
SENATE BILL 399

S. 399 -- Senators Peeler, Alexander, Malloy, Kimbrell and Grooms: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH" AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH, TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING, IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70, 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70, 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10, 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80, 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50, 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 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, 49-5-30, AND 49-5-60, RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10, 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 48-4-10,

"THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT".

RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35, 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80, 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH, AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

Received by Ways and Means: May 4, 2023

Summary of Bill:

This bill restructures DHEC by splitting it into two agencies – the Department of Public Health (DPH) and the Department of Environmental Services (DES). Both of these new agencies will be cabinet agencies with directors appointed by the governor and the DHEC board is dissolved. It transfers Veterans' Homes from DMH to the Department of Veterans Affairs and The Division of Water Resources from DNR to the newly formed DES. The current director of DHEC will serve as the Interim Director of the DPH and the current director of Environmental Affairs will serve as the interim Director of DES.

The Department of Administration is tasked with overseeing this transition and hiring a third-party consultant to analyze the missions and delivery models of all state agencies concerned with public health and certain specific populations including but not limited to children, newborns, pregnant women, the elderly, mentally ill, etc. The analysis should consider whether structural changes are necessary to improve health services delivery in the state. The DOA must submit a report following this analysis by 4/1/24 with interim reports on 10/1/23 and 1/1/24. They must also conduct an annual "look back" for five years after the transition is completed.

Estimated Revenue Impact:

Waiting on an updated Impact following the Amendment in the Senate.



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0399 Amended by Senate Medical Affairs on April 27, 2023
Author: Peeler
Subject: Department of Behavioral and Public Health
Requestor: Senate Medical Affairs
RFA Analyst(s): Griffith, Boggs, Miller, and Tipton
Impact Date: May 3, 2023

Fiscal Impact Summary

This bill abolishes the Department of Health and Environmental Control (DHEC) and creates two new departments, the Department of Public Health (DPH) and the Department of Environmental Services (DES). DPH will consist of the health-related divisions of DHEC. DES will consist of the divisions and programs of DHEC that are concerned with the regulation and protection of the environment and the hydrology and aquatic nuisance species program of the Department of Natural Resources (DNR). The bill also transfers the authority to establish, manage, and operate veterans' homes from the Department of Mental Health (DMH) to the Department of Veterans' Affairs (DVA). Additionally, the Food Safety Program and the Milk and Dairy Lab of DHEC will be transferred to the Department of Agriculture (Agriculture), and the flood mitigation program from DNR will be transferred to the Office of Resilience.

Further, the bill transfers the process of certain entities filing a request or an appeal from the board of DHEC to the Administrative Law Court or the court with appropriate jurisdiction pursuant to the Administrative Procedures Act.

The fiscal impact of this bill is pending, as data are still being received and analysis is still being conducted.

Explanation of Fiscal Impact

Amended by Senate Medical Affairs on April 27, 2023

State Expenditure

This bill abolishes DHEC and creates two new departments, DPH and DES. DPH will consist of the health-related divisions of DHEC. DES will consist of the divisions and programs of DHEC that are concerned with the regulation and protection of the environment and the hydrology and aquatic nuisance species program of DNR. The bill also transfers the authority to establish, manage, and operate veterans' homes from DMH to DVA. Additionally, the Food Safety Program and the Milk and Dairy Lab of DHEC will be transferred to Agriculture, and the flood mitigation program from DNR will be transferred to the Office of Resilience.

The fiscal impact of this bill is pending, as data are still being received and analysis is still being conducted.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director

