes or any other reference material to complete an examination for an insurance license, or otherwise cheating or attempting to cheat on an examination for an insurance license of any kind;

(4) improperly withholding, misappropriating, or converting any money or property received in the course of conducting insurance business;

(5) conviction of or nolo contendere plea to any felony, participation in a pretrial diversion program pursuant to a felony charge, suspension or deferral of sentence and probation, or conviction of any misdemeanor charge involving public corruption or the adjustment of insurance claims;

(6) admitting to or committing fraud or unfair trade practices;

(7) using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere;

(8) having an adjuster license, or its equivalent, denied, suspended, or revoked in another state, province, district, or territory;

(9) forging another's name on any document related to an insurance transaction;

(10) knowingly accepting insurance business from an individual who is not licensed but who is required to be licensed by the director or his designee;

(11) intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

(12) failing to comply with an administrative or court order imposing a child support obligation;

(13) failing to pay state income tax or comply with any administrative or court order directing payment of state income tax;

(14) refusing to submit physical evidence of identity or the conviction of a felony, in accordance with Section 38-91-160;

(15) employing or allowing to associate with his business, in any manner, any person engaged in the business of insurance who has been convicted of a felony under the laws of this or any other state, and United States, or any other jurisdiction. As used in this section, "business of insurance" means the writing of insurance or the reinsuring of risks by an insurance producer or insurer, including all acts necessary or incidental to such writing or reinsuring, and the activities of persons who act as, or are, officers, directors, agents, or employees of producers or insurers, or who are other persons authorized to act on behalf of such persons;

(16) being convicted of a felony involving dishonesty or breach of trust pursuant to 18 U.S.C. Sections 1033 and 1034, without written consent from the director pursuant to 18 U.S.C. Section 1033, or any successor statute regulating crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce; or

(17) violating any provision of this title.

(B) If upon investigation the director finds that an individual or business entity has obtained a license by fraud or misrepresentation, he may immediately suspend the license. The director, in an order suspending a license, must specify the period during which the suspension is to be in effect. The period may not exceed two years. An adjuster whose license has been revoked or an applicant who has been refused a license by the director may not reapply for another license until a two-year period of time has lapsed from the effective date of the revocation or refusal or, if judicial review before the Administrative Law Court of the revocation or refusal is sought, after two years from the date of a final court order or decree affirming the revocation or suspension.

(C) If, after notice of a hearing before the Administrative Law Court or notice of an opportunity for hearing before the Administrative Law Court, the director finds that one or more grounds exist for the revocation or suspension of, or the refusal to issue or reissue a license, the director, in his discretion, instead of revocation, suspension, or refusal, may impose upon the adjuster or applicant an administrative penalty as provided in Section 38-2-10 for each offense or ground.

(D) The director may allow the adjuster or applicant a reasonable period, not to exceed thirty days, within which to pay to the director the amount of the penalty imposed. If the adjuster or applicant fails to pay the penalty in its entirety to the director within the period allowed, the license or application stands revoked, suspended, or renewal-refused, as the case may be, upon expiration of the period and without any further proceedings.

(E) Whenever the director denies an application for a license or for renewal, the director must notify the applicant or adjuster and advise, in writing, the applicant or adjuster of the reason for the denial or nonrenewal of the applicant's or adjuster's license. The applicant or adjuster may make written demand upon the Administrative Law Judge within thirty days for a hearing before the Administrative Law Judge to determine the reasonableness of the director's action. The hearing must be held pursuant to the Administrative Procedures Act.

(F) The business entity adjuster license may be suspended, revoked, or refused if the director finds that an individual licensee's violation was known or should have been known by one or more of the partners, officers, directors, or managers of the business entity and the violation was not reported to the director.

(G) In addition to or in lieu of any applicable denial, suspension, or revocation, an adjuster violating this chapter may, after notice and an opportunity for a hearing, be subject to an administrative penalty pursuant to Section 38-2-10.

(H) The director has the authority to enforce the provisions of and impose any penalty or remedy authorized by this chapter and title against any person who is under investigation for or charged with a violation of this chapter even if the person's license or registration has been surrendered or has lapsed by operation of law.

Section 38-91-130. Adjusters are declared to be acting as the agents for the insurer or self-insurer represented by them in the adjustment of any loss.

Section 38-91-140. (A) This chapter may not be construed to prevent an executive officer of an insurer, an employee of an insurer handling claims, the duly designated attorney, or producer authorized and acting for subscribers to reciprocal insurers with respect to residential property insurance from adjusting food spoilage claim loss or damages under any insurance contract of such insurer in which the amount of coverage for the applicable type of loss is contractually limited to five hundred dollars or less.

(B) Such officer, employee, attorney, or producer is not required to have an adjuster's license to adjust food spoilage claims referenced in this section. If any such officer, employee, attorney, or producer in connection with the adjustment of any such food spoilage claim, loss, or damage engages in improper claims practices pursuant to the provisions of Chapter 59 or violates any other provision of this title, the director or his designee may suspend or revoke the insurer's certificate of authority.

Section 38-91-150. (A) An insurer or self-insurer may not knowingly refer a claim or loss for adjustment to a person purporting to be or acting as an adjuster in this State unless the person holds a license or is otherwise exempt from the licensing requirements under this chapter.

(B) Before referring a claim or loss for adjustment, an insurer must ascertain from the director whether the person performing the adjustment holds a license under this chapter. Once the insurer has ascertained that the person holds a license, the insurer may refer the claim or loss to the person and may continue to refer claims or losses to the person until the insurer has knowledge or receives information from the director that the person no longer holds a license.

Section 38-91-160. No insurer may pay to any adjuster or adjusters or to any person engaged in the adjustment of losses any fee or compensation in excess of a regular fixed salary or stipend, nor may such insurer contract to pay to any insurance adjuster or any person engaged in the business of adjusting losses, any portion of the amount saved to said insurer through the efforts of said adjuster or person engaged in adjusting losses, in addition to or in lieu of any such salary or stipend.

Section 38-91-170. (A) The adjuster must report to the director any administrative action taken against the adjuster in any jurisdiction or by another governmental agency within thirty days of the final disposition of the matter. This report must include a copy of the order, consent order, or other relevant legal documents.

(B) Within thirty days of a conviction, the adjuster must report to the

director any criminal conviction of the adjuster taken in any jurisdiction for violation of insurance laws or regulations, any felony, or any misdemeanor. The report must include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

Section 38-91-180. It is unlawful for a person to:

(A) act as adjuster on a contract made other than as authorized by the laws of this State or made by an insurer who is not regularly licensed to do business in this State; or

(B) adjust or aid in the adjustment, either directly or indirectly, of a claim arising under a contract of insurance not authorized by the laws of this State.

(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than two years, or both.

Section 38-91-190. When the director determines after investigation that there has been a violation of this title by an adjuster, upon ten days' notice, he may impose the penalties provided in Section 38-2-10.

Section 38-91-200. The director may issue bulletins or orders or promulgate regulations as necessary or proper to carry out the purposes of this chapter.

Public Insurance Adjusters

SECTION 2. Title 38 of the S.C. Code is amended by adding:

CHAPTER 92

Public Insurance Adjusters

Section 38-92-10. "Public adjuster" means any person who, for compensation or any other thing of value on behalf of the insured:

(1) acts or aids, solely in relation to first-party claims arising under insurance contracts that insure the real or personal property of the insured, on behalf of an insured in negotiating for, or effecting the settlement of, a claim for loss or damage covered by an insurance contract;

(2) advertises for employment as a public adjuster of insurance claims or solicits business or represents himself to the public as a public adjuster

of first-party insurance claims for losses or damages arising out of policies of insurance that insure real or personal property; or

(3) directly or indirectly solicits business, investigates or adjusts losses, or advises an insured about first-party claims for losses or damages arising out of policies of insurance that insure real or personal property for another person engaged in the business of adjusting losses or damages covered by an insurance policy, for the insured.

Section 38-92-20. (A) A person may not act or hold himself out as a public adjuster, solicit, or negotiate a contract for public adjusting services in this State unless the person is licensed as a public adjuster in accordance with this chapter.

(B) The license must contain the licensee's name, city and state of business, address, personal identification number, the date of issuance, the expiration date, and any other information the director deems necessary.

(C) A person licensed as a public adjuster must not misrepresent to a claimant that he is an adjuster representing an insurer in any capacity, including acting as an employee of the insurer or acting as an independent adjuster unless so appointed by an insurer in writing to act on the insurer's behalf for that specific claim or purpose. A licensed public adjuster is prohibited from charging that specific claimant a fee when simultaneously appointed by any insurer.

(D) A person applying for a public adjuster license must make application to the director. The applicant must declare under penalty of perjury and under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the applicant's knowledge and belief.

(E) Notwithstanding subsections (A)-(D), a license as a public adjuster is not required of the following persons:

(1) an attorney at law admitted to practice in this State, when acting in his professional capacity as an attorney;

(2) a person who negotiates or settles claims arising under a life or health insurance policy or an annuity contract; and

(3) a person employed only for the purpose of obtaining facts surrounding a loss or furnishing technical assistance to a licensed public adjuster, including photographers, estimators, private investigators, engineers, and handwriting experts.

(F) The fee for an individual public adjuster license is one hundred dollars. These fees are payable in advance and fully earned when received, not refundable, transferable, nor proratable. All fees collected by the director must be paid into the state general fund in the same

manner as other funds collected by him.

Section 38-92-30. When an individual applies for a public adjuster license, he must supply the department his legal name, email address, business mailing address, and residential mailing address. The public adjuster must notify the department within thirty days of any change in the information required by this section.

Section 38-92-40. (A) A person applying for a public adjuster license shall make application to the director on the appropriate application form.

(B) The applicant must declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the applicant's knowledge and belief.

(C) Before issuing a public adjuster license to an applicant under this section, the director must find that the applicant:

(1) is eligible to designate this State as his home state;

(2) has not committed any act that is a ground for denial, suspension, or revocation of a license as set forth in Section 38-92-90;

(3) is trustworthy, reliable, and of good reputation, evidence of which may be determined by the director;

(4) is financially responsible to exercise the license and has provided proof of financial responsibility as required in Section 38-92-100;

(5) has paid the biennial license fee; and

(6) maintains an office in the home state of residence with public access by reasonable appointment or regular business hours.

(D) The applicant must undergo a state criminal records check, supported by his fingerprints, by the South Carolina Law Enforcement Division (SLED) and a national criminal records check, supported by his fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal records checks must be reported to the department. SLED is authorized to retain the fingerprints for use in identification purposes including, but not limited to, unsolved latent prints. The cost associated with the criminal history records checks must be borne by the applicant. The applicant's fingerprints must be certified by a law enforcement officer authorized by SLED.

(E) In addition to satisfying the requirements of subsections (A), (B), and (C), an individual must:

(1) be at least eighteen years of age;

(2) be a person of good moral character and has not been convicted

of a felony or any act within the last ten years that is a ground for denial, suspension, or revocation as provided for in Section 38-92-90 or been convicted of a misdemeanor involving dishonesty, breach of trust, or other financial- or insurance-related crime within five years;

(3) have successfully passed the public adjuster examination; and

(4) furnish a complete set of his fingerprints and the required fees and information in accordance with this subsection to the director. Failure to furnish the complete set of fingerprints and required fees constitutes grounds for denial of an application for licensure. However, the director may waive the fingerprinting requirements if it is impossible for the applicant to provide fingerprints due to a medically certified physical injury.

(F) The director may require any documents reasonably necessary to verify the information contained in the application for licensure including, but not limited to, a driver's license.

Section 38-92-50. (A) An individual applying for a public adjuster license under this chapter must pass a written examination unless exempt pursuant to Section 38-92-60. The examination must test the knowledge of the individual concerning the duties and responsibilities of a public adjuster and the insurance laws and regulations of this State. Examinations required by this section must be developed and conducted under rules and regulations prescribed by the director.

(B) The director may make arrangements, including contracting with an outside testing service, for administering examinations and collecting the nonrefundable fee.

(C) Each individual applying for an examination must remit a nonrefundable fee as prescribed by the director. An individual who fails to appear for the examination as scheduled or fails to pass the examination may reapply for an examination and must remit all required fees and forms before being rescheduled for another examination.

Section 38-92-60. (A) An individual licensed as a resident public adjuster in another state who moves to this State must make application within ninety days of establishing legal residence to become a resident public adjuster pursuant to Section 38-92-40. No examination may be required of that person to obtain a public adjuster license if that state requires an examination. This exemption is available only if the person is currently licensed in the other state, or if the application is received within ninety days of the cancellation of the applicant's previous public adjuster license and records indicate that the public adjuster is or was licensed in good standing.

(B) A licensed public adjuster whose license lapses or expires may, within twelve months from the expiration or lapse date of the license, reinstate the same license without having to retake the examination if the public adjuster has:

(1) applied to reinstate the same license within twelve months from the compliance date;

(2) met the continuing insurance education requirements;

(3) paid a penalty set forth by the director or his designee in full; and

(4) maintained or provided an active bond or continuation certificate on file with the Department of Insurance as required by Section 38-92-100.

(C) The director may prescribe other exemptions through bulletins, orders, or regulations.

Section 38-92-70. (A) Unless denied licensure pursuant to Section 38-92-90, a nonresident person must receive a nonresident public adjuster license if:

(1) the person is currently licensed as a resident public adjuster and in good standing in his home state;

(2) the person has submitted the proper request for licensure, has paid the required fees, and has provided proof of financial responsibility as required in Section 38-92-100;

(3) the person has submitted or transmitted to the director the appropriate completed application for licensure;

(4) the person's home state awards nonresident public adjuster licenses to residents of this State on the same basis; and

(5) the person has provided a bond or letter of credit with the South Carolina Department of Insurance as required by Section 38-92-100.

(B) The director may verify the public adjuster's licensing status including any disciplinary actions, inquiries, or investigations, through the producer database maintained by the NAIC, its affiliates, or subsidiaries.

(C) As a condition of licensure, the nonresident public adjuster licensee must maintain a resident public adjuster license in his home state. The nonresident public adjuster license issued pursuant to this section must terminate and be surrendered immediately to the director if the home state public adjuster license terminates for any reason. If the license terminates for any reason, the public adjuster may not transact any adjustment of claims.

Section 38-92-80. (A) Unless denied licensure under this act, persons who have met the requirements of this act must be issued a public adjuster license.

(B) A public adjuster license continues on a biennial basis unless revoked, terminated, surrendered, suspended, or denied renewal or reinstatement provided the fee set forth in Section 38-92-20 has been paid and the requirements for renewal are met by October thirty-first of each even-numbered year.

(C) All continuing education requirements pursuant to Section 38-92-110 must be completed prior to the applicant submitting a biennial application for renewal.

(D)(1) A licensed public adjuster who allows his license to lapse or expire may, within twelve months from the expiration date of the license, reinstate the same license upon proof of fulfilling all continuing education requirements as applicable, through the date of reinstatement and upon payment of all fees due. If the license has lapsed for more than twelve months, the applicant must fulfill the requirements for issuance of a new license.

(2) If the license is to be reinstated, a renewal application must be filed and a reinstatement fee equal to the biennial license fee unpaid must be paid in addition to the regular biennial license fee.

(E) A licensed public adjuster who is unable to comply with license renewal procedures due to active military service, a long-term medical disability, or some other extenuating circumstance, may request a waiver of any penalty imposed for failure to comply with renewal procedures.

Section 38-92-90. (A) The director may place on probation, suspend, revoke, or refuse to issue, or renew a public adjuster's license or may levy a fine or penalty in accordance with Chapter 2, Title 38 or any combination of actions, for any one or more of the following causes:

(1) providing incorrect, misleading, incomplete, or materially untrue information in the license application;

(2) violating any insurance laws, or violating any regulation, subpoena, or order of the director or of another state's insurance director or regulatory official;

(3) obtaining or attempting to obtain a license through misrepresentation or fraud in this or any other state;

(4) improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business;

(5) intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

(6) having been convicted of a felony or a misdemeanor involving

a crime of dishonesty;

(7) having admitted or been found to have committed any insurance unfair trade practice or insurance fraud;

(8) using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere;

(9) having an insurance license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory;

(10) forging another's name to an application for insurance or to any document related to an insurance transaction;

(11) knowingly accepting insurance business from an individual who is not licensed but who is required to be licensed by the director;

(12) failing to comply with an administrative or court order imposing a child support obligation; or

(13) failing to pay state income tax or comply with any administrative or court order directing payment of state income tax.

(B) In the event that the action by the director is to deny an application for or not renew a license, the director must notify the applicant or public adjuster and advise, in writing, the applicant or public adjuster of the reason for the nonrenewal or denial of the applicant's or licensee's license. The applicant or licensee may appeal the decision of the director pursuant to the South Carolina Administrative Procedures Act.

(C) In addition to or in lieu of any applicable denial, suspension, or revocation of a license, a person may, after hearing, be subject to a civil fine pursuant to Section 38-2-10, et seq.

(D) The director has the authority to enforce the provisions of and impose any penalty or remedy authorized by this chapter and Title 38 against any person who is under investigation for or charged with a violation of this chapter or Title 38 even if the person's license or registration has been surrendered or has lapsed by operation of law.

Section 38-92-100. Prior to issuance of a license as a public adjuster and for the duration of the license, the applicant must secure evidence of financial responsibility in a format prescribed by the director through a security bond or irrevocable letter of credit:

(A) a surety bond executed and issued by an insurer authorized to issue surety bonds in this State, which bond:

(1) must be in the minimum amount of twenty thousand dollars;

(2) must be in favor of this State and must specifically authorize recovery by the director on behalf of any person in this State who sustained damages as the result of erroneous acts, failure to act, conviction of fraud, or conviction of unfair practices in his capacity as a

public adjuster; and

(3) may not be terminated unless at least thirty days' prior written notice will have been filed with the director and given to the licensee.

(B) An irrevocable letter of credit issued by a qualified financial institution, which letter of credit:

(1) must be in the minimum amount of twenty thousand dollars;

(2) must be to an account submitted to the director and subject to lawful levy of execution on behalf of any person to whom the public adjuster has been found to be legally liable as the result of erroneous acts, failure to act, fraudulent acts, or unfair practices in his capacity as a public adjuster; and

(3) must not be terminated unless at least thirty days' prior written notice will have been filed with the director and given to the licensee.

(C) The issuer of the evidence of financial responsibility must notify the director upon termination of the bond or letter of credit, unless otherwise directed by the director.

(D) The director may ask for the evidence of financial responsibility at any time he deems relevant.

(E) The authority to act as a public adjuster must automatically terminate if the evidence of financial responsibility terminates or becomes impaired.

Section 38-92-110. (A) An individual, who holds a public adjuster license and who is not exempt under subsection (B), must satisfactorily complete a minimum of twenty-four hours of continuing education courses, including three hours of ethics, reported on a biennial basis in conjunction with the license renewal cycle.

(B) This section does not apply to:

(1) licensees not licensed for one full year prior to the end of the applicable continuing education biennium; or

(2) licensees holding nonresident public adjuster licenses who have met the continuing education requirements of their home state and whose home state gives credit to residents of this State on the same basis.

(C) Only continuing education courses approved by the director must be used to satisfy the continuing education requirement of subsection (A).

Section 38-92-120. (A) A public adjuster may charge the insured a reasonable fee as determined by this section.

(B) A public adjuster may not pay any commission, service fee, or other valuable consideration to another person for investigating or settling claims in this State if that person is required to be licensed under

this act and is not so licensed.

(C) A person may not accept any commission, service fee, or other valuable consideration for investigating or settling claims in this State if that person is required to be licensed under this act and is not so licensed.

(D) A public adjuster may pay or assign commission, service fees, or other valuable consideration to persons who do not investigate or settle claims in this State, unless the payment would violate Section 38-43-200.

(E) No public adjuster may charge, agree to, or accept as compensation or reimbursement any payment, commission, fee, or other thing of value equal to more than ten percent of any insurance settlement or proceeds. No public adjuster may require, demand, or accept any fee, retainer, compensation, deposit, or other thing of value, prior to settlement of a claim.

Section 38-92-130. (A) Public adjusters must ensure that all contracts for their services are in writing and contain the following terms:

(1) legible full name of the public adjuster signing the contract, as specified in Department of Insurance records;

(2) permanent home state business address and phone number;

(3) Department of Insurance license number;

(4) title of "Public Adjuster Contract";

(5) the insured's full name, street address, insurance company name, and policy number;

(6) a detailed description of the loss, its occurrence date, and its location;

(7) a description of all services the public adjuster will provide to the insured;

(8) signatures of the public adjuster and the insured;

(9) date contract was signed by the public adjuster and date the contract was signed by the insured;

(10) attestation language stating that the public adjuster is fully bonded pursuant to state law;

(11) a complete description of the full salary, fee, commission, compensation, or other considerations the public adjuster is to receive for service; and

(12) conspicuous language in bold type stating that the salary, fee, commission, compensation, or other consideration must be paid to the public adjuster from any sums the public adjuster assists the insured in recovering and not paid by the insurer.

(B) The contract may specify that the public adjuster must be named as a copayee on an insurer's payment of a claim to the insured if the

compensation is based on a share of the insurance settlement, the exact percentage must be specified, not to exceed ten percent. Initial expenses to be reimbursed to the public adjuster from the proceeds of the claim payment must be specified by type, with dollar estimates set forth in the contract, and with any additional expenses first approved by the insured. Compensation provisions in a public adjusting contract may not be redacted in any copy of the contract provided to the director.

(C) If the insurer, not later than five business days after the date on which the loss is reported to the insurer, either pays or commits in writing to pay to the insured the full policy limit of the insurance policy, the public adjuster must:

(1) not receive a commission consisting of a percentage of the total amount paid by an insurer to resolve a claim;

(2) inform the insured that loss recovery amount might not be increased by insurer; and

(3) be entitled only to reasonable compensation from the insured for services provided by the public adjuster on behalf of the insured, based on the time spent on a claim and expenses incurred by the public adjuster, until the claim is paid or the insured receives a written commitment to pay from the insurer, and in no case may such compensation exceed ten percent of the claim settlement amount.

(D) A public adjuster must also provide the insured a written disclosure concerning any direct or indirect financial interest that the public adjuster has with any other party who is involved in any aspect of the claim, other than the salary, fee, commission, or other consideration established in the written contract with the insured including, but not limited to, any ownership of, other than as a minority stockholder, or any compensation expected to be received from, any construction firm, salvage firm, building appraisal firm, motor vehicle repair shop, or any other firm that provides estimates for work, or that performs any work, in conjunction with damages caused by the insured loss on which the public adjuster is engaged. The word “firm” includes any corporation, partnership, association, joint-stock company, any other legal entity, or person.

(E) A public adjuster contract may not contain any contract term that:

(1) allows the public adjuster’s percentage fee to be collected when money is due from an insurance company, but not paid, or that allows a public adjuster to collect the entire fee from the first check issued by an insurance company, rather than as a percentage of each check issued by an insurance company;

(2) requires the insured to authorize an insurance company to issue a check only in the name of the public adjuster; or

(3) imposes any collection costs or late fees.

(F) Prior to the signing of the contract the public adjuster must provide the insured with a separate disclosure document regarding the claim process that states:

(1) Property insurance policies obligate the insured to present a claim to his insurance company for consideration. There are three types of adjusters that could be involved in that process. The definitions of the three types are as follows:

(a) "Company adjuster" means the insurance adjusters who are employees of an insurance company. They represent the interest of the insurance company and are paid by the insurance company. They will not charge a fee.

(b) "Independent adjuster" means the insurance adjusters who are hired on a contract basis by an insurance company to represent the insurance company's interest in the settlement of the claim. They are paid by the insurance company. They will not charge a fee.

(c) "Public adjuster" means the insurance adjusters who do not work for any insurance company. They work for the insured to assist in the preparation, presentation, and settlement of the claim. The insured hires them by signing a contract agreeing to pay them a fee or commission based on a percentage of the claim settlement, or other method of compensation.

(2) The insured is not required to hire a public adjuster to help the insured meet his obligations under the policy, but has the right to do so.

(3) The insured has the right to initiate direct communications with the insured's attorney, the insurer, the insurer's adjuster, and the insurer's attorney, or any other person regarding the settlement of the insured's claim.

(4) The public adjuster is not a representative or employee of the insurer.