South Carolina General Assembly
125th Session, 2023-2024

S. 399

STATUS INFORMATION

General Bill

Sponsors: Senators Peeler, Alexander, Malloy, Kimbrell and Grooms

Companion/Similar bill(s): 3239, 4124

Document Path: SF-0005CH23.docx

Introduced in the Senate on January 17, 2023

Introduced in the House on May 4, 2023

Last Amended on May 3, 2023

Currently residing in the House Committee on **Ways and Means**

Summary: Department of Behavioral and Public Health

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
1/17/2023	Senate	Introduced and read first time (Senate Journal-page 7)
1/17/2023	Senate	Referred to Committee on Medical Affairs (Senate Journal-page 7)
2/10/2023		Scrivener's error corrected
5/2/2023	Senate	Committee report: Favorable with amendment Medical Affairs (Senate Journal-page 13)
5/2/2023	Senate	Read second time (Senate Journal-page 16)
5/3/2023	Senate	Committee Amendment Adopted
5/3/2023	Senate	Amended (Senate Journal-page 25)
5/3/2023	Senate	Read third time and sent to House (Senate Journal-page 25)
5/3/2023	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 25)
5/4/2023	House	Introduced and read first time (House Journal-page 14)
5/4/2023	House	Referred to Committee on Ways and Means (House Journal-page 14)

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VERSIONS OF THIS BILL

[01/17/2023](#)

[02/10/2023](#)

[05/02/2023](#)

[05/04/2023](#)

1 ~~Indicates Matter Stricken~~

2 Indicates New Matter

3

4 AS PASSED BY THE SENATE

5 May 03, 2023

6

S. 399

7 Introduced by Senators Peeler, Alexander, Malloy, Kimbrell and Grooms

8

9 S. Printed 05/03/23--S.

10 Read the first time January 17, 2023

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A BILL

11 TO AMEND CHAPTER 1, TITLE 44 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING
12 TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO
13 RENAME THE CHAPTER THE "DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH"
14 AND TO REORGANIZE THE CHAPTER TO CREATE THE DIVISION OF PUBLIC HEALTH,
15 TO DELEGATE TO THE DIVISION THE PUBLIC HEALTH RESPONSIBILITIES OF THE
16 DEPARTMENT, TO ABOLISH THE DEPARTMENT AND BOARD OF HEALTH AND
17 ENVIRONMENTAL CONTROL, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF
18 THE DEPARTMENT BY THE GOVERNOR, AND TO TRANSFER ENVIRONMENTAL
19 RESPONSIBILITIES OF THE DEPARTMENT TO THE DIVISION OF ENVIRONMENTAL
20 CONTROL OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF
21 NATURAL RESOURCES, AS APPROPRIATE; TO AMEND CHAPTER 9, TITLE 44, RELATING,
22 IN PART, TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO CREATE THE DIVISION
23 OF MENTAL HEALTH WITHIN THE DEPARTMENT OF BEHAVIORAL AND PUBLIC
24 HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF
25 RESPONSIBILITIES TO THE DIVISION, WITH EXCEPTIONS, AND TO ABOLISH THE
26 DEPARTMENT OF MENTAL HEALTH AND THE MENTAL HEALTH COMMISSION; TO
27 AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND
28 OTHER DRUG ABUSE SERVICES, SO AS TO CREATE THE DIVISION OF ALCOHOL AND
29 OTHER DRUG ABUSE SERVICES WITHIN THE DEPARTMENT OF BEHAVIORAL AND
30 PUBLIC HEALTH, TO MAKE CONFORMING CHANGES REFLECTING THE TRANSFER OF
31 RESPONSIBILITIES TO THE DIVISION, AND TO ABOLISH THE DEPARTMENT OF
32 ALCOHOL AND OTHER DRUG ABUSE SERVICES; BY ADDING ARTICLE 7 TO CHAPTER
33 11, TITLE 25 SO AS TO TRANSFER FROM THE DEPARTMENT OF MENTAL HEALTH TO
34 THE DEPARTMENT OF VETERANS' AFFAIRS THE AUTHORITY TO ESTABLISH AND
35 OPERATE VETERANS' HOMES; TO AMEND SECTIONS 44-11-10, 44-11-60, 44-11-70,
36 44-13-20, 44-13-30, 44-13-40, 44-13-60, 44-15-10, 44-15-20, 44-15-30, 44-15-60, 44-15-70,
37 44-15-80, 44-15-90, 44-17-450, 44-17-460, 44-17-580, 44-17-860, 44-17-865, 44-17-870, 44-22-10,
38 44-22-110, 44-24-10, 44-25-30, 44-27-10, 44-27-30, 44-28-20, 44-28-40, 44-28-60, 44-28-80,
39 44-28-360, AND 44-28-370, RELATING TO THE DEPARTMENT OF MENTAL HEALTH, SO AS
40 TO MAKE CONFORMING CHANGES; BY ADDING CHAPTER 57 TO TITLE 46 SO AS TO
41 CREATE A DIVISION OF ENVIRONMENTAL PROTECTION WITHIN THE DEPARTMENT OF
42 AGRICULTURE AND TRANSFER TO THE DIVISION THE DIVISIONS, OFFICES, AND
43 PROGRAMS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL THAT
44 PERFORM ENVIRONMENTAL FUNCTIONS, WITH EXCEPTIONS; TO AMEND SECTION
45 46-3-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF AGRICULTURE, SO AS TO
46 ADD THE ADMINISTRATION OF THE DIVISION OF ENVIRONMENTAL PROTECTION; TO
47 AMEND SECTIONS 48-2-20, 48-2-70, 48-2-320, 48-2-330, 48-2-340, 48-14-20, 48-18-20, 48-18-50,
48 48-20-30, 48-20-40, 48-20-70, 48-21-20, 48-43-10, 48-46-30, 48-46-40, 48-46-50, 48-46-80,
49 48-46-90, 48-52-810, 48-52-865, 48-55-10, 48-56-20, 48-57-20, 48-60-20, 49-5-30, AND 49-5-60,
50 RELATING TO ENVIRONMENTAL PROTECTION FUNDS, STORMWATER MANAGEMENT
51 AND SEDIMENT REDUCTION, EROSION AND SEDIMENT REDUCTION, MINING, OIL AND
52 GAS CONSERVATION AND PRODUCTION, RADIOACTIVE WASTE, ENVIRONMENTAL
53 AWARENESS AND INNOVATION, INFORMATION TECHNOLOGY EQUIPMENT

1 RECOVERY, AND GROUNDWATER, ALL SO AS TO TRANSFER REGULATORY
2 AUTHORITY TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTIONS 48-1-10,
3 48-1-20, 48-1-55, 48-1-85, 48-1-95, 48-1-100, 48-1-280, 48-3-10, AND 48-3-140, RELATING TO
4 THE POLLUTION CONTROL ACT OR POLLUTION CONTROL FACILITIES, ALL SO AS TO
5 TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT OF NATURAL
6 RESOURCES; TO AMEND SECTION 48-4-10, RELATING TO THE ORGANIZATIONAL
7 STRUCTURE OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO TRANSFER
8 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL'S COASTAL
9 DIVISION AND OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT TO THE
10 DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTIONS 48-39-10, 48-39-35,
11 48-39-50, 48-39-270, 48-40-20, 48-40-40, 49-1-15, 49-1-16, 49-1-18, 49-3-30, 49-4-20, 49-4-80,
12 49-4-170, 49-6-30, 49-11-120, RELATING TO COASTAL TIDELANDS AND WETLANDS, THE
13 BEACH RESTORATION AND IMPROVEMENT TRUST ACT, NAVIGABLE WATERS, WATER
14 RESOURCES PLANNING, SURFACE WATER WITHDRAWAL REGULATION AND
15 REPORTING, THE AQUATIC PLANT MANAGEMENT COUNCIL, DAM AND RESERVOIR
16 SAFETY, ALL SO AS TO TRANSFER REGULATORY AUTHORITY TO THE DEPARTMENT
17 OF NATURAL RESOURCES; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO
18 DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE DEPARTMENT OF
19 ALCOHOL AND OTHER DRUG ABUSE SERVICES, THE DEPARTMENT OF HEALTH AND
20 ENVIRONMENTAL CONTROL, AND THE DEPARTMENT OF MENTAL HEALTH, AND TO
21 ADD THE DEPARTMENT OF BEHAVIORAL AND PUBLIC HEALTH; TO AMEND SECTION
22 1-30-20, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE
23 SERVICES, SO AS TO CHANGE THE REFERENCE TO THE DEPARTMENT OF BEHAVIORAL
24 AND PUBLIC HEALTH; TO AMEND SECTION 1-30-75, RELATING TO THE DEPARTMENT
25 OF NATURAL RESOURCES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL
26 SECTION 1-30-45 RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
27 CONTROL, SECTION 1-30-70 RELATING TO THE DEPARTMENT OF MENTAL HEALTH,
28 AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO VETERANS' HOMES.