(5) The salary, fee, commission, or other consideration is the obligation of the insured, not the insurer.

(G) The contracts must be executed in duplicate to provide an original contract to the public adjuster, and an original contract to the insured. The public adjuster's original contract must be available at all times for inspection without notice by the director.

(H) The public adjuster must provide the insurer a notification of representation letter, which has been signed by the insured, authorizing the public adjuster to represent the insured's interest including the date of representation, and upon request, a copy of the contract between the public adjuster and the insured. The insurer shall verify the public adjuster holds a valid license with the Department of Insurance.

(I) The insured has the right to rescind the contract within five business days after the date the contract was signed. The rescission must be in writing and mailed, emailed, or delivered to the public adjuster at the address in the contract within the five-business-day period.

(J) If the insured exercises the right to rescind the contract, anything of value given by the insured under the contract will be returned to the insured within fifteen business days following the receipt by the public adjuster of the cancellation notice.

(K) Subject to its terms relating to assignability, a property insurance policy, whether heretofore or hereafter issued, under the terms of which the policy and its rights and benefits are assignable, may provide that the rights and benefits under the insurance may only be assigned to a person who has the legal authority to represent the named insured or to a subsequent owner of the property to whom title is transferred, and may explicitly prohibit assignment of rights and benefits to any other person, including a property repair contractor. For purposes of this subsection, having "legal authority to represent the named insured" includes the person named by the named insured as having the named insured's power of attorney, the person who is the named insured's licensed public adjuster, or any other comparable person. Property repair contractors operating in this State may not subvert the public adjuster licensing requirements of this chapter through the acquisition of a power of attorney from the named insured.

Section 38-92-140. A person or entity commits a fraudulent insurance act if he:

(A) represents or advertises themselves to be a public adjuster who had not met the requirements of licensure in this chapter; or

(B) conducts business for which a license is required under this chapter without a license.

Section 38-92-150. A public adjuster who receives, accepts, or holds any funds on behalf of an insured, towards the settlement of a claim for loss or damage, must deposit the funds in a noninterest-bearing escrow or trust account in a financial institution that is insured by an agency of the federal government and such account must be maintained in this State.

Section 38-92-160. (A) A public adjuster must maintain a complete record of each transaction as a public adjuster in this State. The records required by this section must include the following:

(1) name of the insured;

(2) date, location, and amount of the loss;

(3) copy of the signed contract between the public adjuster and insured;

(4) name of the insurer, amount, expiration date, and number of each policy carried with respect to the loss;

(5) itemized statement of the insured's recoveries;

(6) itemized statement of all compensation received by the public adjuster, from any source whatsoever, in connection with the loss;

(7) a register of all monies received, deposited, disbursed, or withdrawn in connection with a transaction with an insured, including fees, transfers, and disbursements from a trust account and all transactions concerning all interest-bearing accounts;

(8) name of public adjuster who executed the contract;

(9) name of any attorney representing the insured, if applicable, and the name of the claims representatives of the insurance company; and

(10) evidence of financial responsibility in a format prescribed by the director.

(B) Records must be maintained for at least five years after the termination of the transaction with an insured and must be open to examination by the director at all times.

(C) Records submitted to the director in accordance with this section that contain information identified in writing as proprietary by the public adjuster must be treated as confidential by the director and must not be subject to subpoena.

Section 38-92-170. (A) A licensed public adjuster is subject to Chapter 57 of this title.

(B) A public adjuster is obligated, under his license, to serve with objectivity and complete loyalty the interest of his client alone; and to render to the insured such information, counsel, and service, as within the knowledge, understanding, and opinion in good faith of the licensee, as will best serve the insured's insurance claim needs and interest.

(C) A public adjuster may not solicit, or attempt to solicit, an insured during the progress of a loss-producing occurrence, as defined in the insured's insurance contract.

(D) A public adjuster shall not advertise or infer damage unless an inspection of the property has been completed.

(E) A public adjuster shall not offer to pay an insured's deductible, or claim the insured's deductible will be waived, as an inducement to using the services of a public adjuster.

(F) A public adjuster may not permit an unlicensed employee or representative of the public adjuster to conduct business for which a

license is required under this chapter.

(G) A public adjuster may not have a direct or indirect financial interest in any aspect of the claim, other than the salary, fee, commission, or other consideration established in the written contract with the insured.

(H) A public adjuster may not acquire any interest in salvage of property subject to the contract with the insured unless the public adjuster obtains written permission from the insured after settlement of the claim with the insurer as set forth in Section 38-92-130.

(I) The public adjuster must abstain from referring or directing the insured to get needed repairs or services in connection with a loss from any person, contractor, or firm:

(1) with whom the public adjuster has a financial interest; or

(2) from whom the public adjuster may receive any direct or indirect compensation or benefit whatsoever for the referral.

(J) Any compensation or anything of value in connection with an insured's specific loss that will be received by a public adjuster must be disclosed by the public adjuster to the insured in writing including the source and amount of any such compensation or value.

(K) Public adjusters must adhere to the following general ethical requirements:

(1) A public adjuster may not undertake the adjustment of any claim if the public adjuster is not competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the public adjuster's current expertise.

(2) A public adjuster may not knowingly make any oral or written material misrepresentations or statements which are misleading, incomplete, false, or maliciously critical and intended to injure any person engaged in the business of insurance to any insured client or potential insured client.

(3) No public adjuster, while so licensed by the department, may represent or act as a company adjuster, or independent adjuster on the same claim.

(4) The contract may not be construed to prevent an insured from pursuing any civil remedy after the five-business-day recission or cancellation period.

(5) A public adjuster must ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.

(L) A public adjuster may not agree to any loss settlement without the insured's knowledge and written consent.

Section 38-92-180. (A) The public adjuster must report to the director any administrative action taken against the public adjuster in another jurisdiction or by another governmental agency in this State within thirty days of the final disposition of the matter. This report must include a copy of any order, consent to order, or other relevant legal documents.

(B) Within thirty days of the conviction, the public adjuster must report to the director any criminal conviction of the public adjuster in any jurisdiction. The report must include a copy of the initial complaint filed, any order resulting from the hearing, and any other relevant legal documents.

Section 38-92-190. The director may promulgate regulations as are necessary or proper to carry out the purposes of this chapter.

Definition

SECTION 3. Section 38-1-20(3) of the S.C. Code is amended to read:

(3) "Adjuster" as defined in Section 38-91-10.

Repeal

SECTION 4. Chapter 47, Title 38 of the S.C. Code is repealed.

Repeal

SECTION 5. Chapter 48, Title 38 of the S.C. Code is repealed.

Time effective

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 210

(R139, S453)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 15, TITLE 40 SO AS TO PROVIDE GUIDELINES FOR THE PRACTICE OF TELEDENTISTRY IN THIS STATE, TO OUTLINE UNPROFESSIONAL CONDUCT, AND TO PROVIDE DEFINITIONS RELATED TO TELEDENTISTRY.

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

Teledentistry

SECTION 1. Chapter 15, Title 40 of the S.C. Code is amended by adding:

Article 5

Teledentistry

Section 40-15-500. As used in this chapter:

(1) "Asynchronous transmission" means store and forward technology that allows a licensee to transmit a patient's health information to another licensee for viewing at a later time.

(2) "Current radiographic records" means radiographs or images taken contemporaneously with an in-person examination.

(3) "Distant site" means the location of the site where a licensee is providing teledentistry services to a patient located at an originating site.

(4) "Emergent care" means treatment of pain, infection, or any other intraoral or perioral condition that presents immediate harm to the well-being of the patient and for which treatment cannot be postponed.

(5) "Originating site" means the location of the site where a patient is receiving teledentistry services from a licensee at a distant site.

(6) "Public health program" means a program approved by the board or any program administered by:

(a) the Department of Health and Human Services;

(b) a health district; or

(c) a school district.

(7) "Teledentistry" has the same meaning and may be used interchangeably with the term "telehealth" as defined in Section

40-42-10(5). The term includes, without limitation:

(a) real-time interactions between a patient at an originating site and a licensee at a distant site;

(b) the asynchronous transmission of medical and dental information concerning a patient from an originating site to a licensee at a distant site;

(c) interaction between a licensee who is providing dental services to a patient at an originating site and another licensee at the originating site; and

(d) monitoring of a patient at an originating site by a licensee at a distant site.

Section 40-15-510. In addition to the standard of care requirement provided for in Section 40-42-20(2), a licensee shall not:

(1) provide treatment for any condition based solely on the results of an online questionnaire;

(2) delegate to a dental hygienist, dental assistant, or any other individual any act or duty through teledentistry that requires the in-person supervision of a licensed dentist or that is otherwise outside the individual's permissible scope of practice; or

(3) provide any treatment or service through teledentistry that is not evidence based or is otherwise experimental.

Section 40-15-520. Except as otherwise provided in this section, a licensee must establish a bona fide relationship with a patient before providing services to a patient through teledentistry. A bona fide relationship between a patient and a licensee shall only exist if the licensee has:

(1) reviewed the patient's relevant history, medical records, diagnostic records, and, if treatment is for the correction of a malposition of teeth, the patient's current radiographic records;

(2) performed an appropriate, in-person, physical examination of the patient for the purpose of diagnosing, assessing, developing a treatment plan, or determining the patient's current medical or dental condition; and

(3) a reasonable expectation that the licensee will provide in-person follow-up care and treatment to the patient on a regular basis.

Section 40-15-530. Notwithstanding the limitations provided in Section 40-15-540, a licensee may establish a relationship with a patient through teledentistry only:

(1) for the purpose of emergent care;

(2) in connection with a public health program; or

(3) to make an initial diagnosis of a malposition of teeth and to determine the need for an orthodontic appliance. An initial diagnosis and determination made pursuant to this item must be confirmed through an in-person visit and review of the patient's current radiographic records before the patient begins using the orthodontic appliance.

Section 40-15-540. Prior to the provision of services to a patient through teledentistry, a licensee shall:

(1) confirm the patient's identity;

(2) if the patient is a minor who is not authorized by law to consent to the services, confirm that the parent or legal guardian of the patient is present;

(3) confirm that the patient is located in a jurisdiction where the provider is licensed or otherwise authorized to practice and document the patient's location in the patient's record;

(4) obtain:

(a) informed written consent that meets the requirements of Section 40-15-580 from a patient who is an adult or a minor authorized by law to provide consent; or

(b) informed written consent that meets the requirements of Section 40-15-580 from the parent or guardian of a patient who is a minor and is not authorized by law to provide consent; and

(5) document the informed consent provided pursuant to subsection (4) in the patient's record.

Section 40-15-550. Prior to providing services through teledentistry and upon the request of a patient to whom services are provided, a licensee or any partnership, corporation, or other entity through which a licensee provides services shall make available to the patient proof of the licensee's identity, the licensee's telephone number, the address at which the licensee practices, the licensee's license number, and any other relevant information concerning the licensee's qualifications and any other licensee who will be involved in providing the services through teledentistry.

Section 40-15-560. Informed consent to the provision of services through teledentistry requires the patient or his parent or guardian, as applicable, to be informed of:

(1) the types of services that will be provided through teledentistry and any limitations on the provision of those services through teledentistry;

(2) the information prescribed by Section 40-15-550 for each provider

who will provide services through teledentistry;

(3) precautions that will be taken in the event of a technological failure or an emergency; and

(4) any other information prescribed by regulation.

Section 40-15-570. Except in situations requiring emergency treatment, a dentist of record is required for all patients being treated through teledentistry. The dentist of record will remain primarily responsible for all of the patient's dental treatment, regardless of whether treatment has been delegated to a teledentistry provider.

Section 40-15-580. An advertisement of dental services provided through teledentistry must include a disclaimer that reads, in a clearly legible font and size, "An in-person examination with a dentist licensed under Chapter 15, Title 40 of the South Carolina Code of Laws is recommended before beginning telehealth treatment in order to prevent injury or harm" for services involving:

(1) the taking of an impression or the digital scanning of the human tooth, teeth, or jaws, directly or indirectly, and by any means or method;

(2) furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, or appliance or any other structure designed to be worn in the human mouth;

(3) placing an appliance or structure in the human mouth or adjusting or attempting to adjust the appliance or structure; or

(4) correcting or attempting to correct malformations of teeth or jaws.

Section 40-15-590. A dentist may only delegate tasks to auxiliaries including, but not limited to, dental hygienists and dental assistants, to the extent permitted by law, including the Dental Practice Act.

Section 40-15-600. A licensee who provides services through teledentistry shall refer a patient to the emergency department of a hospital or another licensee of acute care in an emergency or any other situation where the provision of acute care is necessary to protect the health and safety of the patient.

Section 40-15-610. The board shall adopt regulations governing the provision of dental services through teledentistry.

Section 40-15-620. It shall be considered unprofessional conduct for a licensee to require a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the board, file a lawsuit,

join a class action lawsuit, make reports to any governmental entity, require the patient to submit to binding arbitration, or otherwise limit or prohibit the patient from obtaining relief for deficiencies in the treatment or services they have received.

Construction

SECTION 2. If any provisions within this act conflict with Chapter 42 of Title 40 of the South Carolina Code of Laws "Telehealth and Telemedicine Modernization Act," then this act shall govern, as it relates to dental licensees.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 211

(R146, S695)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA SAFEGUARDING AMERICAN VETERANS' BENEFITS ACT" BY ADDING ARTICLE 8 TO CHAPTER 11, TITLE 25, SO AS TO PROVIDE DEFINITIONS, SET GUIDELINES AND LIMITS FOR COMPENSATION, MEMORIALIZE TERMS, AND STATE PENALTIES FOR NONCOMPLIANCE.

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

South Carolina Safeguarding American Veterans' Benefits Act

SECTION 1. This act may be cited as the "South Carolina Safeguarding American Veterans' Benefits Act."

Safeguarding American Veterans' Benefits

SECTION 2. Chapter 11, Title 25 of the S.C. Code is amended by adding:

Article 8

Safeguarding Veterans' Benefits

Section 25-11-810. For the purposes of this article:

(1) "Claim" means any application for any benefits administered by the United States Department of Veterans Affairs, the United States Department of Defense, or the United States Department of Homeland Security, and includes any associated appeals regarding such benefits.

(2) "Compensation" means payment of money, a thing of value, or a financial benefit.

(3) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, instrumentality, or any other legal or commercial entity.

(4) "Veterans' benefits matter" means the preparation, presentation, or prosecution of a claim affecting an individual who has filed or expressed an intent to file a claim for benefits, to include any program, service, commodity, function, or status, administered by the United States Department of Veterans Affairs, the United States Department of Defense, or the United States Department of Homeland Security pertaining to veterans, their dependents, their survivors, and any other individual eligible for such benefits.

(5) "Claimant" means the veteran or the surviving spouse, dependent children, dependent parents, fiduciary, or legal representative of the veteran who is applying for, or submitting a claim for, any benefit under this article.

Section 25-11-820. (A) No person shall receive compensation for preparing, advising, presenting, or prosecuting a claim for any individual regarding any veterans' benefits matter, except as permitted under federal law.

(B) No person shall receive compensation for referring any individual to another person for preparing, advising, presenting, or prosecuting a claim for the individual with any veterans' benefits matter. This subsection does not apply to licensed attorneys representing an individual regarding veterans' benefits under a joint contract of

representation that complies with the South Carolina Rules of Professional Conduct.

(C) No person shall guarantee, either directly or by implication, that any individual is certain to receive specific veterans' benefits, or that any individual is certain to receive a specific level, percentage, or amount of veterans' benefits.

(D) No person may charge an upfront fee or nonrefundable fee. A person seeking to receive compensation for advising, assisting, or consulting with any veterans' benefits matter, before rendering any services, shall memorialize the specific terms that specify that the amount to be paid must be determined in a written agreement signed by both parties. Compensation must be capped at a one-time fee that is contingent upon an increase in benefits awarded and shall not exceed five times the amount of the monthly increase in benefits awarded based on the claim or twelve thousand five hundred dollars, whichever is the lesser amount. Any installment payment plan agreed upon by the parties must be interest free, not to exceed twelve months.

(E) No person may receive any compensation for any services rendered in connection with any claim filed within the one-year presumptive period of active-duty release, unless the veteran acknowledges by signing a waiver that he is within this period and choosing to deny free services available to him.

(F) Any person advising, assisting, or consulting on veterans' benefits matters for compensation must provide the following disclosure at the outset of the business relationship:

"This business is not sponsored by, or affiliated with, the United States Department of Veterans Affairs or the South Carolina Department of Veterans' Affairs, or any other federally chartered veterans' service organization. Other organizations including, but not limited to, the South Carolina Department of Veterans' Affairs, a local veterans' service organization, a county veterans affairs officer, and other federally chartered veterans' service organizations may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here."

(G) The written disclosure must appear in at least twelve-point font in an easily identifiable place in the person's agreement with the individual seeking services. The individual must sign the document in which the written disclosure appears to represent understanding of these provisions. The person offering services must retain a copy of the written disclosure while providing veterans' benefits services for compensation

to the individual and for at least one year after the date on which the service relations terminate.

(H) Businesses advising, assisting, or consulting on veterans' benefits matters for a fee must abide by the following:

(1) must not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information;

(2) must not employ a medical provider to conduct a medical examination; and

(3) must ensure that any individual who has access to veterans' medical or financial information undergoes a background check prior to having access to that information. The background check must be conducted by a reputable source and include identity verification and a criminal records check.

(I) This article does not apply to:

(1) Any licensed attorney representing an individual regarding the payment and resolution of any liens for medical care provided to the individual by the United States Department of Veterans Affairs.

(2) An accredited representative of a recognized organization or an accredited agent or attorney under Section 14.629 of Title 38 of the Code of Federal Regulations, and any successor regulations.

(3) An employee of a South Carolina Veterans' Home who, when assisting the veteran with veterans' benefits, is acting within that employee's capacity as an employee of a South Carolina Veterans' Home.

Section 25-11-840. (A) Any person violating the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars, be imprisoned for not more than thirty days, or both. Each veterans' benefits matter handled in violation of the terms of this article shall be declared a separate offense.

(B) Any individual who suffers any ascertainable loss of money or property, real or personal, as a result of a person violating the provisions of this article may bring an action to recover under the South Carolina Unfair Trade Practices Act.

(C) Whenever the Attorney General has reasonable cause to believe that any person is violating the provisions of this article, and that proceedings would be in the public interest, he may bring an action in the name of the State against such person to restrain such activity by temporary restraining order, temporary injunction, or permanent injunction. The action may be brought in the court of common pleas in the county in which such person resides, has his principal place of

business, or conducts or transacts business. Each day that a violation continues is a separate violation. The courts are authorized to issue orders and injunctions to restrain and prevent violations of this article, and such orders and injunctions shall be issued without bond. Whenever any order or permanent injunction is issued by such court in connection with any action that has become final, reasonable costs and attorney's fees shall be awarded to the State. The court may also award civil penalties, which shall be deposited into the state's Veterans' Trust Fund.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 212

(R167, H3020)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 63-1-40 AND 63-19-20, BOTH RELATING TO STATUS OFFENSES, SO AS TO ELIMINATE PLAYING A PINBALL MACHINE AS A STATUS OFFENSE; AND BY REPEALING SECTION 63-19-2430 RELATING TO THE PLAYING OF PINBALL MACHINES BY A MINOR.

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

Definition

SECTION 1. Section 63-1-40(6) of the S.C. Code is amended to read:

(6) "Status offense" means any offense which would not be a misdemeanor or felony if committed by an adult, such as, but not limited to, incorrigibility (beyond the control of parents), truancy, running away, playing or loitering in a billiard room, or gaining admission to a theater

by false identification.

Definition

SECTION 2. Section 63-19-20(9) of the S.C. Code is amended to read:

(9) "Status offense" means an offense which would not be a misdemeanor or felony if committed by an adult including, but not limited to, incorrigibility or beyond the control of parents, truancy, running away, playing or loitering in a billiard room, or gaining admission to a theater by false identification.

Repeal

SECTION 3. Section 63-19-2430 of the S.C. Code is repealed.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 213

(R177, H3556)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-17-560, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEE OF A POLITICAL PARTY TO HEAR CERTAIN PRIMARY PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEE TO ALSO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS, LESS THAN COUNTY OFFICERS, AND MUNICIPAL OFFICERS, AND TO AUTHORIZE THE STATE EXECUTIVE COMMITTEE TO ADOPT A RESOLUTION TO REQUIRE THE FILING OF

ANY PROTEST OR CONTEST TO BE ACCOMPANIED BY A REFUNDABLE DEPOSIT; BY AMENDING SECTION 7-17-570, RELATING TO HEARINGS OF PRIMARY PROTESTS AND CONTESTS, SO AS TO EXTEND THE TIME IN WHICH THE STATE EXECUTIVE COMMITTEE MUST CONDUCT SUCH HEARINGS, AND TO PROVIDE FOR APPEALS FROM DECISIONS BY THE STATE EXECUTIVE COMMITTEE; BY AMENDING SECTION 5-15-80, RELATING TO MUNICIPAL PRIMARY PROTESTS AND CONTESTS, SO AS TO PROVIDE THAT SUCH PROTESTS AND CONTESTS ARE TO BE FILED, HEARD, AND DECIDED IN THE MANNER PROVIDED IN SECTIONS 7-17-560 AND 7-17-570; BY REPEALING SECTIONS 7-17-520, 7-17-530, 7-17-540, 7-17-550, 7-17-580, AND 7-17-590 ALL RELATING TO PRIMARY PROTESTS AND CONTESTS FOR CERTAIN OFFICES; BY AMENDING SECTION 5-15-120, RELATING TO THE COUNTING OF VOTES IN MUNICIPAL ELECTIONS, SO AS TO ALLOW A MUNICIPAL GOVERNING BODY TO DETERMINE BY ORDINANCE WHEN THE TERMS OF ITS NEWLY ELECTED OFFICERS BEGIN; BY AMENDING SECTION 7-3-25, RELATING TO THE DUTY OF THE STATE ELECTION COMMISSION TO DETERMINE AND CERTIFY RESULTS WHEN A COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS FAILS TO DO SO, SO AS TO REQUIRE THE SAME WHEN A MUNICIPAL ELECTION COMMISSION FAILS TO DETERMINE AND CERTIFY RESULTS; BY ADDING SECTION 5-15-45 SO AS TO PROVIDE WHEN THE TERMS OF MUNICIPAL COUNCILMEMBERS IN OFFICE AS OF JANUARY 1, 2027 EXPIRE; BY AMENDING SECTION 5-15-50, RELATING TO THE ESTABLISHMENT OF THE TIME FOR GENERAL AND SPECIAL ELECTIONS WITHIN A MUNICIPALITY, SO AS TO REQUIRE MUNICIPAL GOVERNING BODIES TO CHOOSE ONE OF TWO DATES FOR SUCH ELECTIONS IN ODD-NUMBERED YEARS; BY AMENDING SECTION 5-15-60, RELATING TO MUNICIPALITIES ADOPTING METHODS OF NOMINATING CANDIDATES AND DETERMINING RESULTS OF ELECTIONS, SO AS TO ONLY PERMIT PARTISAN ELECTIONS IN MUNICIPALITIES WITH POPULATIONS UNDER A CERTAIN AMOUNT; BY AMENDING SECTION 5-15-100, RELATING TO THE FUNCTIONS, POWERS, AND DUTIES OF MUNICIPAL ELECTION COMMISSIONS, SO AS TO REMOVE CERTAIN FUNCTIONS, POWERS, AND DUTIES;

BY AMENDING SECTION 5-15-130, RELATING TO PROCEDURES FOR CONTESTING RESULTS OF MUNICIPAL ELECTIONS, SO AS TO EXTEND THE DEADLINES FOR FILING A NOTICE OF CONTEST AND FOR CONDUCTING A HEARING ON THE CONTEST; BY AMENDING SECTION 5-15-140, RELATING TO APPEALS FROM DECISIONS ON MUNICIPAL ELECTION CONTESTS, SO AS TO DELETE LANGUAGE PROVIDING THE NOTICE OF APPEAL ACTS AS A STAY OF FURTHER PROCEEDINGS; AND BY ADDING SECTION 5-15-175 SO AS TO PROVIDE THAT MUNICIPAL ELECTION COMMISSIONS ONLY MAY BE ESTABLISHED FOR MUNICIPALITIES WITH POPULATIONS OVER A CERTAIN AMOUNT.