29 Amend Title To Conform

30
31 Be it enacted by the General Assembly of the State of South Carolina:

32
33 SECTION 1. On the effective date of this act:

34 (1) there is created the Department Public Health comprised of the divisions, offices, and programs
35 of the Department of Health and Environmental Control that perform health related functions. The
36 Director of the Department of Health and Environmental Control shall serve as the interim Director of
37 the Department Public Health and all relevant powers and duties assigned to the Department of Health
38 and Environmental Control are transferred to and devolved upon the Department of Public Health;

39 (2) the authority to establish, manage, and operate veterans homes shall be transferred to the
40 Department of Veterans' Affairs, and all powers and duties assigned to the Department of Mental
41 Health regarding veterans homes being transferred to and devolved upon the Department of Veterans'
42 Affairs. To the extent, the Department of Mental Health owns the grounds upon which these veterans
43 homes are located, title shall be transferred to the Department of Veterans' Affairs;

44 (3) there is created the Department of Environmental Services;

45 (4)(a) except as provided in subitem (b), the divisions, offices, and programs of the Department of
46 Health and Environmental Control that perform functions related to regulation and protection of the

1 environment shall become divisions, offices, and programs of the Department of Environmental
2 Services with the director of the department being deemed the head of the divisions, offices, and
3 programs unless otherwise specified, and all relevant powers and duties assigned to the Department of
4 Health and Environmental Control being transferred to and devolved upon the Department of
5 Environmental Services;

6 (b) the food safety program in the Division of Food and Lead Risk Assessment and the Milk and
7 Dairy Lab of the Department of Health and Environmental Control shall become a division of the
8 Department of Agriculture with the director of that department being deemed the head of the division
9 unless otherwise specified, and all relevant powers and duties assigned to the Department of Health
10 and Environmental Control being transferred to and devolved upon the Department of Agriculture;

11 (5) the hydrology and aquatic nuisance species programs of the Land, Water and Conservation
12 Division of the Department of Natural Resources shall become a division of the Department of
13 Environmental Services, and all relevant powers and duties assigned to the Department of Natural
14 Resources being transferred to and devolved upon the Department of Environmental Services; and
15

16 SECTION 2. Chapter 1, Title 44 of the S.C. Code is amended to read:
17

18 CHAPTER 1
19

20 Department of ~~Health and Environmental Control~~ Public Health
21

22 Section 44-1-20. There is created the South Carolina Department of Public Health and
23 ~~Environmental Control~~ which shall be administered under the supervision of the South Carolina Board
24 of ~~Health and Environmental Control~~. The board shall consist of eight members, one from each
25 congressional district, and one from the State at large to be appointed by the Governor, upon the advice
26 and consent of the Senate. The Governor shall appoint a Director of the Department of Public Health
27 pursuant to Section 1-30-10(B) upon the advice and consent of the Senate. The director shall manage
28 the department and may appoint deputies for the divisions pursuant to Section 1-30-10(E). The director
29 is subject to removal by the Governor pursuant to Section 1-3-240. The member who is appointed at
30 large shall serve as the chairman of the board. The Governor may remove the chairman of the board
31 pursuant to Section 1-3-240(B); however, the Governor only may remove the other board members
32 pursuant to Section 1-3-240(C). The terms of the members shall be for four years and until their
33 successors are appointed and qualify. All vacancies shall be filled in the manner of the original
34 appointment for the unexpired portion of the term only. In making these appointments, race, gender,
35 and other demographic factors should be considered to ensure nondiscrimination, inclusion, and
36 representation to the greatest extent possible of all segments of the population of the State; however,

1 ~~consideration of these factors in making an appointment in no way creates a cause of action or basis~~
2 ~~for an employee grievance for a person appointed or for a person who fails to be appointed.~~

3
4 ~~Section 44-1-30. The Board shall meet at least quarterly and the members shall receive such~~
5 ~~compensation for their services as is provided by law for members of boards and commissions. The~~
6 ~~director shall have all authority and duties as provided for in Chapter 30, Title 1.~~

7
8 Section 44-1-60. (A) All ~~department~~ departmental decisions involving the issuance, denial, renewal,
9 suspension, or revocation of permits, licenses, certificates or other actions of the department which may
10 give rise to a contested case, ~~except a decision to establish a baseline or setback line,~~ must be made
11 using the procedures set forth in this section. ~~A department decision referenced in this subsection~~
12 ~~relating to a poultry facility or another animal facility, except a swine facility, also must comply with~~
13 ~~the provisions of Section 44-1-65.~~

14 (B) The department staff shall comply with all requirements for public notice, receipt of public
15 comments and public hearings before making a department decision. To the maximum extent possible,
16 the department shall use a uniform system of public notice of permit applications, opportunity for public
17 comment and public hearings.

18 ~~(C) The initial decision involving the issuance, denial, renewal, suspension, or revocation of permits,~~
19 ~~licenses, or other action of the department shall be a staff decision.~~

20 ~~(D)~~(C) In making a staff decision ~~on any~~ about a permit, license, certification or other approval, the
21 department staff shall take into consideration all material comments received in response to the public
22 notice in determining whether to issue, deny or condition such a permit, license, certification or other
23 approval. At the time that ~~such staff~~ a decision is made, the department shall issue a department written
24 decision, and shall base its department decision on the administrative record, which ~~shall~~ must consist
25 of the application and supporting exhibits, all public comments and submissions, and other documents
26 contained in the supporting file for the permit, license, certification or other approval. The
27 administrative record ~~may also~~ may include material readily available at the department, or published
28 materials which are generally available and need not be physically included in the same file as the rest
29 of the record as long as such materials are specifically referred to in the department decision. The
30 ~~department decision need not be issued for routine permits for which no adverse public comments have~~
31 ~~been received~~ is not required to issue a written decision for issuance of routine permits for which the
32 department has not received public comments.

33 ~~(E)~~(D)(1) ~~Notice of a~~ The department decision must be sent shall send a notice of a decision by
34 certified mail, returned receipt requested to the applicant, permittee, licensee, certificate holder, and
35 affected persons who have requested in writing to be notified. Affected persons may request in writing
36 to be notified by regular mail or electronic mail in lieu of certified mail. Notice of staff decisions for

1 which a ~~department-written~~ decision is not required pursuant to subsection ~~(D)~~(C) must be provided by
2 mail, delivery, or other appropriate means to the applicant, permittee, licensee, certificate holder and
3 affected persons who have requested in writing to be notified.

4 ~~—(2) The staff decision becomes the final agency decision fifteen calendar days after notice of the~~
5 ~~staff decision has been mailed to the applicant, unless a written request for final review accompanied~~
6 ~~by a filing fee is filed with the department by the applicant, permittee, licensee, or affected person.~~

7 ~~—(3) The filing fee must be in the amount of one hundred dollars unless the department establishes~~
8 ~~a fee schedule by regulation after complying with the requirements of Article 1, Chapter 23, Title 1.~~
9 ~~This fee must be retained by the department in order to help defray the costs of the proceedings and~~
10 ~~legal expenses.~~

11 ~~—(F) No later than sixty calendar days after the date of receipt of a request for final review, a final~~
12 ~~review conference must be conducted by the board, its designee, or a committee of three members of~~
13 ~~the board appointed by the chair. If the board declines in writing to schedule a final review conference~~
14 ~~or if a final review conference is not conducted within sixty calendar days, the staff decision becomes~~
15 ~~the final agency decision, and an applicant, permittee, licensee, or affected person requests pursuant to~~
16 ~~subsection (G) a contested case hearing before the Administrative Law Court. The department shall set~~
17 ~~the place, date, and time for the conference; give the applicant and affected persons at least ten calendar~~
18 ~~days' written notice of the conference; and advise the applicant that evidence may be presented at the~~
19 ~~conference. The final review conference must be held as follows:~~