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

Election protests heard by state executive committee

SECTION 1. Section 7-17-560 of the S.C. Code is amended to read:

Section 7-17-560. (A) The state executive committee must meet in Columbia at such place as may be designated by the chairman to hear and decide protests and contests that may arise in the case of federal officers, state officers, State Senate, State House of Representatives, officers involving more than one county, partisan county officers, partisan less than county officers, and partisan municipal officers. Any protest or contest must be filed in writing with the chairman of the committee, together with a copy for each candidate in the race, not later than noon on Monday following the canvassing of the votes for these officers. However, service upon the chairman may be perfected by depositing at the office of the Chief of the State Law Enforcement Division a copy of the protest, together with a copy for each candidate in the race. The chief must take immediate steps to deliver these copies to the chairman. The protest must contain each ground thereof stated separately and concisely. The chairman of the committee must forthwith serve upon each candidate in the protested race a copy of the protest and serve a notice of the time and place of the meeting of the committee for the purposes of hearing the protest.

(B) The state executive committee may, by resolution adopted at least sixty days prior to the conduct of a primary, require the filing of any protest or contest to be accompanied by a refundable deposit for hearing costs, not to exceed seven hundred fifty dollars. The amount of the

deposit must be refunded to a candidate who files a protest or contest only if:

(1) the state executive committee upholds the protest or contest; or

(2) a petition to the Supreme Court under Section 7-17-570(D) is granted.

Procedures for hearing protests

SECTION 2. Section 7-17-570 of the S.C. Code is amended to read:

Section 7-17-570. (A) The executive committee shall hear the protest or contest within two weeks of the deadline for filing the same. Testimony at the hearing shall be limited to the grounds stated in the written protest.

(B) The protestant and each other candidate in the protested race shall have the right to be present at the hearing, to be represented by counsel, to examine and cross-examine witnesses and to produce evidence relevant to the grounds of the protest. The chairman of the committee shall provide for and conduct the hearing as nearly as possible in accordance with the procedures and rules of evidence observed by the circuit courts of this State. The chairman shall have authority to administer oaths and subpoena witnesses. Upon the conclusion of the hearing of the protest the committee shall determine all issues by majority vote and forthwith certify the results of the election. The State Election Commission shall pay for the costs of the court reporter and the transcript of the hearing.

(C) The committee shall remain in session until a conclusion has been reached. All candidates in the protested or contested race shall be immediately notified of the committee's decision.

(D) Appeals from decisions by the state executive committee must be taken directly to the Supreme Court on petition for a writ of certiorari based only on the record of the state executive committee hearing. Notice of appeal must be served within ten days of the state executive committee's decision. The Supreme Court may impose filing fees for appeals taken pursuant to this subsection.

Municipal primary results and protests

SECTION 3. Section 5-15-80 of the S.C. Code is amended to read:

Section 5-15-80. The results of any political party primary shall be declared by the party conducting the election. Protests and contests shall

be filed, heard, and decided in the manner set forth in Sections 7-17-560 and 7-17-570.

Repeal

SECTION 4. Sections 7-17-520, 7-17-530, 7-17-540, 7-17-550, 7-17-580, and 7-17-590 of the S.C. Code are repealed.

Commencement of terms

SECTION 5. Section 5-15-120 of the S.C. Code is amended to read:

Section 5-15-120. (A) Immediately upon the closing of the polls at any municipal election, the managers shall count publicly the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for mayor and councilman and transmit this information to the municipal election commission. In partisan elections the person securing the highest number of votes for mayor shall be declared elected and the councilmen shall be selected by the following methods:

(1) When all councilmen are to be elected at large, the persons receiving the highest number of votes in number equal to the number to be chosen shall be declared elected.

(2) When the councilmen are to be elected from each ward and are required to be residents of that ward, the person receiving the highest number of votes in that ward shall be declared elected.

(3) When some councilmen are to be elected from each ward and required to be residents of that ward and the remainder of the councilmen to be elected at large, those persons receiving the highest number of votes in each ward shall be declared elected and those persons running at large who receive the highest number of votes in number equal to the number to be chosen at large shall be declared elected.

(4) When all councilmen are to be elected at large, but required to reside in a particular ward, the person receiving the highest number of votes for the seat to be filled shall be declared elected.

(5) When all councilmen are to be elected at large, but some are required to be residents of particular wards and other councilmen may not be so required, the person receiving the highest number of votes for the seat to be filled shall be declared elected.

(B) A municipal governing body may by ordinance determine when the terms of its newly elected officers begin, provided the terms must begin no earlier than forty-eight hours after the certification of the

election results and no later than eighty days after the day of the election. If a municipality does not have an ordinance determining when the terms of its newly elected officers begin, then the terms of the newly elected officers in the municipality begin at the start of the first regular meeting of its council in the month following the election.

(C) A candidate who is declared elected by certification of the election results has the right to take the oath of office and to perform the duties of the office pending the outcome of a contest unless a court of competent jurisdiction directs otherwise.

Failure to certify results of municipal elections

SECTION 6. Section 7-3-25(B) of the S.C. Code is amended to read:

(B) If a county board of voter registration and elections or a municipal election commission does not or cannot determine and certify the results of an election or referendum for which it is responsible by the time set for certification by applicable law, the responsibility to determine and certify the results is devolved upon the State Election Commission.

Expiration of terms of current municipal council members

SECTION 7.A. Chapter 15, Title 5 of the S.C. Code is amended by adding:

Section 5-15-45. (A) Notwithstanding Section 5-15-40, if the unexpired four-year term of a mayor or member of council began following a general election held:

(1) in 2023, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 6, 2027, or November 2, 2027, as applicable;

(2) in 2024 or 2025, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 3, 2029, or November 6, 2029, as applicable; or

(3) in 2026, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 8, 2031, or November 4, 2031, as applicable.

(B) Notwithstanding Section 5-15-40, if the unexpired two-year term of a mayor or member of council began following a general election held:

(1) in 2025, then the term expires on the date terms begin for newly

elected officers in the municipality following the general election to be held on April 6, 2027, or November 2, 2027, as applicable; or

(2) in 2026, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 3, 2029, or November 6, 2029, as applicable.

(C) The provisions of this section do not apply to a municipality whose general elections are held on the first Tuesday after the first Monday in April in even-numbered years or the first Tuesday after the first Monday in November in even-numbered years, as provided in Section 5-15-50(E).

B. This SECTION takes effect on January 1, 2027.

Time for municipal general elections

SECTION 8.A. Section 5-15-50 of the S.C. Code is amended to read:

Section 5-15-50. (A) Each municipal governing body may by ordinance establish municipal ward lines and the time for general elections.

(B) The time for general elections within a municipality must be established in odd-numbered years as follows:

(1) on the first Tuesday after the first Monday in April; or

(2) on the first Tuesday after the first Monday in November.

(C) If the first Tuesday after the first Monday in November of odd-numbered years is the time for general elections within a municipality on or after the effective date of this subsection, then the municipal governing body must not establish a different time for its general elections.

(D) If within ninety days of the effective date of this subsection a municipal governing body fails to establish by ordinance a time for its general elections as provided in subsection (B), then the time for the general elections within that municipality is the first Tuesday after the first Monday in November in odd-numbered years unless subsection (E) applies.

(E) Notwithstanding another provision of this section, if the most recent general elections within a municipality preceding the effective date of this subsection were held on the first Tuesday after the first Monday in April in even-numbered years, or on the first Tuesday after the first Monday in November in even-numbered years, then the municipality may retain the first Tuesday after the first Monday in April in even-numbered years, or the first Tuesday after the first Monday in

November in even-numbered years, as applicable, for the date for its general elections.

B. This SECTION takes effect on January 1, 2027.

Partisan municipal elections

SECTION 9.A. Section 5-15-60 of the S.C. Code is amended to read:

Section 5-15-60. (A) Each municipality in this State shall adopt by ordinance one of the following alternative methods of nominating candidates for and determining the results of its nonpartisan elections:

(1) The nonpartisan plurality method prescribed in Section 5-15-61;

(2) The nonpartisan election and runoff election method prescribed in Section 5-15-62;

(3) The nonpartisan primary election and general election method prescribed in Section 5-15-63.

(B)(1) If nonpartisan elections are not provided for, nomination of candidates for municipal offices may be by party primary, party convention or by petition only in municipalities with populations under thirty-nine thousand according to the most recent official United States census.

(2) Municipal party primaries, party conventions, and petition nominations must be conducted in accordance with the provisions of this chapter, the applicable provisions of the state election laws, and the rules of municipal political party organizations not in conflict therewith.

B. A municipality with a population over thirty-nine thousand according to the most recent official United States census that provides for the partisan nomination of candidates for municipal offices on the effective date of this SECTION must, by April 1, 2027, adopt by ordinance a method of nominating candidates prescribed in Section 5-15-61, 5-15-62, or 5-15-63. If the municipality does not adopt a new method by that date, then the method prescribed in Section 5-15-61 is in effect until revised by ordinance.

C. This SECTION takes effect on January 1, 2027.

Duties of municipal election commissions

SECTION 10. Section 5-15-100 of the S.C. Code is amended to read:

Section 5-15-100. The municipal election commission shall ensure proper books of registration are provided for each ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections. The commission shall certify the results not later than three days following the election.

Protesting municipal election results

SECTION 11. Section 5-15-130 of the S.C. Code is amended to read:

Section 5-15-130. (A) A candidate may contest the result of the election by filing a written notice of such contest, together with a concise statement of the grounds therefor, with the Municipal Election Commission not later than noon on the Monday following the certification of the results. If the deadline falls on a legal holiday, then the time for filing extends to noon on the next day that is not a legal holiday. The Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest not later than the Saturday following the deadline for filing the contest. The commission must decide the issues raised, file its report together with all recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned.

(B) Neither the mayor nor any member of council shall be eligible to pass on the issues arising in any contest in which he is a party.

Protest appeals

SECTION 12. Section 5-15-140 of the S.C. Code is amended to read:

Section 5-15-140. Within ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within ten days.

Municipal election commissions

SECTION 13.A. Chapter 15, Title 5 of the S.C. Code is amended by adding:

Section 5-15-175. (A) Notwithstanding another provision of this chapter, a municipal election commission may only be established for municipalities with a population of ten thousand or more, according to the most recent official United States census.

(B) Elections for municipalities with a population of less than ten thousand, according to the most recent official United States census, must be conducted and certified by the county boards of voter registration and elections.

(1) If a municipality is located within only one county, its municipal elections must be conducted and certified by the county board of voter registration and elections of the county in which the municipality is located.

(2) If a municipality is located within more than one county:

(a) its municipal elections must be conducted jointly by each county board of voter registration and elections containing a portion of registered electors in the municipality; and

(b) its municipal elections must be certified by the county board of voter registration and elections of the county in which its main office is located.

(C) A municipality whose elections are conducted and certified pursuant to this section must reimburse a county board of voter registration and elections for the reasonable costs incurred in conducting and certifying its elections in accordance with a reimbursement schedule provided by the State Election Commission.

B. On the effective date of this SECTION, municipal election commissions for municipalities under ten thousand, according to the most recent official United States census, are abolished. Their duties, responsibilities, and functions are devolved upon the county boards of voter registration and elections.

C. This SECTION takes effect on January 1, 2027.

Time effective

SECTION 14. Except as otherwise provided in this act, this act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 214

(R194, H4270)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 30-2-60 SO AS TO PROVIDE FOR THE REMOVAL OF CERTAIN PUBLIC RECORDS.

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

Removal of public records

SECTION 1. Article 1, Chapter 2, Title 30 of the S.C. Code is amended by adding:

Section 30-2-60. Eviction filings and records made pursuant to Section 27-40-10 or 27-37-10, including those concluded by Orders of Eviction or Writ of Ejectment, cases resolved by settlement, or resolved by subsequent payment for the judgment that satisfied any debt that includes personal information of a defendant, must be removed from the public index and any publicly accessible files available for public record seven years after the final disposition or filing if no additional filing is recorded.

Removal from public index

SECTION 2. For the purposes of this act, eviction filings and records that are at least seven years old and have no subsequent filings and comply with SECTION 1 are to be removed from the public index by the responsible agency.

Time effective

SECTION 3. This act takes effect on January 1, 2027.

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 215

(R196, H4305)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 105 TO TITLE 38 ENTITLED "WELLNESS REIMBURSEMENT PROGRAMS" SO AS TO DEFINE TERMS, PROHIBIT CERTAIN ACTS BY WELLNESS REIMBURSEMENT PROGRAMS, REQUIRE REGISTRATION INCLUDING AN APPLICATION AND FEES, EXEMPT BROKERS FROM REGISTERING, AND TO PROVIDE FINES FOR VIOLATIONS OF THE CHAPTER, AMONG OTHER THINGS.

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

Wellness reimbursement programs

SECTION 1. Title 38 of the S.C. Code is amended by adding:

CHAPTER 105

Wellness Reimbursement Programs

Section 38-105-10. As used in this chapter:

(1) "Broker" means an independent health insurance agent licensed in this State.

(2) "Director" means the director of the Department of Insurance or his designee.

(3) "Person" means a natural person, corporation, mutual company, unincorporated association, partnership, joint venture, limited liability company, trust, estate, foundation, not-for-profit corporation, unincorporated organization, government, or governmental subdivision or agency.

(4) "Wellness reimbursement program" means a self-insured medical reimbursement plan or a wellness integrated medical plan expense reimbursement plan:

(a) that is created pursuant to 26 C.F.R. 1.105-11 and Sections 105 and 125 of the Internal Revenue Code;

(b) that has issued a contract to provide services and pay claims pertaining to reimbursements of qualified medical expenses relating to Section 213(d) of the Internal Revenue Code;

(c) that is intended, created, marketed, and sold as an ancillary product to an individual or group health insurance coverage or self-insured group health plan; and

(d) the reimbursement funds are not held by a third party administrator.

"Wellness reimbursement program" does not include any underlying individual or group health insurance coverage or a self-insured group health plan.

(5) "Wellness reimbursement program administrator" means any person who manages the operation of a wellness reimbursement program.

Section 38-105-20. (A) No wellness reimbursement program administrator may sell, offer, market, promote, or operate a wellness reimbursement program without first being licensed by the director.

(B) Application for a license must be on forms prescribed by the director and must be accompanied by an initial license fee of five thousand dollars, annual financial statements or reports for the two preceding calendar years, and any other documents that the director may require to ensure that the wellness reimbursement program administrator meets the requirements for licensure set forth in this chapter. Thereafter, an application fee for a renewal offering must be five hundred dollars. These fees must be retained by the director to offset the costs of processing and maintaining the registration of wellness reimbursement programs required by the chapter.

(C) In addition to the documents required under subsection (B), a wellness reimbursement program administrator must comply with Federal ERISA requirements, or submit a letter or document from the Internal Revenue Service or the U.S. Department of Labor approving of the specific wellness reimbursement program in question.

(D) A wellness reimbursement program administrator must make and keep a full and correct record of its business and affairs, and the director shall inspect these records at least every three years. The information from these records must be furnished to the director on demand, and the original books or records must be open to examination by the director when demanded. The cost of the examination must be borne by the wellness reimbursement program administrator.

(E) A wellness reimbursement program administrator must file and maintain with the director a surety bond in favor of the State executed

by a surety company authorized to transact business in this State. The director may set the requirements of such surety bond as necessary.

(F) Before granting any license, the director or his designee must be satisfied that the wellness reimbursement program administrator is competent, trustworthy, financially responsible, has a good personal and business reputation, has not had an insurance license revoked, suspended, or denied in any jurisdiction within the preceding five years, and has not been convicted of a crime involving fraud, dishonesty, or moral turpitude in any jurisdiction. For purposes of this section, "convicted" includes a plea of guilty or a plea of nolo contendere.

(G) The director may revoke or suspend any license issued to a wellness reimbursement program administrator when he finds that any condition exists which would have prohibited issuance of the original license, that the wellness reimbursement program administrator has violated any provision of this chapter, or that the wellness reimbursement program administrator has deceived or dealt unjustly with the citizens of this State. In lieu of revocation or suspension of license, the director may impose an administrative monetary penalty not to exceed one thousand dollars for each offense.

(H) Any wellness reimbursement program administrator who fails to obtain a license is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty thousand dollars or imprisoned for not more than two years, or both, and is subject to revocation of any licenses issued by the director. Any fine revenue received may be retained by the director to offset the expenses of enforcing this chapter.

Section 38-105-30. (A) A wellness reimbursement program administrator must attest to the director and to the employer or employee that the wellness reimbursement program complies with all federal and state laws.

(B) A wellness reimbursement program administrator must not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading.

(C) In the event the wellness reimbursement program results in a taxable event for either the employer or the employee associated with the wellness reimbursement program, the wellness reimbursement program administrator must defend the employer and its employees against any and all claims or suits that arise out of or by virtue of the wellness reimbursement program and must indemnify the employer and its employees for a loss or judgment incurred by them as a result of the claim or suit.

(D) Before an employer enrolls in a wellness reimbursement program, and annually thereafter at each renewal, the wellness reimbursement program administrator must provide to the employer, and the employer must provide to each participating employee, a plain language disclosure that:

(1) states whether the wellness reimbursement program has received approval from the Internal Revenue Service or the United States Department of Labor, or whether the wellness reimbursement program relies on ERISA compliance;

(2) advises the employer and employee that federal tax guidance in this area continues to evolve and that tax treatment of certain wellness reimbursement payments may depend on the specific design and operation of the program;

(3) explains the indemnification obligation of the wellness reimbursement program administrator pursuant to subsection (C); and

(4) recommends that the employer consult with independent tax or legal counsel regarding the federal tax treatment of the wellness reimbursement program.

Section 38-105-40. (A) A broker is not required to register as a wellness reimbursement program administrator to acquire commissions paid by such company.

(B) A broker is not an employee of the wellness reimbursement program administrator and is only necessary to facilitate the partnership of the wellness reimbursement program administrator and the respective employee group enrolling in the wellness reimbursement program being that the services of the wellness reimbursement program are not straight-to-market services.

(C) Notwithstanding subsections (A) and (B), a broker must not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading.

(D) A broker must exercise good faith and fair dealing to a person when offering, selling, marketing, or promoting a wellness reimbursement program.

Section 38-105-50. (A) The director shall enforce this chapter.

(B) A person who violates any part of this chapter must be fined not more than twenty thousand dollars or imprisoned for not more than two years, or both, for each violation, and is subject to revocation of any license issued by the director. Any fine revenue received may be retained by the director to offset the expenses of enforcing this chapter.

(C) The director may promulgate rules and regulations as he deems necessary to implement this chapter.

Section 38-105-60. Nothing in this chapter applies to any health or wellness programs or activities offered by an individual or group health coverage or self-insured group health plan to its enrollees.

Reporting

SECTION 2. Every three years after the effective date of this act, the Department of Insurance shall prepare a report to be filed with the House Labor, Commerce, and Industry Committee, the Senate Banking and Insurance Committee, and the General Assembly, addressing the implementation of Section 38-105-10, et. seq., as it relates to the requirements for the programs outlined in this chapter, and any other information requested by the General Assembly to be included within the report.

Severability

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 216

(R199, H4720)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 17-22-50 AND 17-22-60, BOTH RELATING TO PRETRIAL INTERVENTION PROGRAM ELIGIBILITY, BOTH SO AS TO PROVIDE A PERSON MAY PARTICIPATE IN A PRETRIAL INTERVENTION PROGRAM IF TWENTY YEARS HAVE PASSED SINCE THE DATE OF SUCCESSFUL COMPLETION OF A PRETRIAL INTERVENTION PROGRAM BY THE PERSON, RATHER THAN LIMITING ELIGIBILITY OF PARTICIPATION TO ONLY ONCE.

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

Pretrial intervention, eligibility

SECTION 1. Section 17-22-50 of the S.C. Code is amended to read:

Section 17-22-50. (A) A person must not be considered for intervention if the person is charged with:

(1) blackmail;

(2) driving under the influence or driving with an unlawful alcohol concentration;

(3) a traffic-related offense which is punishable only by fine or loss of points;

(4) a fish, game, wildlife, or commercial fishery-related offense which is punishable by a loss of eighteen points as provided in Section 50-9-1120;

(5) a crime of violence as defined in Section 16-1-60; or

(6) an offense contained in Chapter 25 of Title 16 if the offender has been convicted previously of a violation of that chapter or a similar offense in another jurisdiction.

(B) However, this section does not apply if the solicitor determines the elements of the crime do not fit the charge.

(C) A person may participate in a pretrial intervention program pursuant to the provisions of this article, or any other provision of law related to the eligibility of pretrial intervention participation, more than once when twenty years have passed from the date of successful completion of a previous pretrial intervention program.

Pretrial intervention, eligibility

SECTION 2. Section 17-22-60 of the S.C. Code is amended to read:

Section 17-22-60. Intervention is appropriate only when:

(1) there is substantial likelihood that justice will be served if the offender is placed in an intervention program;

(2) it is determined that the needs of the offender and the State can better be met outside the traditional criminal justice process;

(3) it is apparent that the offender poses no threat to the community;

(4) it appears that the offender is unlikely to be involved in further criminal activity;

(5) the offender, in those cases where it is required, is likely to respond quickly to rehabilitative treatment;

(6) the offender has no significant history of prior delinquency or criminal activity; and

(7) at least twenty years have passed from the date of successful completion of a previous pretrial intervention program by the offender, if applicable.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 217

(R216, H5208)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM SALES TAX, SO AS TO PROVIDE THAT CERTAIN UNPREPARED FOODS, THAT MAY BE PURCHASED WITH FOOD COUPONS WHICH ARE EXEMPT FROM TAXES, ARE NOT LIMITED TO CERTAIN FEDERAL REGULATIONS.

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

Sales tax exemption

SECTION 1. Section 12-36-2120(75) of the S.C. Code is amended to read:

(75) unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons, without regard to any demonstration project pursuant to United States Department of Agriculture regulations that would limit the use of food coupons on otherwise eligible items for a limited period of time. However, the exemption allowed by this item applies only to the state sales and use tax imposed pursuant to this chapter;

Time effective

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

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 218

(R217, H5284)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 30-5-10, RELATING TO THE PERFORMANCE OF THE DUTIES OF A REGISTER OF DEEDS, SO AS TO INCLUDE ABBEVILLE COUNTY AMONG THE COUNTIES EXEMPT FROM THE REQUIREMENT THAT THESE DUTIES BE PERFORMED BY THE CLERK OF COURT; AND BY AMENDING SECTION 30-5-12, RELATING TO COUNTIES WHERE THE COUNTY GOVERNING BODY APPOINTS THE REGISTER OF DEEDS, SO AS TO INCLUDE ABBEVILLE COUNTY.

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

Counties exempt from Clerk of Court performing Register of Deeds duties

SECTION 1. Section 30-5-10(A) of the S.C. Code is amended to read:

(A) In every county in the State other than Abbeville, Aiken, Anderson, Beaufort, Berkeley, Charleston, Cherokee, Chesterfield, Clarendon, Colleton, Dorchester, Florence, Georgetown, Greenville, Horry, Jasper, Kershaw, Lancaster, Lexington, Oconee, Orangeburg, Pickens, Richland, Spartanburg, and Sumter the duties prescribed by law for the register of deeds must be performed by the clerk of court who has all the powers and emoluments given the register of deeds in Abbeville, Aiken, Anderson, Beaufort, Berkeley, Charleston, Cherokee, Chesterfield, Clarendon, Colleton, Dorchester, Florence, Georgetown, Greenville, Horry, Jasper, Kershaw, Lancaster, Lexington, Oconee, Orangeburg, Pickens, Richland, Spartanburg, and Sumter counties.

Counties appointing Register of Deeds

SECTION 2. Section 30-5-12(A) of the S.C. Code is amended to read:

(A) The governing bodies of Abbeville, Anderson, Beaufort, Cherokee, Chesterfield, Clarendon, Colleton, Florence, Georgetown, Horry, Jasper, Kershaw, Lancaster, Oconee, Orangeburg, and Pickens counties shall appoint the register of deeds for its county under terms and

conditions as it may agree upon.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 219

(R218, H5473)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 15 TO CHAPTER 19, TITLE 50 SO AS TO PROHIBIT FISHING ON THE J. FOSTER JEFFORDS CAUSEWAY IN FLORENCE COUNTY.