20 ~~—(1) Final review conferences are open to the public; however, the officers conducting the~~
21 ~~conference may meet in closed session to deliberate on the evidence presented at the conference. The~~
22 ~~burden of proof in a conference is upon the moving party. During the course of the final review~~
23 ~~conference, the staff must explain the staff decision and the materials relied upon in the administrative~~
24 ~~record to support the staff decision. The applicant or affected party shall state the reasons for protesting~~
25 ~~the staff decision and may provide evidence to support amending, modifying, or rescinding the staff~~
26 ~~decision. The staff may rebut information and arguments presented by the applicant or affected party~~
27 ~~and the applicant or affected party may rebut information and arguments presented by the staff. Any~~
28 ~~final review conference officer may request additional information and may question the applicant or~~
29 ~~affected party, the staff, and anyone else providing information at the conference.~~

30 (2) After the final review conference, the board, its designee, or a committee of three members of
31 the board appointed by the chair shall issue a written final agency decision based upon the evidence
32 presented. The decision may be announced orally at the conclusion of the final review conference or it
33 may be reserved for consideration. The written decision must explain the basis for the decision and
34 inform the parties of their right to request a contested case hearing before the Administrative Law
35 Court. In either event, the written decision must be mailed to the parties no later than thirty calendar
36 days after the date of the final review conference. Within thirty-fourty-five calendar days after the receipt

1 of the decision pursuant to item (1) an applicant, permittee, licensee, certificate holder or affected
2 person desiring to contest the final agency decision may request a contested case hearing before the
3 Administrative Law Court, in accordance with the Administrative Procedures Act. The court shall give
4 consideration to the provisions of Section 1-23-330 regarding the department's specialized knowledge.

5 ~~—(3) Prior to the initiation of the final review conference, an applicant, permittee, licensee, or~~
6 ~~affected person must be notified of their right to request a transcript of the proceedings of the final~~
7 ~~review conference. If a transcript is requested, the applicant, permittee, licensee, or affected person~~
8 ~~making the request is responsible for all costs.~~

9 ~~—(G) An applicant, permittee, licensee, or affected person may file a request with the Administrative~~
10 ~~Law Court for a contested case hearing within thirty calendar days after:~~

11 ~~—(1) notice is mailed to the applicant, permittee, licensee, and affected persons that the board~~
12 ~~declined to hold a final review conference; or~~

13 ~~—(2) the sixty calendar day deadline to hold the final review conference lapses and no conference~~
14 ~~has been held; or~~

15 ~~—(3) the final agency decision resulting from the final review conference is received by the parties.~~

16 ~~—(H) Applicants, permittees, licensees, and affected persons are encouraged to engage in mediation~~
17 ~~during the final review process.~~

18 ~~—(I) The department may promulgate regulations providing for procedures for final reviews.~~

19 ~~(J)(E) Any statutory deadlines applicable to permitting and licensing programs administered by the~~
20 ~~department must be extended to all for this final review process. If any deadline provided for in this~~
21 ~~section falls on a Saturday, Sunday, or state holiday, the deadline must be extended until the next~~
22 ~~calendar day that is not a Saturday, Sunday, or state holiday.~~

23
24 Section 44-1-70. All rules and regulations promulgated by the Board department in accordance with
25 this chapter are subject to the provisions of the Administrative Procedures Act, shall be null and void
26 unless approved by a concurrent resolution of the General Assembly at the session of the General
27 Assembly following their promulgation.

28
29 Section 44-1-80. (A) The Board of Department of Public Health and Environmental Control or its
30 designated agents must investigate the reported causes of communicable or epidemic disease and must
31 enforce or prescribe these preventive measures as may be needed to suppress or prevent the spread of
32 these diseases by proper quarantine or other measures of prevention, as may be necessary to protect the
33 citizens of the State. The Board of Health and Environmental Control department or its designated
34 agents shall declare, when the facts justify it, any place as infected and, in case of hydrophobia or other
35 diseases transmitted from animals to man, must declare such animal or animals quarantined, and must
36 place all such restrictions upon ingress and egress of persons or animals therefrom as may be, in its

1 judgment, necessary to prevent the spread of disease from the infected locality.

2 (B)(1) Whenever the ~~board~~department learns of a case of a reportable illness or health condition, an
3 unusual cluster, or a suspicious event that it reasonably believes has the potential to cause a public
4 health emergency, as defined in Section 44-4-130, it is authorized to notify the appropriate public safety
5 authority, tribal authorities, and federal health and public safety authorities.

6 (2) The sharing of information on reportable illnesses, health conditions, unusual clusters, or
7 suspicious events between authorized personnel must be restricted to information necessary for the
8 treatment, control, investigation, and prevention of a public health emergency. Restriction of access to
9 this information to those authorized personnel for the protection of public health ensures compliance
10 with all state and federal health information privacy laws. The department is authorized to consult with,
11 share data with, and share otherwise confidential information with the Department of Environmental
12 Services concerning reportable illnesses, health conditions, unusual clusters, or suspicious events if
13 such consultation and sharing is in the public interest.

14 (3) The ~~board~~department and its agents ~~must~~shall have full access to medical records and
15 nonmedical records when necessary to investigate the causes, character, and means of preventing the
16 spread of a qualifying health event or public health emergency. For purposes of this item, “nonmedical
17 records” ~~mean~~means records of entities, including businesses, health facilities, and pharmacies, which
18 are needed to adequately identify and locate persons believed to have been potentially exposed or
19 known to have been infected with a contagious disease.

20 (4) An order of the ~~board~~department given to effectuate the purposes of this subsection is
21 enforceable immediately by the public safety authority.

22 (5) For purposes of this subsection, the terms qualifying health event, public health emergency,
23 and public safety authority have the same meanings as provided in Section 44-4-130.

24
25 Section 44-1-90. The ~~State Board~~Department of Public Health and Environmental Control or its
26 designated agents, when it is deemed necessary by the municipal officers of any town or city or the
27 governing body of any county, may (a) visit cities, towns, villages or localities where disease is
28 prevalent or threatened, (b) investigate and advise with the local authorities or persons as to such
29 measures as may tend to prevent the spread of disease or to remove or abate causes that may tend to
30 cause or intensify disease, (c) advise, when practicable or possible, as to measures of sanitation or
31 hygiene and (d) investigate and advise as to all matters respecting water supply, sewage, drainage,
32 ventilation, heating, lighting or other measures connected with public sanitation or safety.

33
34 Section 44-1-100. All sheriffs and constables in the several counties of this State and police officers
35 and health officers of cities and towns must aid and assist the Director of the Department of Public
36 Health and Environmental Control and must carry out and obey his orders, or those of the Department

1 ~~of Health and Environmental Control~~department, to enforce and carry out any and all restrictive
2 measures and quarantine regulations that may be prescribed. During a state of public health emergency,
3 as defined in Section 44-4-130, the director may request assistance in enforcing orders issued pursuant
4 to this chapter and pursuant to Chapter 4, Title 44, from the public safety authority, as defined in Section
5 44-4-130, other state law enforcement authorities, and local law enforcement. The public safety
6 authority may request assistance from the South Carolina National Guard in enforcing orders made
7 pursuant to this chapter or pursuant to Chapter 4, Title 44.

8
9 Section 44-1-110. (A) The Department of Public Health and Environmental Control is invested with
10 all the rights and charged with all the duties pertaining to organizations of like character and is the sole
11 advisor of the State in all questions involving the protection of the public health within its limits.

12 ~~(B) It shall~~The department, through its representatives, shall investigate the causes, character, and
13 means of preventing the epidemic and endemic diseases as the State is liable to suffer from and the
14 influence of climate, location, and occupations, habits, drainage, scavenging, water supply, heating,
15 and ventilation. ~~It shall have~~has, upon request, full access to the medical records, tumor registries, and
16 other special disease record systems maintained by physicians, hospitals, and other health facilities as
17 necessary to carry out its investigation of these diseases. No physician, hospital, or health facility, or
18 person in charge of these records is liable in any action-at-law for permitting the examination or review.
19 Patient-identifying information elicited from these records and registries must be kept confidential by
20 the department and it is exempt from the provisions of Chapter 4 ~~of~~, Title 30. ~~The department~~It shall
21 supervise and control the quarantine system of the State. ~~It and~~ may establish quarantine both by land
22 and sea.