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

Florence County fishing

SECTION 1. Chapter 19, Title 50 of the S.C. Code is amended by adding:

Article 15

Florence County Fishing

Section 50-19-810. Notwithstanding another provision of law, it is unlawful for any person to fish at any time on the causeway crossing Forest Lake on Knollwood Road, also known as J. Foster Jeffords Causeway, in Florence County. Any person found guilty of violating the provision of this section shall be fined not more than the sum of twenty-five dollars or be confined for a period not more than thirty days, in the discretion of the court, for each separate offense.

Time effective

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

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 220

(R219, H5506)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 55-11-620, RELATING TO THE PEE DEE REGIONAL AIRPORT AUTHORITY, SO AS TO PROVIDE THE MEMBERS OF THE AUTHORITY SHALL BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATIONS OF THE VARIOUS COUNTY LEGISLATIVE DELEGATIONS; BY AMENDING SECTION 55-11-630, RELATING TO THE POWERS AND DUTIES OF THE AUTHORITY, SO AS TO PROVIDE FOR A PERPETUAL EXEMPTION FROM THE IMPOSITION OR ASSESSMENT OF STORMWATER FEES; BY AMENDING SECTION 55-11-640, RELATING TO THE PROMULGATION OF CERTAIN REGULATIONS BY THE AUTHORITY, SO AS TO PROVIDE THAT CERTAIN FINES COLLECTED MUST BE FORWARDED TO THE PEE DEE REGIONAL AIRPORT DISTRICT; AND BY ADDING SECTION 55-11-740 SO AS TO PROVIDE THE PEE DEE REGIONAL AIRPORT DISTRICT MAY APPLY TO THE FOREIGN-TRADE ZONES BOARD TO ESTABLISH, OPERATE, AND MAINTAIN FOREIGN-TRADE ZONES.

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

Pee Dee Regional Airport Authority

SECTION 1. Section 55-11-620 of the S.C. Code is amended to read:

Section 55-11-620. The corporate powers and duties of the Pee Dee Regional Airport District must be exercised and performed by an authority to be known as the Pee Dee Regional Airport Authority which consists of nine members. Two members must be residents of the City of Florence appointed by the Governor upon recommendation of the Florence County Legislative Delegation. Three members must be residents of the County of Florence appointed by the Governor on the recommendation of the Florence County Legislative Delegation. Two members must be residents of each of the counties of Marion and Dillon appointed by the Governor on the recommendation of the respective county legislative delegations. Terms of office are for four years, except that of those initially appointed one member from each of the three counties must be appointed for two-year terms. No member shall serve more than two four-year terms. All members shall serve until their successors are appointed and qualify. Vacancies on the authority must be filled in the manner of their original appointment for the unexpired term. The authority shall elect its own officers with terms and duties as determined by the authority. The members of the authority must be compensated at the per diem rate of fifty dollars a meeting, not to exceed twelve meetings a year until such time as the amount is increased by the councils of the counties.

Stormwater fee exemption

SECTION 2. Section 55-11-630 of the S.C. Code is amended by adding:

(14) maintain a perpetual exemption from the imposition or assessment of any stormwater fee, charge, assessment, or similar exaction, whether characterized as a fee or a tax, relating to stormwater runoff, imposed at any time by any state, county, or municipal governmental entity, or by any private contractor or third party acting on behalf of, or under authority of, such governmental entities.

Fines

SECTION 3. Section 55-11-640(E) of the S.C. Code is amended to read:

(E) All fines and forfeitures collected pursuant to the provisions of this section must be forwarded weekly to the Pee Dee Regional Airport District by the enforcing court for deposit in the general operating fund of the district.

Foreign Trade Zones

SECTION 4. Chapter 11, Title 55 of the S.C. Code is amended by adding:

Section 55-11-740. (A) Notwithstanding another provision of law, the Pee Dee Regional Airport District may make application to the Foreign-Trade Zones Board for the purpose of establishing, operating, and maintaining foreign-trade zones in Chesterfield, Darlington, Dillon, Florence, Horry, Marion, and Marlboro counties, under the act of Congress known as the Foreign-Trade Zones Act, which provides for the establishment, operation, and maintenance of foreign-trade zones in the United States.

(B) The Pee Dee Regional Airport District shall select and describe the location of the zones for which application may be made and shall make such regulations concerning the operation, maintenance, and policing of them as may be necessary to ensure compliance with the Foreign-Trade Zones Act and for other appropriate purposes.

(C) The Pee Dee Regional Airport District has the authority to own, erect, maintain, and operate or lease any structures or buildings or enclosures as may be necessary or proper for establishing, operating, and maintaining such foreign-trade zones within Chesterfield, Darlington, Dillon, Florence, Horry, Marion, and Marlboro counties.

(D) The authority granted to the Pee Dee Regional Airport District confers the right, duty, and power to do all things necessary and proper to achieve compliance with the Foreign-Trade Zones Act and to carry into effect the establishing, operating, and maintaining of foreign-trade zones within Chesterfield, Darlington, Dillon, Florence, Horry, Marion, and Marlboro counties.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2026

Approved the 19th day of May, 2026

No. 221

(R223, S325)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-10, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF CONSUMER AFFAIRS TO THE DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY ADDING SECTION 1-30-145 SO AS TO PROVIDE FOR THE TRANSITION OF THE DEPARTMENT OF CONSUMER AFFAIRS TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; BY AMENDING SECTION 37-6-103, RELATING TO THE DEFINITION OF "ADMINISTRATOR," SO AS TO PROVIDE THAT THE ADMINISTRATOR IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTIONS 37-6-104 AND 37-6-117, SECTION 37-6-501 THROUGH SECTION 37-6-510, AND SECTIONS 37-6-602 AND 37-6-604, ALL RELATING TO THE FUNCTIONS AND DUTIES OF THE COMMISSION ON CONSUMER AFFAIRS, SO AS TO PROVIDE FOR THE DISSOLUTION OF THE COMMISSION ON CONSUMER AFFAIRS TO BE REPLACED WITH AN ADMINISTRATOR AS THE HEAD OF THE DEPARTMENT, AND TO MAKE CONFORMING CHANGES.

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

Department of Consumer Affairs, executive agency

SECTION 1. Section 1-30-10(A) and (B)(1)(i) of the S.C. Code is amended to read:

(A) There are hereby created, within the executive branch of the state government, the following departments:

1. Department of Administration
2. Department of Agriculture
3. Department of Alcohol and Other Drug Abuse Services
4. Department of Commerce
5. Department of Consumer Affairs
6. Department of Corrections
7. Department of Disabilities and Special Needs
8. Department of Education
9. Department of Public Health
10. Department of Health and Human Services
11. Department of Insurance
12. Department of Juvenile Justice
13. Department of Labor, Licensing and Regulation
14. Department of Mental Health
15. Department of Motor Vehicles
16. Department of Natural Resources
17. Department of Parks, Recreation and Tourism
18. Department of Probation, Parole and Pardon Services
19. Department of Public Safety
20. Department of Revenue
21. Department of Social Services
22. Department of Transportation
23. Department of Employment and Workforce
24. Department on Aging
25. Department of Veterans' Affairs
26. Department of Environmental Services.

(i) a director, an administrator, or a secretary, who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to provisions of Section 1-3-240(B); or

Department of Consumer Affairs, transfer to executive agency

SECTION 2. Chapter 30, Title 1 of the S.C. Code is amended by adding:

Section 1-30-145. There is hereby created, within the executive branch of the state government, the Department of Consumer Affairs, headed by an administrator appointed by the Governor pursuant to Section 37-6-103. The employees, funds, authorized appropriations, property, assets, liabilities, and all contractual rights and obligations associated with the Department of Consumer Affairs formerly headed by the Commission of Consumer Affairs, are hereby transferred to and incorporated in and shall be administered as part of the newly reconstituted Department of Consumer Affairs within the executive branch of state government.

Administrator of the Department of Consumer Affairs

SECTION 3. Section 37-6-103 of the S.C. Code is amended to read:

Section 37-6-103. "Administrator" means the officer appointed by the Governor, upon the advice and consent of the Senate, to administer this title, as provided in Part 5 of this chapter.

Department of Consumer Affairs, executive agency conforming change

SECTION 4. Section 37-6-104(6) of the S.C. Code is amended to read:

(6) The administrator shall not bring class actions, initiate criminal actions or seek injunctive relief, as provided in this title, without prior approval of the Governor.

Department of Consumer Affairs, executive agency conforming change

SECTION 5. Section 37-6-117(i) of the S.C. Code is amended to read:

(i) with the approval of the Governor, bring an individual action for a consumer who might have a cause of action for damages resulting from the use of or employment by another person of an unfair or deceptive method, act, or practice, as provided in Section 39-5-140, when he

considers such action is necessary to protect the consumer's interest, the actual damages sought are two thousand five hundred dollars or less, and either the individual has written evidence that two attorneys licensed to practice law in this State have reviewed the case and have declined to represent the individual in pursuing the cause of action, or an attorney licensed to practice law in this State, after reviewing the facts of the case, in writing has requested that the administrator bring an action on behalf of the consumer under this section;

Department of Consumer Affairs, executive agency conforming change

SECTION 6. Sections 37-6-501 through 37-6-510 of the S.C. Code are amended to read:

Section 37-6-501. There is hereby created:
(1) The Department of Consumer Affairs; and
(2) The Office of Administrator of Consumer Affairs.

Section 37-6-502. The head of the Department of Consumer Affairs is an administrator appointed by the Governor upon the advice and consent of the Senate.

Section 37-6-506. (1) The administrator shall be responsible for enforcement of this title.

(2) The administrator shall see that the provisions of this title are faithfully administered and enforced and to that end it may adopt, amend and repeal rules and regulations, not inconsistent with law, to interpret and explain provisions of this title, carry out the purposes and policies of this title, to prevent circumvention or evasion thereof or to facilitate compliance therewith.

(3) No provision of this title or of any statute to which this title refers which imposes any penalty on any creditor shall apply to any act done, or omitted to be done, in conformity with any rule or regulation so adopted, amended or repealed or in conformity with any written order, opinion, interpretation or statement of the administrator, notwithstanding that such rule, regulation, order, opinion, interpretation or statement may, after such act or omission, be amended, or rescinded or be determined by judicial or other authority to be erroneous or invalid for any reason.

Section 37-6-507. The administrator shall be a person of good moral character, at least thirty years of age, a resident taxpayer of this State, and shall be thoroughly familiar with this title and the consumer transactions to which it pertains. The Governor may also require additional qualifications. The administrator, while serving as such, shall not directly or indirectly be financially interested in or associated with any other person subject to the jurisdiction of the department or the administrator thereof. The administrator shall serve at the pleasure of the Governor.

Section 37-6-508. The administrator may designate such deputies as he determines necessary to assist him in performing the duties he is required to perform under this title. Any deputy shall satisfy and meet the same qualifications, including bond, required for the administrator.

Section 37-6-509. The administrator shall take the oath of office prescribed for all state officers. Before entering upon the duties of his office, he shall give bond to the State for the benefit of any person aggrieved by his unlawful or wrongful actions, and such bond shall be in the sum of fifty thousand dollars, with sufficient surety, to be approved by the State Treasurer, for the faithful performance of all the duties required of him under the law during the term of his office. The premium of the bond shall be paid by the State.

Section 37-6-510. The administrator shall prepare in writing a manual of necessary employee positions for the Department, including job classifications, personnel qualifications, duties, maximum and minimum salary schedules, and other personnel information. The deputy administrator and other employees of the Department shall serve at the pleasure of the administrator.

Department of Consumer Affairs, executive agency conforming change

SECTION 7. Section 37-6-602 of the S.C. Code is amended to read:

Section 37-6-602. The Consumer Advocate may be the Administrator of Consumer Affairs or he may be appointed by the administrator. The Consumer Advocate must be an attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience.

Department of Consumer Affairs, executive agency conforming change

SECTION 8. Section 37-6-604(B) of the S.C. Code is amended to read:

(B) The annual report required of the Department of Consumer Affairs must include a report on the activities of the Division of Consumer Advocacy.

Code Commissioner directive

SECTION 9. The Code Commissioner is directed to change or correct all references to the Commission on Consumer Affairs in the S.C. Code to reflect the transfer Department of Consumer Affairs to the executive branch of state government as provided in this act. References to the Commission on Consumer Affairs shall be changed or corrected to be the Administrator of the Department of Consumer Affairs, or administrator, as appropriate.

Severability

SECTION 10. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

SECTION 11. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 222

(R224, S399)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-11-635 SO AS TO PROVIDE THAT A PERSON WHO, WITHOUT LEGAL CAUSE OR GOOD EXCUSE, ENTERS A TRANSPORTATION FACILITY, INCLUDING ANY PUBLIC TRANSPORTATION AND ANY PUBLIC TRANSPORTATION SYSTEM, AFTER HAVING BEEN WARNED NOT TO DO SO BY THE TRANSIT DIRECTOR OR HIS DESIGNEE, IS GUILTY OF A MISDEMEANOR TRIABLE IN A MUNICIPAL OR MAGISTRATES COURT, TO PROVIDE PROCEDURES FOR A WRITTEN WARNING AND FOR APPEALING THE WARNING, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION MUST BE CONSTRUED AS IN ADDITION TO, AND NOT AS SUPERSEDING, ANOTHER STATUTE RELATING TO TRESPASS OR UNLAWFUL ENTRY ON LANDS OF ANOTHER.

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

Trespass, public transportation facilities

SECTION 1. Article 7, Chapter 11, Title 16 of the S.C. Code is amended by adding:

Section 16-11-635. (A)(1) A person who enters a transportation facility, including any public transportation and any public transportation system, as defined in Section 58-25-20, is prohibited from committing any acts designated in Section 58-23-1830 or committing a criminal offense. The transportation facility shall post in writing the prohibited conduct designated in Section 58-23-1830.

(2) The transit director, the transit director's designee, the transit supervisor, or the transit supervisor's designee, is authorized to request a person, who commits any of the acts described in Section 58-23-1830 or commits a criminal offense, to leave the transportation facility, as well as any public transportation and any public transportation system, and

provide warning that the person is prohibited from returning for a specific duration of time.

(3) A copy of the warning notice provided for by this section must be given to the person, in writing, in the presence of a law enforcement officer. When issued, unless otherwise specifically limited in scope, the warning notice shall apply to all transportation facilities of the transit authority, including all public transportation and all public transportation systems governed by the transit authority. The warning notice must state:

(a) the alleged criminal law violation or the alleged violation of the transit authority's code of conduct promulgated by the board of the transit authority under the authority provided by Section 4-37-20;

(b) the duration of the prohibition to return; and

(c) the procedure by which the person may appeal the warning notice to the board of the transit authority.

(4) To appeal a warning notice of trespass, a person must submit a request for a hearing to the board of the transit authority within five business days of receiving the warning notice. The board of the transit authority must then provide a hearing within ten business days of the request for an appeal.

(5) A person who enters without legal cause or good excuse, after having been warned not to do so by the transit director, the transit director's designee, the transit supervisor, or the transit supervisor's designee, during the duration of time the person is prohibited from entering the transportation facility, including any public transportation and any public transportation system, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or be imprisoned not more than thirty days.

(B) A violation of the provisions of this section is triable in the municipal or magistrates court with jurisdiction over the offense. Any law enforcement officer of this State or a subdivision of this State may enforce the provisions of this section within their respective jurisdictions.

(C) The provisions of this section must be construed as in addition to, and not as superseding, another statute relating to trespass or unlawful entry on lands of another.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 223

(R226, S420)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-5-10, RELATING TO AUTHORIZED INVESTMENTS OF FUNDS BY POLITICAL SUBDIVISIONS, SO AS TO AUTHORIZE CERTAIN INVESTMENT-GRADE CORPORATE DEBT INVESTMENTS BY QUALIFIED RETIREE POST-EMPLOYMENT BENEFITS TRUSTS AND TO PROVIDE REQUIREMENTS AND LIMITATIONS FOR SUCH INVESTMENTS.

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

Investment in certain U.S. corporate-issued debt instruments authorized

SECTION 1. Section 6-5-10 of the S.C. Code is amended by adding:

(9)(a) A qualified retiree post-employment benefits trust may invest in notes, bonds, debentures, or other debt instruments issued by a United States corporation, provided that the instruments are rated investment grade by at least two of the following nationally recognized statistical rating organizations: S&P Global Ratings, Moody's Investors Service, and Fitch Ratings. The lowest rating assigned by any of the rating organizations shall control. Further, if an instrument held pursuant to this item is subsequently downgraded below investment grade by any such rating organization, the governing body of the political subdivision shall take prudent action within a reasonable period of time to address such

downgrade, consistent with its fiduciary duties.

(b) Assets invested pursuant to this item must be separately accounted for and shall not be commingled with other funds of the political subdivision for purposes of investment authority under this section.

(c) Notwithstanding any other provision of this section, the investment authority provided in this item applies exclusively to assets held in a qualified retiree post-employment benefits trust and shall not apply to any other funds of a political subdivision.

(d) For purposes of this item, a qualified retiree post-employment benefits trust means a trust to provide for the employer costs of retiree post-employment benefits for retired employees of political subdivisions of the State.

Severability

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 224

(R228, S508)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 10-1-165, RELATING TO THE PROTECTION OF CERTAIN MONUMENTS AND MEMORIALS, SO AS TO EXPAND THE TYPE OF MONUMENTS OR MEMORIALS THAT MAY NOT BE RELOCATED, REMOVED, OR DISTURBED, TO AUTHORIZE THE GENERAL ASSEMBLY, BY JOINT RESOLUTION, TO TAKE ACTIONS REGARDING CERTAIN MONUMENTS, TO ALLOW FOR CERTAIN EXCEPTIONS, AND TO PROVIDE THE MANNER IN WHICH AN AFFINITY ORGANIZATION MAY BRING A CIVIL ACTION TO PREVENT CERTAIN ACTIONS REGARDING CERTAIN MONUMENTS.

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

Findings

SECTION 1. The General Assembly finds that those who lived through a historical event possess a firsthand understanding that later observers can study but never fully replicate. Accounts written by people who experienced the event—or who lived closer to the time period—carry the texture of context, language, and lived reality that inevitably fades with time. The nearer a person stands in time to the event, the more likely their description reflects the conditions, perceptions, and meanings as they were actually understood when they occurred.

Monuments

SECTION 2. Section 10-1-165 of the S.C. Code is amended to read:

Section 10-1-165. (A) For the purposes of this section:

(1) "Affinity organization" means a nonprofit organization registered with the Secretary of State that was established for the purpose of, primary or otherwise, honoring a particular event, people, or time period including, but not limited to, historic or heritage organizations that have a clearly demonstrable record of these actions.

(2) "Historic figure" means a deceased person recognized in historical records, scholarship, or public commemoration as having

played a significant role in past events or developments of public importance.

(3) "Monument preservation organization" means a nonprofit organization registered with the Secretary of State that was established solely, or in part, for the preservation, defense, or protection of monuments and memorials that has a clearly demonstrable record of these actions.

(B) No colonial war, Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish-American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, any armed conflict involving South Carolinians, Native American, African-American History, or other historic monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered. No street, bridge, structure, park, preserve, reserve, installation, nameplate, or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure, historic group of people, historic event, or commemorated event may be renamed or rededicated. No person may prevent the public body responsible for the monument or memorial from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

(C) The prohibition on disturbing or altering a monument or memorial contained in this section includes affixing to or placing on or near a monument or memorial, or the public property upon which the monument or memorial is located, plaques, markers, anything that facilitates the transmission of messages through digital or electronic means, or other messages or message delivery devices or platforms that are related to the monument or memorial but are not original to the monument or memorial.

(D) In order to relocate, remove, disturb, or alter a monument or memorial or to rename or rededicate a street, bridge, structure, park, preserve, reserve, installation, nameplate, or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure, historic group of people, historic event, or commemorated event, the General Assembly must enact a joint resolution directing the action to be taken.

(E)(1) It is not a violation of subsection (B) if a monument or memorial to a dedicated class of people whose names are inscribed on the monument or memorial is altered to include additional names of members of the class who were not known to be or had not qualified as a member of the class at the time that the monument or memorial was first erected.

(2) For a monument or memorial described in item (1), the permitted alteration may include the limited update of an existing plaque, marker, inscription, nameplate, anything that facilitates the transmission of messages through digital or electronic means, or other message or message delivery device or platform that is related to the monument or memorial and original to the monument or memorial. The update must be limited to identifying or providing information concerning the newly added members of the same dedicated class and must be made in substantially the same manner and format as the information provided for members of the class previously identified on or through the monument or memorial.

(F)(1) An affinity organization or monument preservation organization may bring a civil action to prevent or redress a violation of this section, including an action for injunctive or declaratory relief. If a monument or memorial has been damaged or destroyed, the affinity organization or monument preservation organization may bring an action for the recovery of damages; however, such damages are limited to only the reasonable amount necessary to restore, repair, or replace any damaged or destroyed monument or memorial. A prevailing plaintiff under any cause of action may recover reasonable attorney's fees and court costs.

(2) An alleged violation of this section:

(a) related to a particular event, people, or time period honored by an affinity organization that is raised by the affinity organization in a civil complaint concerning the alleged violation constitutes concrete and particularized harm for the purposes of the affinity organization's standing to bring the civil action; or

(b) that is raised by a monument preservation organization constitutes concrete and particularized harm incurred by the monument preservation organization for the purposes of the monument preservation organization's standing to bring the civil action.

(3) Before an affinity organization may bring a civil action, it must give notice and the opportunity to cure the damaged or destroyed monument or memorial. Notice must be given at least ninety days before a civil action is filed.

(G) If the real property upon which a monument or memorial is erected is sold or transferred to a private entity, then as soon as practicable after the sale or transfer is completed the monument or memorial shall be relocated only to an area on public property of equal or greater prominence and visibility within the same political subdivision.

(H)(1) If necessary for public utility-related infrastructure

improvements, the construction of a new government structure, or the expansion or renovation of an existing government structure, then a monument or memorial may be relocated only to an area on public property of equal or greater prominence and visibility within the same political subdivision or removed temporarily during the construction project and relocated to its original location as soon as practicable after the project's completion.

(2) A government structure named or dedicated for a historic figure, historic group of people, historic event, or commemorated event may be demolished at the direction of the public body with control over the structure. Any plaque, marker, or other tangible item located within the building that falls within the protections contained in subsection (B) must be removed from the structure prior to its demolition. If the demolished structure is replaced with a new one, then the plaques, markers, or other tangible items must be placed within the new structure in a place of equal or greater prominence and visibility. If the demolished structure is not replaced with a new one, then the public body must display the plaques, markers, or other tangible items removed from the demolished structure in another location of equal or greater prominence and visibility.

(I) The provisions of this section do not apply to a governmental entity when it temporarily relocates or removes a monument or memorial, including road dedication signs pursuant to Section 57-3-610, if the current location of the monument or memorial conflicts with a highway, bridge, roadway maintenance, or construction project. However, as soon as practicable after the project's completion, the monument or memorial shall be returned to its original location or placed in a location in close proximity to its original location.

(J) The Department of Archives and History shall promulgate regulations to establish a process for affinity organizations, monument preservation organizations, public bodies, or other custodians to maintain monuments and memorials, as well as restore and replace monuments and memorials that have been damaged or destroyed.

(K) This section must be construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the United States Constitution and the South Carolina Constitution.

(L) It is not a violation of this section to make additions, inscriptions, or updates to a monument or memorial that is actively maintained and updated to reflect the names or service of members of the United States Armed Forces, National Guard, reserve components, law enforcement, firefighters, or first responders who are killed in action or die in the line

of duty, were prisoners of war, missing in action, or otherwise honored for service, provided that any additions, inscriptions, or updates are consistent with the original commemorative purpose of the monument or memorial and do not result in its relocation or removal.

Severability

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 225

(R229, S556)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-3830 SO AS TO PROVIDE FOR A TAX CREDIT FOR RENEWABLE NATURAL GAS.

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

Renewable natural gas tax credit

SECTION 1. Article 25, Chapter 6, Title 12 of the S.C. Code is amended by adding:

Section 12-6-3830. (A) For the purposes of this section:

(1) "Commercial use" means a use intended for the purpose of generating a profit.

(2) "Equipment" means equipment and facilities used solely to collect, process, and transport landfill gas, on the property of the facility, into renewable natural gas. Equipment does not include offsite utility infrastructure, land acquisition costs, legal expenses, administrative costs, or unrelated pipeline expansion.

(3) "Renewable natural gas" means natural gas derived from landfill gas, also known as biomethane, which has been upgraded to a quality similar to fossil natural gas and has a methane concentration of ninety percent or greater.

(B) For taxable years beginning after 2025 and ending before Taxable Year 2030, there is allowed a credit against the income tax imposed pursuant to Section 12-6-530 or license fees imposed pursuant to Section 12-20-50, or both, for twenty-five percent of the costs incurred by a taxpayer for the purchase and installation of equipment used to produce renewable natural gas for commercial purposes. Costs incurred by a taxpayer and qualifying for the credit allowed by this section must be certified as having been incurred by the State Energy Office. The credit may be claimed in the year in which the equipment is placed in service and may be claimed for all expenditures incurred for the purchase and installation of the equipment, including related engineering, permitting, and other necessary services.

(C) A taxpayer may use up to twenty-five percent, or five million dollars, whichever is less, of credit for a single taxable year. The tax credit is nonrefundable, but unused credits earned prior to the end of 2030 may be carried forward for fifteen years from the year in which they were earned. The credit under this section may be transferred by the taxpayer to another person who is eligible to utilize the tax credit and who will then be subject to the same requirements within this section. Regardless of whether the credit is transferred, if a regulated utility receives this credit, the regulated utility must pass on the credit to the benefit of ratepayers through the utility's next rate proceeding, or as otherwise directed by the Public Service Commission.

(D) A taxpayer must submit a request for the credit to the State Energy Office no later than January thirty-first for all qualifying equipment

placed in service in the previous calendar year. Within thirty days of receiving a request for the credit, the State Energy Office must notify the taxpayer whether the taxpayer qualifies for the credit and, if so, the amount of credit allocated to the taxpayer. A taxpayer may claim the maximum amount of the credit for its taxable year that contains the December thirty-first of the previous calendar year. The Department of Revenue may require any documentation that it deems necessary to administer the credit.

(E) If a facility receiving credits pursuant to this section ceases operation, fails to maintain commercial production, or removes qualifying equipment from service within five years of the date the equipment is placed in service, the taxpayer shall repay a prorated portion of the credits previously claimed, as determined by the department.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 226

(R235, S851)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 13 TO CHAPTER 3 OF TITLE 34 SO AS TO DEFINE TERMS PERTAINING TO THE FINANCIAL EXPLOITATION OF AN ELIGIBLE ADULT, AND TO SET FORTH PROCESSES BY WHICH A FINANCIAL INSTITUTION MAY PROTECT AN ELIGIBLE ADULT, INCLUDING ESTABLISHING EMERGENCY CONTACTS FOR AN ELIGIBLE ADULT TO PROTECT THE ELIGIBLE ADULT.

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

Protecting eligible adults from financial exploitation

SECTION 1. Chapter 3, Title 34 of the S.C. Code is amended by adding:

Article 13

Protecting Eligible Adults from Financial Exploitation

Section 34-3-900. (A) As used in this section:

(1) "Financial institution" means any bank, credit union, wealth management institution, or other financial services company. This section excludes a "broker-dealer" as defined in Section 35-1-102(4) and an "investment adviser" as defined in Section 35-1-102(15).

(2) "Eligible adult" means:

(a) a person fifty-five years of age or older; or

(b) a vulnerable adult subject to Section 43-35-10(11).

(3) "Financial exploitation" means:

(a) the wrongful or unauthorized taking, withholding, appropriation, or use of the money, assets, or property of an eligible adult; or

(b) any act or omission taken by a person, including through the use of a power of attorney, guardianship, or conservatorship of an eligible adult, to:

(i) obtain the control, use, or benefit, through deception, intimidation, or undue influence, or by the use of any scheme, device, or artifice to defraud, of the eligible adult's money, assets, or property to deprive the eligible adult of the ownership, use, benefit, or possession of his money, assets, or property; or

(ii) convert the money, assets, or property of the eligible adult to deprive the eligible adult of the ownership, use, benefit, or possession of his money, assets, or property.

(B) If a financial institution reasonably believes that the financial exploitation of an eligible adult has occurred or may occur, then the financial institution may, but is not required to, decline or place on hold any transaction involving:

(1) the account of the eligible adult;

(2) an account in which the eligible adult is a beneficiary, including a trust or guardianship account; or

(3) the account of a person who is suspected of engaging in the financial exploitation of the eligible adult.

(C) A financial institution may also decline or place on hold any

transaction pursuant to this section if an investigative entity or law enforcement agency provides information to the financial institution demonstrating that it is reasonable to believe that the financial exploitation of an eligible adult has occurred or may occur.

(D) A financial institution is not required to decline or place on hold a transaction pursuant to this section. Such a decision is in the financial institution's discretion based on the information available to the financial institution.

(E)(1) Any financial institution that declines or places on hold a transaction pursuant to this section shall:

(a) make a reasonable effort to provide notice, orally or in writing, to all parties authorized to transact business on the account from which the transfer or disbursement was declined or placed on hold; and

(b) report an incident involving a vulnerable adult to the appropriate investigative entity in accordance with Section 43-35-25.

(2) Notwithstanding the provisions of this subsection, a financial institution has no duty to notify any party that is suspected of financial exploitation pursuant to this section.

(F) Any hold of a disbursement or transaction, that has not been declined due to suspected fraud, as authorized by this section will expire upon:

(1) the sooner of:

(a) a determination by the financial institution that allowing the transaction will not result in the financial exploitation of an eligible adult; or

(b) thirty business days after the date on which the financial institution first declined or placed on hold the transaction unless an appropriate investigative entity as set forth in Section 43-35-10(5) requests that the financial institution extend the delay, in which case the delay shall expire no more than fifty-five business days after the date on which the financial institution first declined or placed on hold the transaction; unless:

(2) sooner terminated or extended by an order of a court of competent jurisdiction.

(G) A financial institution may provide access to or copies of records relevant to the suspected financial exploitation of an eligible adult to law enforcement agencies or investigative entities responsible for administering the provisions of this section. Such records may include relevant historical records and recent transactions relating to suspected financial exploitation.

(H) If the determinations and actions of a financial institution or an employee of a financial institution are made in good faith and in

accordance with the provisions of this section, then the financial institution or employee shall be immune from criminal, civil, or administrative liability for declining transactions to disburse monies pursuant to this section, and for taking actions in furtherance of a determination, including making a report or providing access to or copies of relevant records to an investigative entity or law enforcement agency. Nothing in this section is intended to nor does it limit or shield in any manner a financial institution from civil liability against any claim, including reasonable attorney's fees, costs, and litigation expenses, for participating in or materially aiding the financial exploitation of an eligible adult. Any such claims shall be asserted by the eligible adult, or on his behalf by an appropriate guardian or representative who is not involved in or otherwise suspected of participating in the financial exploitation of the eligible adult, by filing a civil action in circuit court.

(I)(1) A financial institution may offer to a customer who is an eligible adult the opportunity to submit and periodically update a list of individuals or entities that the eligible adult authorizes the financial institution to contact when the financial service provider has reasonable cause to suspect that the eligible adult is a victim or a target of financial exploitation.

(2) A financial institution that has reasonable cause to suspect that an eligible adult is the victim or target of financial exploitation may convey the suspicion to one or more of the following, provided that the person is not the suspected perpetrator:

(a) an individual or entity on the list described in subsection (a), if a list has been provided by the eligible adult to the financial service provider;

(b) a co-owner, additional authorized signatory, or beneficiary on the eligible adult's account at the financial institution; or

(c) a parent, spouse, adult child, sibling, or other known family member or close associate of an eligible adult.

(3) When providing information under this section, a financial institution may limit the information and disclose only that the financial institution has reasonable cause to suspect that the eligible adult may be a victim or target of financial exploitation without disclosing any other details or confidential personal information regarding the financial affairs of the eligible adult.

(4) A financial institution may choose not to contact one or more individuals or entities on the list provided pursuant to subsection (a) if the financial institution suspects that the person or persons are engaged in financial exploitation.

(5) If the determinations and actions of a financial institution or an

employee of a financial institution are made in good faith and in accordance with the provisions of this section, then the financial institution or employee shall be immune from criminal, civil, or administrative liability for making communications pursuant to this subsection and for taking actions in furtherance of a determination, including making a report or providing access to or copies of relevant records to an investigative entity or law enforcement agency.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 227

(R236, S853)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-67-120, RELATING TO THE ABANDONED BUILDINGS REVITALIZATION ACT DEFINITIONS, SO AS TO CLARIFY THAT THE EXISTENCE OF AN INCOME-PRODUCING USE PRIOR TO THE PERIOD OF ABANDONMENT IS NOT A REQUIREMENT FOR ELIGIBILITY; BY AMENDING SECTION 12-67-130, RELATING TO APPLICABILITY, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 12-67-140, RELATING TO ELIGIBILITY FOR THE CREDIT, SO AS TO CLARIFY CERTAIN TIMING CONSIDERATIONS, RELATED TO THE FILING OF A NOTICE OF INTENT TO REHABILITATE AN ABANDONED BUILDING AND TO CLARIFY THAT ABANDONED BUILDING TAX CREDITS MAY NOT SERVE AS COLLATERAL FOR ANY DEBT; BY AMENDING SECTION 12-67-160, RELATING TO THE CERTIFICATION OF ABANDONED BUILDING SITES, SO AS TO REMOVE A REQUIREMENT FOR CERTAIN

CERTIFICATIONS OF STATE-OWNED ABANDONED BUILDING SITES; AND TO PROVIDE FOR CERTAIN ABEYANCE.

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

Definitions

SECTION 1. Section 12-67-120(1), (2), (6), and (8) of the S.C. Code is amended to read:

(1) "Abandoned building" means a building or structure, which clearly may be delineated from other buildings or structures, at least sixty-six percent of the space in which has been unoccupied continuously or otherwise nonoperational for a period of at least five years immediately preceding the date on which the taxpayer files a "Notice of Intent to Rehabilitate". For purposes of this item, a building or structure that otherwise qualifies as an "abandoned building" may be subdivided into separate units or parcels, which units or parcels may be owned by the same taxpayer or different taxpayers, and each unit or parcel is deemed to be an abandoned building site for purposes of determining whether each subdivided parcel is considered to be abandoned. For purposes of this item, an abandoned building is not a building or structure with an immediate preceding use as a single-family residence. For purposes of this item, use of any portion of a building or structure listed on the National Register for Historic Places when used solely for storage or warehouse purposes is considered nonoperational; provided, however, that the credit provided under Section 12-67-140(B) is further limited by disqualifying for credit purposes the portion of the building or structure that was operational and used for storage or warehouse purposes. This limitation is calculated based on the actual percentage of the space which has been unoccupied continuously or otherwise nonoperational for a period of at least five years immediately preceding the date on which the taxpayer files a "Notice of Intent to Rehabilitate" divided by one hundred percent.

(2) "Building site" means the abandoned building together with the parcel of land upon which it is located and other improvements located on the parcel. However, the area of the building site is limited to the land upon which the abandoned building is located and the land immediately surrounding such building used for parking and other similar purposes directly related to the building's use.

(6) "Rehabilitation expenses" means the expenses or capital expenditures incurred in the rehabilitation, demolition, renovation, or redevelopment of the building site, including without limitations, the renovation or redevelopment of existing buildings, environmental remediation, site improvements, and the construction of new buildings and other improvements on the building site, but excluding the cost of acquiring the building site or the cost of personal property located at the building site. For expenses associated with a building site to qualify for the tax credit, the abandoned buildings on the building site must be either renovated or redeveloped. Rehabilitation expenses associated with a building site that increases the amount of square footage on the building site in excess of two hundred percent of the amount of square footage of the buildings that existed on the building site as of the filing of the Notice of Intent to Rehabilitate shall not be considered a rehabilitation expense for purposes of calculating the amount of the credit. Notwithstanding any other provision of this section, demolition expenses shall not be considered a rehabilitation expense for purposes of calculating the amount of the credit if the abandoned building is demolished and the building being demolished is on the National Register for Historic Places.

(8) Reserved.

Applicability

SECTION 2. Section 12-67-130(B) of the S.C. Code is amended to read:

(B) This chapter only applies to abandoned building sites or phases or portions thereof put into operation for income producing purposes and that otherwise meet the requirements of this chapter. The construction or operation of a charter school, private or parochial school, or other similar educational institution does meet the purpose of this chapter. The construction of a single-family residence is not an income producing purpose and does not meet the purpose of this chapter.

Eligibility

SECTION 3. Section 12-67-140(B)(1) and (5) of the S.C. Code is amended to read:

(1) The taxpayer shall file with the department a Notice of Intent to

Rehabilitate before obtaining a building permit at the building site. Failure to provide the Notice of Intent to Rehabilitate prior to obtaining a building permit results in qualification of only those rehabilitation expenses incurred after the notice is provided.

(5)(a) If the taxpayer leases the building site, or part of the building site, the taxpayer may transfer any applicable remaining credit associated with the rehabilitation expenses incurred with respect to that part of the site to the lessee of the site. If a taxpayer sells or otherwise transfers the building site, or any phase or portion of the building site, the taxpayer may transfer all or part of the remaining credit, associated with the rehabilitation expenses incurred with respect to that phase or portion of the site, to the purchaser or transferee of the applicable portion of the building site.

(b) To the extent that the taxpayer transfers the credit, the taxpayer shall notify the department of the transfer in the manner the department prescribes.

(c) The taxpayer may not pledge, assign, hypothecate, or otherwise collateralize any portion of the credit earned pursuant to this chapter as security for debt in any way.

Certification

SECTION 4. Section 12-67-160 of the S.C. Code is amended to read:

Section 12-67-160. (A) Notwithstanding any other provision of law, the taxpayer may apply to the municipality or county in which the abandoned building is located for a certification of the abandoned building site made by ordinance or binding resolution of the governing body of the municipality or county. The certification must include findings that the:

(1) building or buildings situated on the abandoned building site or sites is an abandoned building as defined in Section 12-67-120(1); and

(2) geographic area of the abandoned building site or sites is consistent with Section 12-67-120(2).

(B) The taxpayer conclusively may rely upon the certification in determining the credit allowed; provided, however, that if the taxpayer is relying upon the certification, the taxpayer shall include a copy of the certification on the first return for which the credit is claimed.

Abeyance

SECTION 5. (A) For property tax years 2026 and 2027, notwithstanding Section 12-37-220(B)(11)(e) of the S.C. Code, and except as provided in subsection (B), the Department of Revenue shall not grant final approval of any application for an exemption under that subsection filed on or after June 30, 2026. The department shall hold any such application in abeyance and, upon expiration of this section, shall evaluate the application under the law then in effect.

(B) Subsection (A) does not apply to an application for an exemption under Section 12-37-220(B)(11)(e) of the S.C. Code with respect to property owned entirely by a nonprofit housing corporation, either directly or through a wholly owned instrumentality, that is devoted to providing housing to low or very low income residents and that satisfies the safe harbor provisions of Revenue Procedure 96-32 issued by the Internal Revenue Service. The department may process and grant final approval of such applications during the period this section is in effect.

(C) No applicant acquires a vested right to an exemption under Section 12-37-220(B)(11)(e) of the S.C. Code by filing an application subject to subsection (A), by expending funds in reliance on the exemption, or by receiving any preliminary determination from the department.

(D) This section expires June 30, 2027.

Time effective

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 228

(R238, S866)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MUNICIPAL TAX RELIEF ACT" BY ADDING CHAPTER 41 TO TITLE 5 SO AS TO AUTHORIZE CERTAIN MUNICIPALITIES TO IMPOSE UP TO A ONE PERCENT SALES TAX TO PROVIDE PROPERTY TAX RELIEF TO OWNER-OCCUPIED HOMES AND TO FINANCE CERTAIN PROJECTS, TO SPECIFY THE MANNER IN WHICH THE TAX MUST BE IMPOSED AND ADMINISTERED AND THE MANNER IN WHICH THE PROPERTY TAX CREDIT IS CALCULATED.

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

Municipal Tax Relief Act

SECTION 1. Title 5 of the S.C. Code is amended by adding:

CHAPTER 41

Municipal Tax Relief Act

Section 5-41-110. For purposes of this chapter:

(1) "Core government services" means the essential responsibilities of a municipality that protect public safety, support economic vitality, and maintain critical local infrastructure. Such services include the construction, repair, and improvement of local roads, bridges, and drainage systems, and supportive capital projects, such as police facilities, fire stations, public assembly facilities, emergency response buildings, and related technology infrastructure.

(2) "Department" means the South Carolina Department of Revenue.

(3) "General election" means the Tuesday following the first Monday in November in any even-numbered year.

(4) "Municipality" means a municipal corporation created pursuant to Chapter 1, or a municipal government as the use of the term dictates.

(5) "Tax" means the municipal tax relief sales and use tax allowed to be imposed pursuant to this chapter.

Section 5-41-120. (A)(1) Subject to the requirements of this chapter, a municipal governing body of a municipality wholly or partially located in a county that does not impose any tax pursuant to Chapter 10 or Chapter 37, Title 4 or any local law enacted by the General Assembly as of January 1, 2026, may impose a sales and use tax not to exceed one percent by ordinance, subject to a referendum to be held at the next general election which must be after the 2026 General Election, within the municipality for a specific purpose or purposes and for a limited amount of time. If a municipality is only located partially in a qualifying county, then the municipality only may impose the sales and use tax in the portion of the municipality located within the qualifying county.

(2) Notwithstanding item (1), a municipal governing body of a municipality wholly or partially located in a county that has never imposed any tax pursuant to Chapter 10 or Chapter 37, Title 4 or any local law enacted by the General Assembly, and otherwise qualifies, may impose the tax allowed by this chapter at any qualifying general election.

(B) No less than twenty percent of the revenues collected pursuant to this chapter must be used to provide a credit against a taxpayer's municipal ad valorem tax liability pursuant to Section 5-41-170. The credit only may be applied to property assessed pursuant to Section 12-43-220(c). Any revenues not dedicated to tax relief may be used to defray the cost associated with projects authorized in this chapter including, but not limited to, debt service on bonds issued to pay for such projects.

(C) To impose the tax, the governing body of the municipality shall enact an ordinance which contains the ballot question formulated by the municipality. The ordinance must specify:

(1) the purpose for which the proceeds of the tax are to be used. If any of the proceeds are to be used for purposes other than a tax credit, the proceeds may be used for projects located within or without, or both within and without, the boundaries of the municipality, and may include the following types of projects:

(a) highways, roads, streets, bridges, public parking lots, public parking garages, core local government services, and related facilities;

(b) administration buildings, civic centers, police stations, and fire stations;

(c) any combination of the projects described in this item;

(2) the maximum time, in two-year increments not to exceed eight years from the date of imposition, or in the case of a reimposed tax, a period ending on April thirtieth, not to exceed seven years, for which the tax may be imposed;

(3) at least twenty percent of the amount collected must be used to

provide a nonrefundable credit against existing municipal ad valorem tax liability in accordance with Section 5-41-170 on property assessed pursuant to Section 12-43-220(c); and

(4)(a) if the municipality proposes to issue bonds to provide for the payment of any costs of the projects, the maximum amount of bonds to be issued, whether the tax proceeds are to be pledged to the payment of the bonds and, if other sources of funds are to be used for the projects, specifying the other sources;

(b) if any of the proceeds are to be used for purposes other than a tax credit, the maximum cost of the project or facilities or a portion of the project or facilities, to be funded from proceeds of the tax or bonds issued as provided in this chapter and the maximum amount of net proceeds expected to be used to pay the cost or debt service on the bonds, as the case may be.

(D) Upon receipt of the ordinance, the municipality must conduct a referendum on the question of imposing the sales and use tax in the municipality, or portion thereof, that is to be subject to the tax. The referendum for imposition of the tax must be held at the time of the general election. Two weeks before the referendum the appropriate election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects. If the proposed question includes the use of sales taxes to defray debt service on bonds issued to pay the costs of any project, the notice must include a statement indicating that principal amount of the bonds proposed to be issued for the purpose and, if the issuance of the bonds is to be approved as part of the referendum, stating that the referendum includes the authorization of the issuance of bonds in that amount. This notice is in lieu of any other notice otherwise required by law.

(E) The referendum question to be on the ballot must read substantially as follows:

"Must a _____ percent sales and use tax be levied in (municipality or portion therof) for no more than (time) for the purpose of allowing a credit against certain municipal ad valorem tax liability and for the purpose of raising the amounts specified for the following purposes?

(1) $_____ for _____
(2) $_____ for _____
(3) etc.

Yes □

No □”

If the referendum includes the issuance of bonds, the question must be revised to include the principal amount of bonds proposed to be authorized by the referendum and the sources of payment of the bonds if the sales tax approved in the referendum is inadequate for the payment of the bonds. If the entirety of the revenues collected pursuant to this chapter are used for existing municipal ad valorem tax liability, the question must be revised appropriately.

(F) All qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote “yes” and all qualified electors opposed to levying the tax shall vote “no.” If a majority of the votes cast are in favor of imposing the tax, then the tax is imposed as provided in this chapter and the enacting ordinance. The appropriate election commission shall conduct the referendum under the election laws of this State, mutatis mutandis, and shall certify the result to the municipal governing body and to the Department of Revenue no later than thirty days after the election. Expenses of the referendum must be paid by the municipality.

(G) Upon receipt of the returns of the referendum, the municipal governing body must, by resolution, declare the results. In such event, the results of the referendum, as declared by resolution of the municipal governing body, are not open to question except by a suit or proceeding instituted within thirty days from the date the resolution is adopted.

(H) Once a certified copy of the ordinance is filed with the department, for the period of imposition provided in that ordinance, the department may not accept as filed any additional ordinance from the municipality that in any way relates to the tax allowed to be imposed pursuant to this chapter except an ordinance reducing or repealing the existing tax. The department shall accept for filing a certified copy of an ordinance reducing or repealing the tax and that reduction or repeal applies in the manner provided in subsection (D) for imposition.

(I) When the tax authorized by this chapter is imposed for more than one purpose, the enacting ordinance must set forth the priority in which the net proceeds are to be expended for the purposes stated. The enacting ordinance may set forth a formula or system by which multiple projects are funded simultaneously.

Section 5-41-130. (A) If the sales and use tax is approved in the referendum, the tax is imposed on the first of May following the date of the referendum. If the reimposition of an existing sales and use tax

imposed pursuant to this chapter is approved in the referendum reimposing the tax, the new tax is imposed immediately following the termination of the earlier imposed tax and the reimposed tax terminates on the applicable thirtieth of April, not to exceed seven years from the date of reimposition. If the certification is not timely made to the Department of Revenue, the imposition is postponed for twelve months.

(B) The tax terminates the final day of the maximum time period specified for the imposition.

(C)(1) Amounts collected in excess of the required net proceeds must first be applied, if necessary, to complete a project for which the tax was imposed, if applicable.

(2) If funds still remain after first using the funds as described in item (1) and the tax is reimposed, the remaining funds must be used to fund any projects approved by the voters in the referendum to reimpose the tax, in priority order as the projects appeared on the enacting ordinance.

(3) If funds still remain after first using the funds as described in item (1) and the tax is not reimposed, the remaining funds must be used for the purposes pursuant to Section 5-41-120(C)(1). These remaining funds only may be expended for the purposes pursuant to Section 5-41-120(C)(1) following an ordinance specifying the authorized purpose or purposes for which the funds will be used.

Section 5-41-140. (A) The tax allowed by this chapter is an amount not to exceed one percent of the gross proceeds of sales or sales price of all amounts subject to the sales and use tax imposed pursuant to Chapter 36, Title 12.

(B) The tax imposed pursuant to this chapter must be administered and collected by the department in the same manner that sales and use taxes are collected. The department may prescribe amounts that may be added to the sales price because of the tax.

(C) The tax authorized by this chapter is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36, Title 12 and the enforcement provisions of Chapter 54, Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36, Title 12, and the gross proceeds of sales of unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons are exempt from the tax imposed by this chapter. The tax imposed by this chapter also applies to tangible personal property subject to the use tax in Article 13, Chapter 36, Title 12.

(D) A taxpayer required to remit taxes pursuant to Article 13, Chapter

36, Title 12 must identify the municipality in which the personal property purchased at retail is stored, used, or consumed in this State.

(E) A utility is required to report sales in the municipality in which the consumption of the tangible personal property occurs.

(F) A taxpayer subject to the tax imposed by Section 12-36-920, who owns or manages rental units in more than one municipality, must report separately in his sales tax return the total gross proceeds from business done in each municipality.

(G) The gross proceeds of sales of tangible personal property delivered after the imposition date of the tax levied pursuant to this chapter in a municipality, either under the terms of a construction contract executed before the imposition date, or a written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the sales and use tax provided in this chapter if a verified copy of the contract is filed with the Department of Revenue within six months after the imposition date of the sales and use tax provided for in this chapter.

(H) Notwithstanding the imposition date of the sales and use tax authorized pursuant to this chapter, with respect to services that are billed regularly on a monthly basis, the sales and use tax authorized pursuant to this chapter is imposed beginning on the first day of the billing period beginning on or after the imposition date.

Section 5-41-150. The revenues of the tax imposed pursuant to this chapter must be remitted to the department and placed on deposit with the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the department of administering the tax not to exceed one percent of the revenues, the State Treasurer shall distribute the revenues and interest quarterly based on point of collection to the treasurer of the municipality in which the tax is imposed and the revenues must be used only for the purposes provided in Section 5-41-120. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these adjustments must be made in the same fiscal year as the misallocations. However, allocations made as a result of municipal code errors must be corrected prospectively.

Section 5-41-160. The department shall furnish data to the State Treasurer and to the municipal treasurers receiving revenues for the purpose of calculating distributions and estimating revenues. The information that must be supplied to municipalities upon request includes, but is not limited to, gross receipts, net taxable sales, and tax

liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of Section 12-54-240. A person violating this section is subject to the penalties provided in Section 12-54-240.

Section 5-41-170. (A)(1) The amount of any credit allowed pursuant to this chapter is determined by multiplying the property tax value of the property, before the exemption provided in Section 12-37-250, by a fraction in which the numerator is the total estimated revenue allotted to the credit during the applicable fiscal year of the municipality, and the denominator is the total of all property tax value on property assessed pursuant to Section 12-43-220(c) in the municipality or portion thereof in which the sales and use tax authorized by this chapter is imposed, including the value exempted in Section 12-37-250.

(2) For purposes of this subsection, "property tax value" means the fair market value as it may be adjusted downward to reflect the limits imposed pursuant to Section 12-37-3140, in the municipality as of January first of the applicable property tax year.

(B) If there is any unused credit, then the unused funds must be used to provide a credit in the same manner as provided in subsection (A) over the next three property tax years.

Section 5-41-180. Notwithstanding any other provision of this chapter, the tax authorized by this chapter may not be reimposed if the reimposition plus any taxes authorized pursuant to Chapter 10 or Chapter 37, Title 4 or any local law enacted by the General Assembly would cause the cumulative rate of state and local sales and use taxes in any portion of the municipality to exceed nine percent.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 229

(R240, S935)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-1-320 SO AS TO REQUIRE THE DEPARTMENT OF PUBLIC HEALTH TO CREATE A PAMPHLET ON RENDERING SEIZURE FIRST AID TO INDIVIDUALS WHO HAVE SUFFERED A SEIZURE IN THE WORKPLACE AND TO REQUIRE STATE GOVERNMENTAL ENTITIES TO POST THE PAMPHLET IN A CONSPICUOUS LOCATION.

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

Seizure first aid

SECTION 1. Chapter 1, Title 44 of the S.C. Code is amended by adding:

Section 44-1-320. (A)(1) The Department of Public Health shall:

(a) create an informational pamphlet or poster for state governmental entities on rendering evidence-based seizure first aid to an individual who has experienced a seizure in the workplace; and

(b) make the informational pamphlet or poster available on its website for use by state governmental entities.

(2) The informational pamphlet or poster may incorporate any available federal guidance, or guidance from nonprofit organizations that support the welfare of individuals with epilepsy and seizure disorders, concerning seizure first aid.

(B) The chief executive officer of every state governmental entity shall post the informational, evidence-based pamphlet or poster on rendering seizure first aid to an individual who has experienced a seizure in the workplace in a clearly visible and accessible location frequented by employees.

(C) For purposes of this section:

(1) "Seizure first aid" means nonmedical procedures to respond, attend, and provide comfort and safety to a person suffering from a primary generalized tonic-clonic seizure or complex partial seizure.

(2) "State governmental entity" means this State, a state agency in the executive, judicial, or legislative branch of state government, or a political subdivision of this State.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 230

(R241, S958)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-7-255 SO AS TO PROVIDE FOR FIRE AND BUILDING CODE EXCEPTIONS FOR PLACEMENT OF HOSPITAL BEDS IN HALLWAYS, CORRIDORS, OR OTHER MEANS OF EGRESS DURING JUSTIFIED EMERGENCIES.

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

Justified emergencies, patient beds in hallways

SECTION 1. Article 3, Chapter 7, Title 44 of the S.C. Code is amended by adding:

Section 44-7-255. (A) "Justified emergency" means any of the following:

(1) declared state of emergency;

(2) natural or manmade disaster;

(3) mass transit accident;

(4) industrial or construction accident;

(5) chemical, biological, radiological, or nuclear event;

(6) act of crowd, spree, or terrorist violence resulting in injuries;

(7) acute outbreak of contagious or infectious disease; or

(8) the exhaustion of all available treatment space in an emergency department due to the number of patients being treated at that time.

(B) "Hallways," "corridors," and "means of egress" mean the same as defined in the codes and standards in effect at the time of the incident, as identified in Section 1-34-20 and adopted by the Building Codes Council pursuant to Chapter 9, Title 6.

(C) During a justified emergency, patient beds may be used in hallways, corridors, and other means of egress when a designated member of the emergency department leadership team as determined by the hospital's written policy and procedures determines and, within seven calendar days of the start of the justified emergency, documents on an electronic form developed by the Department of Public Health that:

(1) all other appropriate treatment space in the hospital has been exhausted; and

(2) the health and safety of patients is jeopardized without the use of patient beds in these areas.

(D) The form shall include the following:

(1) the beginning date and time of the justified emergency;

(2) the ending date and time of the justified emergency;

(3) the nature of the justified emergency, as described in subsection (A)(1) through (8);

(4) an indication that all other appropriate treatment space in the hospital has been exhausted;

(5) an indication that the health and safety of patients is at an increased risk without the use of patient beds in hallways, corridors, or other means of egress; and

(6) the signature of a designated member of the emergency department leadership team at the onset of the justified emergency.

(E) The hospital shall maintain records referenced in subsection (C) and provide copies of the form described in subsection (D) no less than quarterly to the department that documents each instance when a justified emergency has been determined and patient beds have been used in hallways, corridors, or other means of egress.

(F) When not in use for the care and treatment of patients during a justified emergency, hospitals shall remove any beds from hallways, corridors, or means of egress.

(G) To provide for the safety of hospital staff, patients, and visitors during a justified emergency, hospitals shall maintain a clear pathway in hallways, corridors, and means of egress and shall not block exits. Hospitals shall not erect or construct partitions or structures that obstruct the building's fire protection systems including automatic sprinkler systems or fire alarm and detection system components.

(H) To provide for the safety of hospital staff, patients, and visitors,

hospitals shall develop written protocols for justified emergency conditions and shall require all employees responsible for the care or treatment of patients to familiarize themselves with these protocols.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 231

(R242, S961)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-1705, RELATING TO CATCH LIMITS FOR CERTAIN SALTWATER GAME FISH, SO AS TO REVISE THE CATCH LIMIT FOR RED DRUM; BY AMENDING SECTION 50-5-1710, RELATING TO SIZE LIMITS FOR CERTAIN SALTWATER GAME FISH, SO AS TO REVISE THE SIZE LIMIT FOR RED DRUM; BY AMENDING SECTION 50-5-1700, RELATING TO EQUIPMENT FOR THE CATCHING OF SALTWATER GAME FISH, SO AS TO REQUIRE A NONOFFSET, NONSTAINLESS STEEL CIRCLE HOOK WHEN USING A HANDHELD HOOK AND LINE AND A HOOK SIZE OF 4/0 OR LARGER; AND BY AMENDING SECTION 50-9-650, RELATING TO DEER HUNTING, SO AS TO INCREASE THE NUMBER OF ANTERLESS DEER TAGS ISSUED.

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

Catch limits

SECTION 1. Section 50-5-1705(D) of the S.C. Code is amended to read:

(D) It is unlawful for a person to take or have in possession more than one red drum in any one day, not to exceed two red drum in any one day on any boat.

Size limits

SECTION 2. Section 50-5-1710(B)(3) of the S.C. Code is amended to read:

(3) red drum (Sciaenops ocellatus) (channel bass or spottail bass) of less than eighteen inches in total length, or more than twenty-five inches in total length;

Methods of taking saltwater game fish

SECTION 3. Section 50-5-1700(B) of the S.C. Code is amended to read:

(B)(1) It is unlawful to take or attempt to take saltwater gamefish in the waters of this State, except by:

(a) hand-held hook and line, to include rod and reel and pole, and when using natural bait with a hook size of 4/0 or larger, the hook must be a nonoffset, nonstainless steel circle hook; or

(b) gigging during legal periods.

(2) Any saltwater gamefish taken by any other means must be returned immediately to the water.

Deer hunting

SECTION 4.A. Section 50-9-650(B)(2) of the S.C. Code is amended to read:

(2)(a) With the purchase of a South Carolina hunting license and a big game permit, a resident shall be issued three individual antlerless deer tags and three unrestricted individual antlered deer tags. Persons under the age of sixteen, lifetime, and gratis licensees may receive these tags upon request to the department. Residents, including persons under the

age of sixteen, lifetime, and gratis licensees also may purchase:

(i) two antler restriction individual antlered deer tags valid for deer with a minimum of four points on one antler or a minimum twelve-inch inside antler spread for five dollars per tag; and

(ii) additional individual antlerless deer tags for five dollars per tag.

(b) Fees for nonresident deer tags are as follows:

(i) fifty dollars for the first antlered deer tag and twenty dollars for each additional antlered deer tag up to a maximum of four tags; two of which must be an antler restriction individual antlered deer tag valid only for deer with a minimum of four points on one antler or a minimum twelve-inch inside antler spread; and

(ii) ten dollars per individual antlerless deer tag.

B. This SECTION takes effect upon approval by the Governor.

Time effective

SECTION 5. Except as otherwise provided in this act, this act takes effect on July 1, 2026.

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 232

(R243, S996)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-13-190, RELATING TO FINGERPRINT-BASED BACKGROUND CHECKS OF DEPARTMENT OF SOCIAL SERVICES PERSONNEL IN CHILDCARE FACILITIES, SO AS TO MAKE CERTAIN CHANGES TO THE REQUIREMENT FOR A FINGERPRINT-BASED BACKGROUND CHECK.

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

Fingerprint-based background checks

SECTION 1. Section 63-13-190(A)(2) of the S.C. Code is amended to read:

(2) A volunteer or an employee of a contractor or subcontractor who contracts with the Department of Social Services for the delivery of child welfare services and who has direct unsupervised contact with a child in the custody of the Department of Social Services shall undergo a state fingerprint-based background check to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint-based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history. No person may be employed by a contractor or a subcontractor, act in a volunteer capacity, or have access to a child in the custody of the department if the person has been convicted of or pled guilty or nolo contendere to any crime listed in Section 63-13-40(A).

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 233

(R246, H3335)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-1-103, RELATING TO DESIGNATION OF REPRESENTATION IN MAGISTRATES COURT, SO AS TO INCLUDE HOUSING AUTHORITIES; AND BY ADDING SECTION 31-3-70 SO AS TO PROVIDE THAT HOUSING AUTHORITIES MAY DESIGNATE A CERTAIN REPRESENTATIVE.

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

Designation of representation in magistrates court

SECTION 1. Section 33-1-103 of the S.C. Code is amended to read:

Section 33-1-103. A corporation or partnership, as defined in this section, or a housing authority may designate an employee or principal of the corporation, partnership, or housing authority to represent it in magistrates court. This designation must be in writing and must be submitted to the magistrate at the time the initial pleading in the case is filed by the party. Notwithstanding the provisions of Chapter 5 of Title 40 or any other provision of law, the person so designated, while representing the corporation, partnership, or housing authority in magistrates court, is not engaging in the unauthorized practice of law.

As used in this section, a corporation or partnership is defined as a general partnership, a limited liability partnership, a limited liability company, a limited partnership, a professional association, a professional corporation, a nonprofit corporation, a business corporation, or a statutory close corporation.

Housing authority representative

SECTION 2. Chapter 3, Title 31 of the S.C. Code is amended by adding:

Section 31-3-70. A housing authority may designate an employee or a manager to represent the housing authority in magistrates court as provided in Section 33-1-103.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 234

(R247, H4303)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-21-620, RELATING TO TAX RATES ON PRODUCTS CONTAINING TOBACCO, SO AS TO PROVIDE FOR A TAX ON CIGARETTES FOR HEATING AND CERTAIN VAPOR PRODUCTS AND ELECTRONIC CIGARETTES.

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

Cigarette tax

SECTION 1. Section 12-21-620 of the S.C. Code is amended to read:

Section 12-21-620. (A) There shall be levied, assessed, collected, and paid in respect to the articles containing tobacco or nicotine enumerated in this section the following amounts:

(1) upon all cigarettes for smoking made of tobacco or any substitute for tobacco, three and one-half mills on each cigarette;

(2) upon all cigarettes for heating made of tobacco or any substitute for tobacco, twenty-one and three hundred seventy-five thousandths mills on each cigarette. The proceeds of this item must be deposited in the South Carolina Medicaid Reserve Fund created pursuant to Section 11-11-230(B);

(3) upon all tobacco products, as defined in Section 12-21-800, five percent of the manufacturer's price;

(4) upon all vapor products and electronic cigarettes, a tax of five cents per milliliter of consumable nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used. The proceeds of this item must be deposited in the South Carolina Medicaid Reserve Fund created pursuant to Section 11-11-230(B).

Manufacturer's price as used in this section is the established price at which a manufacturer sells to a wholesaler.

(B) As used in this section, "cigarette" means:

(1) any roll for smoking or heating under ordinary conditions of use containing tobacco or any substitute for tobacco wrapped in paper or in any substance other than a tobacco leaf; or

(2) any roll for smoking or heating under ordinary conditions of use containing tobacco or any substitute for tobacco, wrapped in any

substance, weighing three pounds per thousand or less, however labeled or named, which because of its appearance, size, type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in item (1) of this subsection.

Time effective

SECTION 2. This act takes effect October 1, 2025.

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 235

(R248, H4382)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-398, RELATING TO THE SALE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE, SO AS TO REQUIRE THAT MANUFACTURERS OF THESE PRODUCTS PAY MONTHLY FEES ASSOCIATED WITH DATA COLLECTION, TO ESTABLISH A PENALTY FOR MANUFACTURERS THAT FAIL TO COMPLY, AND FOR OTHER PURPOSES.

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

Nonprescription ephedrine, pseudoephedrine, and phenylpropanolamine products

SECTION 1. Section 44-53-398(D) of the S.C. Code is amended to read:

(D)(1) A retailer selling nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine shall require the

purchaser to produce a government issued photo identification showing the date of birth of the person and require the purchaser to sign an electronic log showing the date and time of the transaction, the person's name and address, the type, issuing governmental entity, identification number, and the amount of the compound, mixture, or preparation. The retailer shall determine that the name entered in the log corresponds to the name on the identification and that the date and time entered are correct and shall enter in the log the name of the product and the quantity sold. The retailer shall ensure that the product is delivered directly into the custody of that purchaser. The log must include a notice to purchasers that entering false statements or misrepresentations in the log may subject the purchaser to criminal penalties.

(2) Before completing a sale of a product regulated by this section, the retailer electronically shall transmit the information entered in the log to a data collection system provided by the administrator of the data collection system. The system must collect this data in real time and generate a stop sale alert if the sale would result in a violation of subsection (B) or a federal quantity restriction, which must be assessed on the basis of sales or purchases made in any state to the extent that information is available in the data collection system. If the retailer receives a stop sale alert, the retailer must not complete the sale unless the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert. A product regulated by this section may not be sold without being reported to the data collection system unless the system is experiencing temporary technical difficulties that prevent a retailer from reporting the information to the system, and in that case, the retailer shall enter the necessary information in a written log, which must subsequently be entered into the electronic log within three business days of each business day that the electronic log was not operational. A retailer using a written log under these circumstances is immune from liability during the time the system is temporarily disabled.

(3) Any information entered in the electronic log that is retained by a retailer, or information maintained by a retailer pursuant to subsection (J)(2), is confidential and not a public record as defined in Section 30-4-20(C) of the Freedom of Information Act. A retailer or an employee or agent of a retailer who in good faith releases information in a log to federal, state, or local law enforcement authorities is immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or wilful misrepresentation.

(4)(a) Beginning October 1, 2026, any manufacturer of nonprescription products containing ephedrine, pseudoephedrine, or

phenylpropanolamine sold in or into the State must, on a monthly basis, pay fees to the administrator of the data collection system described in item (2).

(b) The administrator of the data collection system and all manufacturers of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine sold in or into the State shall, on an annual basis, negotiate and establish the monthly fee required pursuant to subitem (a) on a per-product, per-transaction, year-over-year basis by an amount equal to or less than the amount of the monthly fee paid by manufacturers in the previous year, or an increased amount of less than ten percent of the monthly fee paid by manufacturers in the previous year. The amount of the negotiated monthly fee may only be established at an amount equal to or more than ten percent of the monthly fee paid by manufacturers in the previous year if the administrator of the data collection system can show that the increase is directly attributable to costs to administer the data collection system.

(c) At the request of the State Law Enforcement Division, manufacturers required to pay fees pursuant to subitem (a) must provide written documentation demonstrating that they have paid such fees.

(d) For purposes of this item, "administrator of the data collection system" means the entity responsible for developing, implementing, and maintaining the data collection system described in item (2).

Penalties

SECTION 2. Section 44-53-398(H)(1) and (4) of the S.C. Code is amended to read:

(1) Except as otherwise provided in this section, it is unlawful for a retailer knowingly to violate subsection (A), (B)(1), (C), (D)(1), (D)(2), or (D)(4), and it is unlawful for a person knowingly to violate subsection (B)(2), (E), or (F).

(4)(a) A retailer convicted of a violation of subsection (D)(1), (D)(2), or (J)(2) is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than one thousand dollars and not less than five hundred dollars. Upon conviction for a second offense, a retailer must be fined not more than five thousand dollars and not less than one thousand dollars. Upon conviction for a third or subsequent offense, a person must be fined not more than ten thousand dollars and not less than five thousand dollars.

(b) A manufacturer that violates subsection (D)(4) must be fined:

(i) for a first offense, not more than one thousand dollars and not less than five hundred dollars;

(ii) for a second offense, not more than five thousand dollars and not less than one thousand dollars; and

(iii) for a third or subsequent offense, not more than ten thousand dollars and not less than five thousand dollars.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 236

(R249, H4476)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 80 TO TITLE 39 ENTITLED "SOUTH CAROLINA-BAHAMAS TRADE COMMISSION" SO AS TO ESTABLISH THE SOUTH CAROLINA-BAHAMAS TRADE COMMISSION AND PROVIDE FOR ITS MEMBERSHIP AND PURPOSE.

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

South Carolina-Bahamas Trade Commission

SECTION 1. Title 39 of the S.C. Code is amended by adding:

CHAPTER 80

South Carolina-Bahamas Trade Commission

Section 39-80-100. (A) There is established the "South Carolina-Bahamas Trade Commission" to advance bilateral trade and

investment between South Carolina and The Bahamas. The commission consists of fifteen members appointed as follows:

(1) four members appointed by the Speaker of the House of Representatives, two of whom must be members of the House of Representatives;

(2) four members appointed by the President of the Senate, two of whom must be members of the Senate; and

(3) seven members appointed by the Governor:

(a) the Secretary of the Department of Commerce or his designee;

(b) the Commissioner of Agriculture or his designee;

(c) two representatives from state institutions of higher education;

(d) two members representing Bahamian Americans in South Carolina or Bahamian-American communities; and

(e) one representative from a South Carolina business organization or trade organization.

(B) The members of the commission must be appointed for terms of four years each and until their successors are appointed and qualify, except that the seven members appointed by the Governor shall serve initial terms of two years each, the four members appointed by the President of the Senate shall serve initial terms of three years each, and the four members appointed by the Speaker shall serve initial terms of four years each. Members may be reappointed.

(C) Appointments must be made within ninety days following the enactment of this act. Vacancies shall be filled in the same manner as the original appointments.

(D) Members shall serve without compensation but may be reimbursed for expenses incurred in the performance of their duties, within the limits of funds available to the commission.

(E) The commission shall meet and hold hearings at designated places.

(F) The Governor shall designate a chairperson or co-chairpersons from among the commission members, serving at the Governor's pleasure. The chairperson may appoint subcommittees and its chairpersons as deemed necessary. A majority of the commission members constitutes a quorum for conducting business.

(G) The commission's purposes include:

(1) advancing bilateral trade and investment between South Carolina and The Bahamas;

(2) initiating joint action on policy issues of mutual interest;

(3) promoting business and academic exchanges;

(4) encouraging mutual economic support;

(5) encouraging mutual investment in infrastructure; and

(6) addressing other issues as determined by the commission.

(H) The commission shall report its findings and recommendations to the Governor and the General Assembly within one year of its initial meeting and by February first annually thereafter. The report must include recommendations to effectuate its purposes.

(I) The commission is authorized to raise funds through direct solicitation or fundraising events, alone or with other groups, and accept gifts, grants, and bequests to defray administrative expenses and carry out its purposes. No general fund appropriations shall be used to support commission operations or administration. Funds received shall be deposited with the State Treasurer and allocated to the Department of Commerce for these purposes. Expenditures for administering the commission and fulfilling its purposes are exempt from the provisions of Chapter 35, Title 11 of the S.C. Code.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 237

(R251, H4591)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "STOP HARM FROM ADDICTIVE SOCIAL MEDIA (SHASM) ACT" BY ADDING ARTICLE 9 TO CHAPTER 5, TITLE 39 SO AS TO REQUIRE COVERED SOCIAL MEDIA PLATFORMS TO USE REASONABLE MEANS TO ESTIMATE THE AGE OF CERTAIN ACCOUNT HOLDERS, TO VERIFY THE AGE OF CERTAIN ACCOUNT HOLDERS, TO CREATE DEFAULT ACCOUNT SETTINGS FOR CERTAIN USERS, AND TO CREATE CERTAIN PARENTAL CONSENTS.

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

Citation

SECTION 1. This act may be cited as the "Stop Harm from Addictive Social Media (SHASM) Act."

Stop Harm from Addictive Social Media

SECTION 2. Chapter 5, Title 39 of the S.C. Code is amended by adding:

Article 9

Stop Harm from Addictive Social Media

Section 39-5-910. As used in this article:

(1) "Account holder" means a South Carolina resident who has an account or a profile with a covered social media platform that is associated by the covered social media platform with a unique identifier during any period in which a covered social media platform knows or should reasonably know is physically located in this State.

(2) "Addictive interface features" means:

(a) infinite scrolling, which means:

(i) continuously loading content, or content that loads as the account holder scrolls down the page without the need to open a separate page; or

(ii) seamless content or the use of pages with no visible or apparent end or page breaks;

(b) display of a profile-based feed;

(c) push notifications, whether audible, visual, or tactile, designed to call the attention of the account holder to newly posted content, or to user responses to content posted by the account holder, or to inform the account holder about other specific activities or events related to the account holder's account. Push notifications do not include a notification for the purpose of alerting the account holder to incoming calls, text messages, email messages, or similar messages sent by human contacts and delivered by means of any application;

(d) auto-play video or video that begins to play without the account holder first clicking on the video or on a play button for that video;

(e) display of personal metrics that indicate the number of times

other users have clicked a button or taken other action to indicate their reaction to content posted by the account holder, or have shared or reposted content posted by the account holder; or

(f) display of awards, badges, tiers, or any form of recognition of the account holder based on hours spent by the account holder on the social media platform, numbers of followers, numbers of postings, frequency or regularity of postings, or any other metric of usage or performance on the social media platform.

(3) "Child" means a South Carolina resident under the age of sixteen.

(4) "Covered social media platform" means a social media platform, including any parent, subsidiary, or affiliate of the social media platform, that collectively generated at least one billion dollars in advertising revenues annually, worldwide in one or more of the preceding three years.

(5) "First trigger date" means, with respect to each account holder and each covered social media platform, the date upon which it first becomes true that the account holder has been on the covered social media platform for twenty-five hours or more within a six-month period following the effective date of this act.

(6) "Paid commercial advertising" is advertising for which the social media platform receives compensation of any sort in return for displaying the advertising and that seeks to encourage the account holder to purchase a product or service or otherwise engage in a commercial transaction or to follow a link to a website that encourages the account holder to engage in a commercial transaction.

(7) "Notice to a parent" has the meaning established in the Children's Online Privacy Protection Act, 15 U.S.C. Section 6501 and implementing regulations at 16 C.F.R. Part 312.4.

(8) "Parent" includes any legal guardian of a child who is a South Carolina resident.

(9)(a) "Personal information" means information about an account holder collected online that comprises "personal information" within the meaning of the Children's Online Privacy Protection Act, 15 U.S.C. Section 6501(8) and implementing regulations, and:

(i) any record of or derived from online activity or history, search history, or online communications of an account holder with respect to any application, website, or social media platform;

(ii) any photograph or biometric information that is used or could reasonably be used to identify the account holder including, but not limited to, fingerprints, voiceprints, iris or retina imagery scans, facial templates, and gait imagery or metrics; and

(iii) any geolocation information associated with an account holder or with a device of an account holder.

(b) "Personal information" does not mean:

(i) an express search term, request, or selection submitted by the account holder during the current session on the covered social media platform;

(ii) an identifier used solely for the purpose of directing personal communications to or from the account holder; or

(iii) information that comprises account holder-selected or parent-selected settings relating to privacy, accessibility, or blocking of age-inappropriate content or technical information concerning the account holder's device.

(10) "Profile-based paid commercial advertising" means paid commercial advertising that has been selected or prioritized for display to an account holder based in whole or in part on personal information of the account holder. Advertising selected for display to an account holder is not profile-based paid commercial advertising if that selection process considers information about or an estimate of the age of the account holder solely for the purpose of excluding advertisements which by law or policy of the covered social media platform are not suitable for presentation to a child of that age.

(11)(a) "Profile-based feed" means a feed in which the material presented has been selected or prioritized by the covered social media platform for display to an account holder based in whole or in part on personal information of that account holder. Content created by a third party that is displayed to the account holder because the account holder has taken an affirmative step to select the third party's content for inclusion in the feed displayed to the account holder, such as by following, friending, or engaging in a similar action in relation to the third party, and not otherwise selected or prioritized for display to the account holder based on personal information, shall not render such feed a profile-based feed.

(b) An exclusion by a covered social media platform of certain content from the feed of an account holder based on information about or any estimate of the age of an account holder, solely for the purpose of excluding content that is obscene as to children aged sixteen or younger or by a policy of the covered social media platform that the content is not suitable for presentation to children of that age, does not render that feed a profile-based feed.

(12) "Second trigger date" means, with respect to each account holder and each covered social media platform, the date upon which it first becomes true that the account holder has been on the covered social

media platform for fifty hours or more within a six-month period following the effective date of this act.

(13) "Social media platform" means an internet website or application that is open to the public, allows a user to create an account, and enables an account holder to communicate with other users for the primary purpose of posting and viewing information, comments, messages, images, or videos. The term does not include:

(a) a broadband internet access service as defined by the Federal Communications Commission;

(b) an online service, website, or application where the exclusive function is the support of communications, including email, video conferencing, or direct messaging consisting of text, photographs, pictures, images, or videos, only between the sender and recipients specifically identified by the sender, without displaying or posting publicly or to other users not specifically identified as the recipients by the sender; or

(c) an online service, application, or website the content of which consists primarily of information or content that is not generated by the user.

(14) "Verifiable parental consent" has the meaning established in the Children's Online Privacy Protection Act of 1998, 15 U.S.C. Section 6501(9), and implementing regulations at 16 C.F.R. Part 312.5, with the added requirement that the covered social media platform has retained documentation sufficient to reasonably establish that it has obtained verifiable parental consent within the meaning of those provisions.

Section 39-5-920. (A) Within fourteen days of the first trigger date, the covered social media platform must use reasonable means and reasonable efforts, taking into consideration available technology and the data in the possession of the covered social media platform, to estimate the age of the account holder. If the covered social media platform is able to conclude with eighty percent confidence that the account holder is over fifteen years of age, then the covered social media platform may treat the account holder to be other than a child for purposes of this article. Otherwise, the covered social media platform must treat the account holder as a child for purposes of this article.

(B) Within fourteen days of the second trigger date, the covered social media platform must use reasonable means and reasonable efforts to revise its estimate of the age of the account holder. If the covered social media platform is able to conclude with ninety percent confidence that the account holder is over fifteen years of age, then the covered social media platform may treat the account holder to be other than a child for

purposes of this act. Otherwise, the covered social media platform must treat the account holder as a child for purposes of this act.

(C) A covered social media platform shall update its estimate of the age of each account holder after every additional one hundred hours spent by the account holder on the covered social media platform, or as often as the covered social media platform applies any form of data analytics or artificial intelligence to update its estimate of any other demographic characteristic of the account holder for any reason, whichever period is shorter.

(D) This section does not create any duty on the part of a covered social media platform to request, collect, or retain any information from or about any account holder. Rather, the age estimate required by this section must be derived based on information collected and retained by the covered social media platform in the ordinary course of operation of the covered social media platform.

(E) A covered social media platform has no obligation under this article to estimate the age of an account holder who has had an account with the covered social media platform continuously for at least seven years as of the effective date of this act or to take any action with respect to such account.

Section 39-5-930. (A)(1) A covered social media platform shall require applicants for an account to provide their birth dates as part of the account application process and may not provide any default birth date in the course of requesting that information.

(2) A covered social media platform may not create or maintain an account for a child or change the terms and conditions of an account for a child without first obtaining verifiable parental consent. Information collected for the purpose of obtaining verifiable parental consent may not be used for any purpose other than obtaining verifiable parental consent and must be deleted immediately after an attempt to obtain verifiable parental consent, except to the extent necessary to comply with any other applicable state or federal law or regulation.

(B)(1) An account for a child must have all privacy settings set by default at the most private levels. The privacy settings of an account of a child shall not be changed without first obtaining verifiable parental consent for such change for as long as the account holder remains a child.

(2) In the course of obtaining verifiable parental consent for the establishment or continuation of an account for a child, a covered social media platform shall prominently provide and explain an option for the parent to make such consent conditional on the provisioning and delivery to the parent of an account visibility dashboard and requisite account

permissions that enables the parent to:

(a) monitor the amount of time the child spends using the covered social media platform;

(b) set daily and weekly time limits on use of the covered social media platform; and

(c) set limits on times of day when the covered social media platform can be accessed by the child.

(C) A covered social media platform may not present addictive interface features in the display or feed of any child.

(D) A covered social media platform may not present profile-based paid commercial advertising in the display or feed of any child.

Section 39-5-940. (A) A covered social media platform has a continuing obligation to terminate an account should it conclude or obtain information from which it reasonably should conclude pursuant to its obligations pursuant to Section 39-5-920 that the account holder is a child unless verifiable parental consent has been obtained for such account.

(B) A covered social media platform shall terminate an account of a child within no more than seven days after receipt of a request for termination from the account holder.

(C) A covered social media platform shall terminate the account of a child within no more than fourteen days after receipt of a request for termination from a parent of the child. Upon receipt of such a request, the covered social media platform shall verify that the requesting party is a parent of the account holder by whatever means of verification the covered social media platform uses for purposes of ascertaining the validity of verifiable parental consent.

(D) A covered social media platform shall provide clear, simple, and easy-to-locate means for the parent of any child to request termination of any account of a child.

Section 39-5-950. (A) If a covered social media platform makes a determination that it must terminate an account because the account holder has been classified as a child and verifiable parental consent has not been obtained, then the covered social media platform shall notify the account holder of its intent to terminate the account within seven days of making that determination, and shall provide the reason therefor.

(B) The covered social media platform shall provide thirty days from the date of the notice for the account holder to dispute the age classification and complete an age verification process or to provide verifiable parental consent.

(C) If an account holder disputes his classification as a child, then a covered social media platform may rely on any commercially reasonable age verification process to resolve the dispute.

(D) A covered social media platform shall make a reasonable determination of such dispute within thirty days of the completion of the age verification process.

(E) In the event a covered social media platform concludes, after considering a dispute and the result of any age verification, that the covered social media platform is obligated to terminate an account, it shall terminate that account within seven days of making that determination.

Section 39-5-960. (A) This article does not limit the content a parent may show his children.

(B) This article does not limit, beyond any limits imposed by other law, what results an online search engine may return in response to a query by a child.

Section 39-5-970. If a covered social media platform permits a child to open or continue an account on such platform in the absence of parental consent sufficient for the formation of a binding contract with a child under ordinary principles of contract law under the laws of this State, then any purported contract pertaining to such account is void and unenforceable as contrary to public policy including, but not limited to, any arbitration provision, limitation of liability, or limitation of remedies, without regard to whether the covered social media platform had actual or constructive knowledge that the account holder was a child.

Section 39-5-980. (A) A child or parent has a private right of action for declaratory or injunctive relief, damages, including harm to mental health and emotional distress, court costs, and reasonable attorney's fees, and any other appropriate relief as a result of any negligent, reckless, or knowing violation of this article.

(B) Where a covered social media platform's violation was reckless or knowing, a child or parent who prevails on a claim based on any violation of this article is entitled to recover the greater of ten thousand dollars in statutory damages or actual damages established at trial.

(C) Where a covered social media platform's violation is part of a consistent pattern of reckless or knowing conduct, punitive damages may be awarded.

(D) A covered social media platform may not be liable to a child or parent for any violation of this article if it has used reasonable means and

reasonable efforts, taking into consideration available technology and the data in possession of the covered social media platform, to comply with the requirements of this act.

(E) A civil action for damages for a violation of this article must be brought within three years of the date the plaintiff knew, or reasonably should have known, of the alleged violation. However, this limitation period for such action must be tolled during the minority of the plaintiff, pursuant to this article.

Section 39-5-990. A violation of this article is a violation of Section 39-5-20, and the Attorney General may investigate and enforce this article including, but not limited to, seeking remedies under Sections 39-5-50 and 39-5-110, as provided by law pursuant to this chapter.

Section 39-5-1000. A waiver or limitation of any prohibition, limitation, requirement, or right to remedies established by this article, by any child or parent, is unlawful, contrary to public policy, void ab initio, and of no effect, and no court or arbitrator may enforce or give effect to any such waiver, notwithstanding any contract or choice-of-law provision in a contract.

Severability

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act 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 act, the General Assembly hereby declaring that it would have passed this act, 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.

Time effective

SECTION 4. This act takes effect on January 1, 2027.

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 238

(R252, H4706)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-1-350 SO AS TO PROHIBIT CERTAIN RACING FACILITIES, UNDER CERTAIN CIRCUMSTANCES, FROM BEING SUBJECT TO NUISANCE AND TAKING CAUSES OF ACTION FROM A SURROUNDING LANDOWNER, AND TO PROVIDE EXCEPTIONS.

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

Racing facility, nuisance or taking

SECTION 1. Chapter 1, Title 15 of the S.C. Code is amended by adding:

Section 15-1-350. (A) As used in this section:

(1) "Area of the racing facility" means within a three-mile radius of the perimeter of the property or contiguous group of properties where a racing facility is located.

(2) "Racing facility" means a designated area where competitive vehicle and motorsport races are conducted. The term includes the track, spectator areas, garages, and any associated grounds, buildings, or appurtenances used to operate the races.

(B) A racing facility is not subject to any action brought by a surrounding property owner under any nuisance or taking cause of action if the developer of the racing facility obtained all permits required for construction of the racing facility, established a vested right in the development of the property or contiguous group of properties where the racing facility is located and the development of such could have been discovered by reasonable inquiry including, but not limited to, a search of public documents or permits, before the surrounding property owner either purchased the real property or constructed any building in the area of the racing facility.

(C) A racing facility must have made reasonable progress in the construction of the racing facility within two years of obtaining all required permits in order to avail themselves of the protections contained

in subsection (B).

(D) Nothing in this section can be read to limit nuisance actions of a law enforcement agency or government entity that are initiated to prohibit activity that is not related to the lawful construction and operation of a racing facility.

(E) This section does not apply if the racing facility makes a substantial and material expansion of operations that results in a significant increase in the overall intensity of use of the facility including, but not limited to, a demonstrable increase beyond a factor of two in the number of racing event days beyond historical patterns of operation existing before a surrounding property owner either purchased the real property or constructed any building in the area of the racing facility.

Savings

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 239

(R253, H5018)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-1-1210, RELATING TO ANNUAL SALARIES OF CERTAIN STATE OFFICERS, SO AS TO PROVIDE THAT SALARIES OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR MUST BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION TO THE GENERAL ASSEMBLY; BY AMENDING SECTION 8-11-160, RELATING TO THE AGENCY HEAD SALARY COMMISSION AND SALARY INCREASES FOR AGENCY HEADS, SO AS TO PROVIDE THAT SALARIES OF THE GOVERNOR AND THE LIEUTENANT GOVERNOR MUST BE BASED ON RECOMMENDATIONS BY THE AGENCY HEAD SALARY COMMISSION TO THE GENERAL ASSEMBLY, AND TO REQUIRE THE COMMISSION TO AUTHORIZE A STUDY EVERY FOUR YEARS TO RECOMMEND SALARY RANGES FOR THE GOVERNOR AND LIEUTENANT GOVERNOR; AND BY AMENDING SECTION 8-11-165, RELATING TO THE AGENCY HEAD SALARY COMMISSION AND ITS DUTIES AND RESPONSIBILITIES, SO AS TO MAKE CONFORMING CHANGES.

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

Agency Head Salary Commission, inclusion of the Governor and Lt. Governor

SECTION 1. Section 1-1-1210 of the S.C. Code is amended to read:

Section 1-1-1210. (A) The annual salaries of the state officers listed below are:

Governor	$98,000	
Lieutenant Governor	43,000	
Secretary of State	85,000	
State Treasurer	85,000	
Attorney General	85,000	
Comptroller General	85,000	

Superintendent of Education	85,000	
Adjutant General	85,000	
Commissioner of Agriculture	85,000	

(B) These salaries must be increased by two percent on July 1, 1991, and on July first of each succeeding year through July 1, 1994.

(C) A state officer whose salary is provided in this section may not receive compensation for ex officio service on any state board, committee, or commission.

(D) Beginning with Fiscal Year 2022-2023, and beginning when the state officer's term commences and lasting until the term concludes, with the exception of the Governor and Lieutenant Governor, salaries for the state officers listed in subsection (A) must be based on recommendations by the Agency Head Salary Commission to the General Assembly as provided in Sections 8-11-160 and 8-11-165.

(E) Beginning when the Governor's and Lieutenant Governor's terms commence on January 20, 2027, and lasting until the terms conclude, salaries for the Governor and the Lieutenant Governor must be based on recommendations by the Agency Head Salary Commission to the General Assembly as provided in Sections 8-11-160 and 8-11-165.

Agency Head Salary Commission, salary range study for Governor and Lt. Governor

SECTION 2. Section 8-11-160 of the S.C. Code is amended to read:

Section 8-11-160. (A) All boards and commissions are required to submit justification of an agency head's performance and salary recommendations to the Agency Head Salary Commission.

(B) This commission consists of four appointees of the chairman of the House Ways and Means Committee, four appointees of the chairman of the Senate Finance Committee, and three appointees of the Governor with experience in executive compensation.

(C) Beginning with Fiscal Year 2022-2023:

(1) salaries for the term of state officers listed in Section 1-1-1210(A), with the exception of the Governor and Lieutenant Governor, must be based on recommendations by the Agency Head Salary Commission to the General Assembly; and

(2) the Agency Head Salary Commission shall authorize a study be conducted every four years to recommend a salary range for each state

constitutional officer, with the exception of the Governor and Lieutenant Governor, based on their job duties and responsibilities as well as the pay of state constitutional officers in other states.

(D) Beginning January 20, 2027, salaries for the Governor and Lieutenant Governor must be based on recommendations by the Agency Head Salary Commission to the General Assembly, and the commission shall authorize a study to be conducted every four years to recommend a salary range for the Governor and Lieutenant Governor based on their job duties and responsibilities as well as the pay of governors and lieutenant governors in other states.

(E) Salary increases for agency heads, the Governor, and the Lieutenant Governor must be based on recommendations by each agency board or commission to the Agency Head Salary Commission and their recommendations to the General Assembly.

Agency Head Salary Commission, conforming changes

SECTION 3. Section 8-11-165(A) of the S.C. Code is amended to read:

(A) It is the intent of the General Assembly that:

(1) A salary and fringe benefit survey for agency heads must be conducted by the State Fiscal Accountability Authority every four years. The staff of the authority shall serve as the support staff to the Agency Head Salary Commission.

(2) Every four years, the Agency Head Salary Commission shall commission a study to recommend a salary range for the term of each state constitutional officer listed in Section 1-1-1210 based on each state constitutional officer's job duties and responsibilities as well as the pay of other state constitutional officers in other states. The commission shall then determine a salary for the term of each such state constitutional officer within the recommended pay range subject to funding being provided in the annual appropriations act.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 240

(R255, H5093)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-90, RELATING TO THE DEFINITION OF GROSS PROCEEDS OF SALES, SO AS TO EXCLUDE AMOUNTS PAID BY STATE AND LOCAL GOVERNMENTS FOR THE EMERGENCY SERVICES IP NETWORK; BY AMENDING SECTION 12-21-2420, RELATING TO ADMISSIONS TAX, SO AS TO EXEMPT ADMISSIONS CHARGED BY CERTAIN LOCAL CHAMBERS OF COMMERCE; AND BY AMENDING SECTION 12-36-2120, RELATING TO THE SALES TAX EXEMPTION ON CERTAIN COMPUTER EQUIPMENT, SO AS TO EXTEND THE EXEMPTION TO CERTAIN RELATED PERSONS OF THE TAXPAYER.

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

Gross proceeds of sales

SECTION 1. Section 12-36-90(2) of the S.C. Code is amended by adding:

(m) amounts paid for contracts for services entered into by the State or political subdivisions thereof, for Emergency Services IP Network, also known as ESInet, in support of Next Generation 911 in South Carolina.

Admissions tax

SECTION 2. Section 12-21-2420 of the S.C. Code is amended by adding:

(18) on admissions charged by local chambers of commerce qualified under 501(c)(6) by the Internal Revenue Service, which are not organized for profit, and no part of whose earnings inure to the benefit of any private shareholder or individual.

Sales tax exemption

SECTION 3. Section 12-36-2120(79) of the S.C. Code is amended by adding:

(H) For purposes of this item, "taxpayer" includes a person who bears a relationship to the taxpayer as described in Section 267(b) of the Internal Revenue Code.

Time effective

SECTION 4. This act takes effect July 1, 2026.

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 241

(R256, H5113)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-29-735 SO AS TO PROHIBIT LOCAL GOVERNMENTS FROM PREVENTING THE CONTINUANCE OF LAWFUL NONCONFORMING USE OF PROPERTY WHEN A PREEXISTING MANUFACTURED HOME IS REPLACED WITH ANOTHER SPECIFIC MANUFACTURED HOME, TO PROVIDE EXCEPTIONS, AND TO PROVIDE DEFINITIONS; BY AMENDING SECTION 23-43-85, RELATING TO STANDARDS FOR MODULAR HOMES AND DISPLAY MODELS, SO AS TO PROVIDE THAT THE STANDARDS ONLY APPLY TO ON-FRAME MODULAR HOMES AND TO REMOVE A FIVE-YEAR RESTRICTION ON DISPLAY MODELS BEING USED FOR RESIDENTIAL USE; AND BY AMENDING SECTION 6-35-30, RELATING TO RESIDENTIAL IMPROVEMENT DISTRICTS, SO AS TO ALLOW FOR JOINT RESIDENTIAL IMPROVEMENT DISTRICTS BETWEEN DIFFERENT JURISDICTIONS.

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

Manufactured home nonconforming use

SECTION 1. Article 5, Chapter 29, Title 6 of the S.C. Code is amended by adding:

Section 6-29-735. (A) As used in this section, the term:

(1) "Manufactured home" means a structure, not including a modular home, designed for temporary or permanent habitation and constructed to permit its transport on wheels, temporarily or permanently attached to its frame, from its place of construction or sale to a location where it is intended to be installed. The term includes a "manufactured home" as defined in 42 U.S.C. Section 5402(6) as amended.

(2) "New home" means a manufactured home purchased from either the original manufacturer or a dealer in the ordinary course of the dealer's business and has never been titled or previously occupied.

(3) "Single-family dwelling" means a manufactured home used as a single-family residence.

(B) Notwithstanding the provisions of Section 6-29-730 or another provision of law, when there is a replacement of a preexisting manufactured home with a manufactured home not more than five years old within a manufactured home community, or on any other residential land, a local government may not adopt or enforce any zoning decision or zoning ordinance, or any other regulation or restriction, or impose any conditions on the new home, the property upon which the home sits, or the owner's property that were not required of the preexisting home, home site, or property, that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home, the property upon which the home sat, or the owner's property. If the property is in a designated flood zone and the replacement of a preexisting manufactured home occurs the replacement must meet current federal and local flood elevation standards and building codes for the flood zone in which the property is located, such applicable standards and codes must be actively enforced on all dwelling types.

(C) The provisions of subsection (B) do not apply if:

(1) a discontinuance is necessary for the safety of life or property or to comply with applicable federal, state or local laws and regulations, including flood plain management, stormwater management, septic and sewer requirements, emergency access standards, building codes, and environmental protections, such applicable laws and regulations must be

actively enforced on all dwelling types;

(2) the nonconforming use has been discontinued for the period of time established by ordinance which may not be less than twelve months, unless the discontinuance is caused by circumstances outside the control of the property owner;

(3) the replacement home would result in a change from the lawful nonconforming use as a single-family dwelling to another type of dwelling;

(4) the replacement home results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses, unless the property owner makes modifications to the shared driveway or shared sidewalk that extinguishes the obstruction or the effects of the obstruction; or

(5) the owner of the real property where the manufactured home is located does not consent to the replacement of the manufactured home.

Modular home

SECTION 2. Section 23-43-85 of the S.C. Code is amended to read:

Section 23-43-85. (A) A single-family on-frame modular home manufactured after January 1, 2005, must meet the following standards to be certified for placement in this State:

(1) Roof pitch. For homes with a single predominant roofline, the pitch of the roof must be at least five feet rise for every twelve feet of run;

(2) Eave projections. The eave projections of the roof must be at least ten inches, not including a gutter around the perimeter of the home unless the roof pitch is at least seven feet rise for every twelve feet of run;

(3) Exterior wall. The height of the exterior wall must be at least seven feet six inches for the first story;

(4) Siding and roofing materials. The materials and texture of the exterior materials must be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.

(B) A single-family modular home placed in the State after January 1, 2005, must meet the foundation requirements provided by the State in this subsection:

(1) A perimeter wall located under the exterior walls of the home, whether load-bearing or nonload-bearing, must be constructed of brick, masonry, or other permanent material commonly used in standard

residential construction, consistent with surrounding residential structures, and in accordance with the International Residential Code as adopted by the South Carolina Department of Labor, Licensing and Regulation. All modular manufacturers shall submit with the plan set for each building to the department's Modular Buildings Program a minimum foundation design.

(2) A home located in a coastal or flood plain area may require piling or other special foundation designs. These foundations must be designed by a registered professional engineer or architect and are subject to review and approval by the local jurisdiction and not by the Modular Buildings Program. A perimeter wall constructed of brick, masonry, or other materials to enclose the foundation of the home may be a requirement of the design.

(C) An appeal for a variance from a certification standard or a foundation requirement described in this section may be taken in the same manner as provided in Section 23-43-120.

(D) A single-family modular home used as a display model may be placed for its first residential use in this State if:

(1) it bears a valid modular home label issued pursuant to this chapter;

(2) it meets the appropriate wind and seismic requirements in effect when the label was issued;

(3) it has not been altered from its original design; and

(4) the seller provides the purchaser with written notice that the home meets the appropriate code requirements in effect at the time of manufacture, and may or may not meet the code requirements in effect at the time of placement for residential use.

Joint improvement district

SECTION 3. Section 6-35-30 of the S.C. Code is amended to read:

Section 6-35-30. A county or municipality, only with the approval of the owners of all real property situated within a proposed district, as further provided in Section 6-35-118, may exercise the powers and provisions of this chapter. Notwithstanding any other provision of this chapter, a jurisdiction and authority of another government entity may create a district which includes a geographic area or areas within the jurisdiction and authority of another government entity and may exercise the powers and provisions of this chapter within such geographic area or areas with the consent, expressed by resolution, of the governing body of that other government entity.

Time effective

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

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 242

(R258, H5122)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 31 TO CHAPTER 9, TITLE 58 SO AS TO PERMIT CERTAIN ITEMS SOLD TO OR USED BY INTERNET ACCESS SERVICE PROVIDERS AND COMMUNICATIONS SERVICE PROVIDERS TO BE EXEMPT FROM SALES TAX, TO ESTABLISH A PROCESS FOR REFUNDS ON TAXES PAID ON EXEMPT ITEMS, AND TO PROHIBIT DATA CENTERS FROM CLAIMING OR UTILIZING THESE EXEMPTIONS OR REFUNDS.

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

Tax exemptions

SECTION 1. Chapter 9, Title 58 of the S.C. Code is amended by adding:

Article 31

Service Provider Tax Exemptions

Section 58-9-3100. (A) All supplies, technical equipment, machinery, and electricity sold to internet access service providers and communications service providers, for use in producing, broadcasting, or distributing internet access service, communications services, or any combination thereof are exempt from sales tax imposed by Chapter 36,

Title 12 pursuant to the provisions of Section 12-36-2120. For purposes of this section, internet access service providers and communications service providers are deemed to be manufacturers.

(B) An internet access provider or communications service provider shall apply to the Department of Revenue for a refund of state and local sales and use taxes paid on items exempt under this section not later than January thirty-first for the prior calendar year. No later than May first, the department shall calculate the total amount of qualifying refund claims. If the total amount of refund claims exceeds ten million dollars for any year, the department shall issue pro-rata refunds such that the total amount of refund claims shall not exceed ten million dollars for any year. Refunds shall be paid no later than June first.

(C) Notwithstanding any other provision of this section, a data center may not claim or utilize the exemption or refund authorized pursuant to this section.

(1) For purposes of this subsection, "data center" means a facility, campus of facilities, or array of electronically interconnected facilities under a single electric supply agreement in this State used by an entity or other business enterprise to operate, manage, or maintain a computer, group of computers, or other organized assembly of hardware and software for the primary purpose of storing, retrieving, or transmitting data, other than facilities owned or operated by a telecommunications company as defined in Section 58-9-2200 or facilities that primarily support telecommunications service or network operations, that has a peak demand of fifty megawatts or greater, and that becomes a customer of an electric service provider after December 31, 2026.

(2) For purposes of calculating peak demand under this definition, peak demand shall be determined according to the contract between the energy user and the electric service provider, and the possibility or occurrence of energy usage which temporarily exceeds fifty megawatts shall not cause a commercial data center to fall under this definition where contractual peak demand is less than fifty megawatts.

Time effective

SECTION 2. This act takes effect upon approval by the Governor and applies to tax years beginning after 2025.

Ratified the 15th day of May, 2026

Approved the 19th day of May, 2026

No. 243

(R264, S688)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41-31-5, RELATING TO CONTRIBUTIONS AND PAYMENTS TO THE UNEMPLOYMENT TRUST FUND DEFINITIONS, SO AS TO CHANGE THE LOOKBACK PERIOD FOR THE BENEFIT RATIO; BY AMENDING SECTION 41-31-45, RELATING TO DEBT STATUS ESTIMATES, SO AS TO PROVIDE FOR A SOLVENCY TARGET FOR THE FUND; BY AMENDING SECTION 41-31-60, RELATING TO THE TAX RATE WHEN A DELINQUENT REPORT IS RECEIVED, SO AS TO CHANGE THE PENALTY FOR AN OUTSTANDING LIEN; BY AMENDING SECTION 41-31-350, RELATING TO THE PENALTY FOR FAILURE TO FILE A REPORT, SO AS TO REMOVE THE CAP ON THE PENALTY FOR FAILING TO FILE A REPORT; BY AMENDING SECTION 41-31-370, RELATING TO INTEREST ON UNPAID CONTRIBUTIONS, SO AS TO REMOVE THE CAP ON THE PENALTY FOR FAILURE TO PAY CONTRIBUTIONS; BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT THE FIRST TEN THOUSAND DOLLARS OF NET DEPRECIATED VALUE OF BUSINESS PERSONAL PROPERTY OWNED BY A SMALL BUSINESS; BY AMENDING SECTION 12-37-900, RELATING TO PROPERTY TAX RETURNS, SO AS TO PROVIDE THAT A TAXPAYER IS NOT REQUIRED TO RETURN BUSINESS PERSONAL PROPERTY FOR TAXATION IF THE TAXPAYER HAS LESS THAN TEN THOUSAND DOLLARS OF NET DEPRECIATED VALUE OF BUSINESS PERSONAL PROPERTY; BY ADDING SECTION 12-37-980 SO AS TO REQUIRE THAT ALL BUSINESS PERSONAL PROPERTY REQUIRED TO BE RETURNED FOR TAXATION BE RETURNED TO THE DEPARTMENT OF REVENUE; AND BY AMENDING SECTION 12-20-50, RELATING TO THE LICENSE TAX ON CORPORATIONS, SO AS TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, THE FEE DOES NOT APPLY TO ANY

PORTION OF THE FIRST FIFTY MILLION DOLLARS OF CERTAIN CAPITAL STOCK AND PAID-IN OR CAPITAL SURPLUS.

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

Unemployment Trust Fund, benefit ratio

SECTION 1. Section 41-31-5 of the S.C. Code is amended to read:

Section 41-31-5. As used in this chapter:

(1) "Benefit ratio" means:

(a) for the period of January 1, 2011, through December 31, 2013, the number calculated by dividing the sum of all benefits charged to an employer during the forty calendar quarters immediately preceding the calculation date by the sum of the employer's taxable payroll for the same period. If fewer than forty but more than one calendar quarter of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually using data for quarters filed through June thirtieth of the current year to the sixth decimal place;

(b) from January 1, 2014, through tax year 2026, the number calculated by dividing the sum of all benefits charged to an employer during the twelve calendar quarters immediately preceding the calculation date by the sum of the employer's taxable payroll for the same period. If fewer than twelve but more than one calendar quarters of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually using data for quarters filed through June thirtieth of the current year to the sixth decimal place;

(c) For tax year 2027, the number calculated by dividing the sum of all benefits charged to an employer during the sixteen calendar quarters immediately preceding the calculation date by the sum of the employer's taxable payroll for the same period. If fewer than sixteen but more than one calendar quarters of data are available, then the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually using data for quarters filed through June thirtieth of the current year to the sixth decimal place;

(d) Beginning in tax year 2028, the number calculated by dividing the sum of all benefits charged to an employer during the twenty calendar quarters immediately preceding the calculation date by the sum of the employer's taxable payroll for the same period. If fewer than

twenty but more than one calendar quarters of data are available, then the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually using data for quarters filed through June thirtieth of the current year to the sixth decimal place; and

(e) Notwithstanding the provisions contained in items (a) through (d), an employer who is in rate class one in tax year 2026 remains subject to the calculation contained in item (b) until the employer no longer qualifies for rate class one, at which time the employer shall be subject to the calculation in item (c) or (d), as appropriate.

(2) "Department" means the Department of Employment and Workforce.

(3) "Statewide average required rate" means the amount of income projected to be needed by the unemployment insurance trust fund for the upcoming calendar year divided by the estimated taxable wages over the same period rounded to the sixth decimal place.

(4) "Statewide average interest surcharge" means the amount of income projected to be needed to pay interest on outstanding federal advances during the upcoming calendar year divided by the estimated taxable wages for the upcoming calendar year.

Unemployment Trust Fund, solvency target

SECTION 2. Section 41-31-45 of the S.C. Code is amended to read:

Section 41-31-45. (A) For the purposes of this section:

(1) "Income needed to pay benefits" means the estimate of benefits payable in a given calendar year less the estimate of interest to be earned by the unemployment insurance trust fund for that calendar year.

(2) "Fund solvency target" is defined as the value computed as the product of 0.08 and:

(a) the size of the South Carolina labor force as determined annually by the U.S. Bureau of Labor Statistics;

(b) the maximum weekly benefit amount set by the department in accordance with Section 41-35-40; and

(c) the maximum number of weeks of unemployment benefits available in accordance with Section 41-35-50.

(3) "Trust fund reserve" excludes distributions from the federal government pursuant to 42 U.S.C. 1103, commonly referred to as the Reed Act.

(4) "Solvency surcharge" is a surcharge imposed on contributory employers in each year the unemployment trust fund is solvent but the

trust fund reserve does not meet the fund solvency target.

(5) "Fiscal year" begins on July first of each year and ends on June thirtieth of the succeeding year.

(6) "Tax year" begins on January first of each year and ends on December thirty-first of each year.

(7) "Cap" is the maximum projected amount of revenue to be generated in a single year and is the greater amount of either:

(a) the actual benefits paid in the prior fiscal year; or

(b) the projected benefits for the next tax year.

(8) "Actual tax collections" excludes all penalties, interests, contingency surcharges, and recording fees.

(B) Each year the department must calculate the income necessary to pay benefits and reach the fund solvency target for the unemployment trust fund. The department determines the total income needed as follows:

(1) Projected benefits will be determined for the next tax year with annual historical data as well as unemployment rate projections provided by the Congressional Budget Office.

(2) A solvency surcharge shall be in effect for each tax year the trust fund reserve is less than the fund solvency target, as of June thirtieth. The aggregate amount of the solvency surcharge will be determined for each tax year to be the amount calculated to return the unemployment trust fund to the fund solvency target within five years subject to:

(a) When actual benefits paid in the prior fiscal year are greater than the actual tax collections received in the prior fiscal year, then the cap is triggered. Once triggered, then:

(i) If projected benefits for the next tax year are less than the actual benefits paid in the prior fiscal year, then the solvency surcharge shall be the difference between the actual benefits paid in the prior fiscal year and the projected benefits.

(ii) If projected benefits for the next tax year are greater than the actual benefits paid in the prior fiscal year, then no additional solvency surcharge will be added for the next tax year.

(b) After the cap has been triggered, once actual benefits paid in the prior fiscal year were less than actual tax collections in the prior fiscal year, then tax rates for the next tax year will be set based on returning the unemployment trust fund to the fund solvency target within the next five years.

(3) If the balance of the unemployment trust fund, as of the end of the most recently completed fiscal year, is greater than the fund solvency target, then the department may use the surplus amount to reduce taxes in the next tax year.

(4) Notwithstanding the provisions of item (2), once the fund solvency target has been met, in subsequent tax years, if the unemployment trust fund balance does not meet the fund solvency target as of the end of the most recently completed fiscal year, then the solvency surcharge shall be set as follows:

Percentage the unemployment trust fund balance is below the fund adequacy target	Rebuilding period
More than 0.0000%, but less than 2.5000%	One year
2.5000% or more, but less than 5.0000%	Two years
5.0000% or more, but less than 7.5000%	Three years
7.5000% or more	Four years

(C) For each calendar year during which the state Unemployment Insurance Trust Fund is in debt status, the department must estimate the amount of income necessary to pay benefits for that year, the amount of income necessary to avoid automatic FUTA credit reductions, and an amount of income necessary to repay all outstanding federal loans within five years. Additional estimates of interest costs shall be determined concurrently.

(1) Estimates of the revenue needed to pay benefits will be based on Congressional Budget Office projections for the subsequent calendar year's total unemployment rate. This total unemployment rate will be adjusted for South Carolina based on the historic relationship between the unemployment rate in South Carolina and the national unemployment rate calculated from 1980 to present.

(2) The historic relationship, calculated from 1980 to present, between the total unemployment rate and the insured unemployment rate in South Carolina will be used to adjust the projected total unemployment rate to the rate of insured unemployment.

(3) Estimates of forecasted benefits will be based upon the prior three year average of the annual number of weeks compensated multiplied by an estimate of the average weekly benefit for the next year.

(4) Estimates of amounts to pay to avoid FUTA credit reductions and amount of repayments on the loan will be projected through consultation with officials at the US Department of Labor.

Delinquent unemployment compensation tax penalty

SECTION 3. Section 41-31-60 of the S.C. Code is amended to read:

Section 41-31-60. (A) If on the computation date upon which an employer's tax rate is to be computed as provided in Section 41-31-40 there is a delinquent report, the tax class twenty rate must be assigned to the employer until the next computation date or until all outstanding tax reports have been filed.

(B)(1) No employer is permitted to pay his unemployment compensation tax at a reduced tax rate class for any quarter when a tax execution issued prior to January 1, 2027, in accordance with Section 41-31-390 with respect to delinquent unemployment compensation tax for a previous quarter is unpaid and outstanding against the employer.

(2) For any quarter when a tax execution issued on or after January 1, 2027, in accordance with Section 41-31-390 with respect to delinquent unemployment compensation tax for a previous quarter is unpaid and outstanding against the employer, an employer must pay his unemployment compensation tax at an increased rate of contribution that is the sum of two percent plus the employer's rate as otherwise determined pursuant to this chapter.

(3) When an employer has an outstanding tax execution issued on or after January 1, 2027, and a tax execution issued prior to January 1, 2027, also remains outstanding, the tax class twenty rate must be assigned to the employer until such time as all outstanding tax executions issued prior to January 1, 2027, have been paid.

(C) An employer with an outstanding tax execution who has a department-approved installment payment agreement shall be permitted to pay its unemployment compensation tax at the annual rate as determined pursuant to this chapter. However, any such employer's tax rate shall immediately revert to the applicable increased rate if the employer fails to make any one of the succeeding deferred payments or fails to submit any succeeding wage report and payment in a timely manner as required by the department-approved installment payment agreement.

Failure to file wages or contributions report, penalty

SECTION 4. Section 41-31-350 of the S.C. Code is amended to read:

Section 41-31-350. An employer that fails to file a report concerning wages or contributions pursuant to Chapters 27 through 41 of this title

within fifteen days from the date upon which the department mailed a demand for the report, the department shall assess the employer a penalty of ten percent of the contributions due but no less than twenty-five dollars in addition to the contributions payable with respect to the report.

Unpaid contributions, penalty

SECTION 5. Section 41-31-370 of the S.C. Code is amended to read:

Section 41-31-370. (A) Contributions unpaid on the date on which they are due and payable, as prescribed by the department, shall bear interest at the rate of one percent for each month or fraction for which they remain unpaid but contributions as have accrued prior to the establishment of an employer's liability shall bear interest at the rate of one-half of one percent a month or fraction of a month, to the date on which liability is established, unless it is found by the department that the delay in the establishment of liability resulted from wilful negligence of the employer, and shall bear interest at the rate of one percent a month or fraction for which they remain unpaid thereafter.

(B) If any employer's amount of contributions which are due and payable, as prescribed by the department, are unpaid ten days following the date on which an assessment or debit memorandum was issued, a penalty of ten percent of the amount of contributions due and payable must be paid in addition to any other interest or penalty which may be applicable.

(C) The department may, for good cause, extend the time for the filing of reports and the payment of contributions. Any person to whom the extension is granted shall pay in addition to the contribution due, interest at the rate of one percent per month or fraction of a month from the due date of the contribution to the date of payment.

Business personal property deduction

SECTION 6.A. Section 12-37-220(B) of the S.C. Code is amended by adding:

(54) the first ten thousand dollars of the net depreciated value of business personal property owned by a small business. For purposes of this item, "small business" means a commercial retail service, industry entity, or nonprofit corporation, including affiliates, that: (a) the business's ownership is comprised of taxpayers who pay income taxes in this State; (b) is independently owned and operated; and (c) employs

fewer than one hundred full-time employees or has gross annual sales of less than ten million dollars.

B. This SECTION takes effect upon approval by the Governor and first applies to property tax years beginning after 2026.

Business personal property return

SECTION 7.A. Section 12-37-900 of the S.C. Code is amended to read:

Section 12-37-900. (A) Every person required by law to list property shall, annually, between the first day of January and the first day of March, make out and deliver to the assessor of the county in which the property is by law to be returned for taxation a statement, verified by his oath, of all the real estate which has been sold or transferred since the last listing of property for which he was responsible and to whom, and of all real property possessed by him, or under his control, on the thirty-first day of December next preceding, either as owner, agent, parent, spouse, guardian, executor, administrator, trustee, receiver, officer, partner, factor, or holder with the value thereof, on such thirty-first day of December, at the place of return, estimating according to the rules prescribed by law.

(B) A manufacturer not under a fee agreement is not required to return personal property for ad valorem tax purposes if the property remains in this State at a manufacturing facility that has not been operational for one fiscal year and the personal property has not been used in operations for one fiscal year. The personal property is not required to be returned until the personal property becomes operational in a manufacturing process or until the property has not been returned for ad valorem tax purposes for four years, whichever is earlier. A manufacturer must continue to list the personal property annually and designate on the listing that the personal property is not subject to tax pursuant to this section.

(C)(1) Notwithstanding any other provision of this section, a taxpayer that meets the application requirements of item (2) is not required to pay business personal property taxes if the taxpayer has less than ten thousand dollars of net depreciated value of business personal property.

(2) To claim the exemption allowed by item (1), a taxpayer must annually certify, under penalty of perjury, to the department in a manner prescribed by the department that the taxpayer has less than ten thousand dollars of net depreciated value of business personal property. The form prescribed by the department must contain a conspicuous notation citing

the State of South Carolina Small Business Tax Cut of 2026 as the source of the exemption.

B. This SECTION takes effect upon approval by the Governor and first applies to property tax years beginning after 2026.

Business personal property return

SECTION 8.A. Article 5, Chapter 37, Title 12 of the S.C. Code is amended by adding:

Section 12-37-980. Notwithstanding any other provision of law, all business personal property required to be returned for ad valorem taxation must be returned to the Department of Revenue. The property is subject to the tax imposed by the taxing jurisdiction in which the property is situated.

B. This SECTION takes effect upon approval by the Governor and first applies to property tax years beginning after 2026.

Corporate license fee exclusion

SECTION 9.A. Section 12-20-50 of the S.C. Code is amended by adding:

(D)(1) A corporation subject to the provisions of this section whose corporate headquarters, as defined in Section 12-6-3410, is in South Carolina may exclude the first fifty million dollars of equity contributions from a qualifying entity from its paid-in or capital surplus subject to the annual license fee. To qualify for this exclusion, the corporation must obtain a certificate from the South Carolina Research Authority certifying that the exclusions result from equity contributions from a qualifying entity.

(2) For purposes of this subsection, a qualifying entity includes:

(a) a venture capital fund as defined pursuant to 17 C.F.R. Section 275.203(1) 1;

(b) an angel or accredited investor, as defined pursuant to 17 C.F.R. Section 230.501; and

(c) a private investment firm that does not solicit capital from investors, excluding another qualifying entity or the general public, and meets one of the exemptions outlined in the Investment Company Act of 1940.

(3) A corporation claiming this exclusion must:

(a) submit an annual report to the department that contains the name of each qualifying entity, the date of the equity contribution, the manner in which the qualifying entity meets the requirements of item (2), the amount of the paid-in or capital surplus for each year that is attributable to each qualifying entity, and any other information that the department may require; and

(b) keep detailed books and records, including segregating out equity contributions attributable to each qualifying entity and retaining information concerning the information required to be provided in subitem (a).

B. This SECTION takes effect upon approval by the Governor and first applies to the tax year beginning after July 1, 2026.

Time effective

SECTION 10. This act takes effect upon approval by the Governor on July 1, 2026.

Ratified the 20th day of May, 2026

Approved the 22nd day of May, 2026

No. 244

(R265, H3768)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ACT 36 OF 2019, RELATING TO HIGHWAY SYSTEM CONSTRUCTION, SO AS TO CHANGE THE SUNSET EXPIRATION PROVISION TO JULY 1, 2032; AND BY ADDING SECTION 57-3-790 SO AS TO PROVIDE THE STATE WAIVES IMMUNITY AND CONSENTS TO SUIT IN FEDERAL COURT FOR CERTAIN LAWSUITS RELATING TO THE NATIONAL ENVIRONMENTAL POLICY ACT ASSIGNMENT PROGRAM, AND TO PROVIDE FOR THE ISSUANCE OF AN ANNUAL REPORT.

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

Highway system construction, sunset provision

SECTION 1. SECTION 2 of Act 36 of 2019 is amended to read:

SECTION 2. The requirements of Section 57-5-880, as added by this act, expire on July 1, 2032, unless otherwise extended by the General Assembly.

National Environmental Policy Act Assignment Program

SECTION 2.A. Article 7, Chapter 3, Title 57 of the S.C. Code is amended by adding:

Section 57-3-790. (A) The State waives its immunity under the 11th Amendment of the United States Constitution and consents to suit in a federal court for lawsuits arising out of the department's compliance, discharge, or enforcement of responsibilities assumed pursuant to 23 U.S.C. Sections 326 and 327. The waiver of immunity under this section is valid only if:

(1) the Secretary of Transportation executes a memorandum of understanding with the United States Department of Transportation accepting the jurisdiction of the federal courts as required by 23 U.S.C. Sections 326(c) and 327(c);

(2) before execution of the memorandum of understanding under subsection (A), the South Carolina Attorney General has issued an opinion letter to the Secretary of Transportation and the administrator of the Federal Highway Administration that the memorandum of understanding and the waiver of immunity are valid and binding upon the State;

(3) the act or omission that is the subject of the lawsuit arises out of or relates to compliance, discharge, or enforcement of responsibilities assumed by the department pursuant to 23 U.S.C. Sections 326 and 327; and

(4) the memorandum of understanding is in effect when the act or omission that is the subject of the federal lawsuit occurred.

(B) Within one year of submitting an application to assume administration of 23 U.S.C. Sections 326 and 327, otherwise known as the National Environmental Policy Act (NEPA) Assignment Program pursuant to this section, the secretary shall issue a NEPA Manual detailing the manner in which the department will carry out its NEPA

responsibilities. The department must provide a public comment period of at least thirty days on a draft NEPA Manual prior to issuance of a final NEPA Manual.

(C) The department must annually publish a report describing the department's assumption of NEPA responsibilities. The annual report must be made available to the public and posted on the department's website. That report shall include, but not be limited to, an analysis of time savings, an analysis of positive and negative financial impacts, and a summary of any legal actions challenging the department's actions under the program.

(D) The Secretary of Transportation is given the authority to coordinate with the Director of the Department of Environmental Services, the Director of the Department of Natural Resources, the Director of the Department of Archives and History, and any other agency head whose agency may impact the issuance of environmental decisions necessary to expedite the delivery of transportation projects. Such agency heads must be responsive to such requests of the Secretary of Transportation. The department shall include in the report required in subsection (C) on all state agency activities related to permit and environmental decisions related to transportation projects.

B. This SECTION takes effect July 1, 2026.

Time effective

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

Ratified the 20th day of May, 2026

Approved the 22nd day of May, 2026

No. 245

(R143, S582)

AN ACT TO RATIFY AN AMENDMENT TO SECTION 4, ARTICLE II OF THE S.C. CONSTITUTION RELATING TO VOTER QUALIFICATIONS, SO AS TO PROVIDE THAT ONLY A CITIZEN OF THE UNITED STATES AND OF THIS STATE OF THE AGE OF EIGHTEEN AND UPWARDS WHO IS PROPERLY REGISTERED IS ENTITLED TO VOTE AS PROVIDED BY LAW.

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

Voter qualifications revised

SECTION 1. The amendment to Section 4, Article II of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 1126 of 2024, having been submitted to the qualified electors at the General Election of 2024 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 4, Article II of the Constitution of this State be amended to read:

"Section 4. Only a citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law."

Ratified the 14th day of May, 2026