23
24 Section 44-1-130. (A) The Department of Public Health and Environmental Control may divide the
25 State into health districts and establish in these districts advisory boards of health which shall consist
26 of representatives from each county in the district. Boards of health now existing in the districts shall
27 have representation on the district advisory board. Counties not having local boards of health ~~shall~~
28 must be represented by individuals appointed by the county legislative delegation. The number of
29 members of a district advisory board ~~shall~~must be determined by the ~~Department~~department with due
30 consideration to the population and community needs of the district. District advisory boards of health
31 ~~shall be~~are subject to the supervisory and advisory control of the ~~Department~~department. District
32 advisory boards are charged with the duty of advising the district medical director or administrator in
33 all matters of sanitary interest and scientific importance bearing upon the protection of the public health.

34 (B) The district medical director or administrator ~~shall be~~is the secretary of the advisory board and
35 the district advisory board shall elect annually from its membership a chairman.

1 Section 44-1-140. The Department of Public Health and Environmental Control may make, adopt,
2 promulgate and enforce reasonable rules and regulations from time to time requiring and providing for:

3 ~~—(1) For the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats and~~
4 ~~other vehicles of transportation in this State and all convict camps, penitentiaries, jails, hotels, schools~~
5 ~~and other places used by or open to the public;~~

6 ~~—(2) For the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands and all~~
7 ~~other places or establishments providing eating or drinking facilities and all other places known as~~
8 ~~private nursing homes or places of similar nature, operated for gain or profit;~~

9 ~~—(3) For the production, storing, labeling, transportation and selling of milk and milk products, filled~~
10 ~~milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic~~
11 ~~milk products, milk derivatives and any other products made in semblance of milk or milk products;~~

12 ~~—(4) For the sanitation and control of abattoirs, meat markets, whether the same be definitely provided~~
13 ~~for that purpose or used in connection with other business, and bottling plants;~~

14 ~~—(5) For the classification of waters and for the safety and sanitation in the harvesting, storing,~~
15 ~~processing, handling and transportation of mollusks, fin fish and crustaceans;~~

16 ~~—(6) For the control of disease-bearing insects, including the impounding of waters;~~

17 ~~(7)(1) For the safety, safe operation and sanitation of public swimming pools and other public bathing~~
18 ~~places, construction, tourist and trailer camps, and fairs;~~

19 ~~—(8) For the control of industrial plants, including the protection of workers from fumes, gases and~~
20 ~~dust, whether obnoxious or toxic;~~

21 ~~—(9) For the use of water in air humidifiers;~~

22 ~~(10)(2) For the care, segregation and isolation of persons having or suspected of having any~~
23 ~~communicable, contagious or infectious disease; and~~

24 ~~—(11) For the regulation of the methods of disposition of garbage or sewage and any like refuse matter~~
25 ~~in or near any village, town or city of the State, incorporated or unincorporated, and to abate obnoxious~~
26 ~~and offensive odors caused or produced by septic tank toilets by prosecution, injunction or otherwise;~~

27 ~~(12)(3) For the thorough investigation and study of the causes of all diseases, epidemic and~~
28 ~~otherwise, in this State, the means for the prevention of contagious disease and the publication and~~
29 ~~distribution of such information as may contribute to the preservation of the public health and the~~
30 ~~prevention of disease; and~~

31 ~~—(13) For alteration of safety glazing material standards and the defining of additional structural~~
32 ~~locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.~~

33 (B) The Department may make separate orders and rules to meet any emergency not provided for by
34 general rules and regulations, for the purpose of suppressing nuisances conditions dangerous to the
35 public health and communicable, contagious and infectious diseases and other danger to the public life
36 and health. Any rule or order imposed pursuant to this section shall remain in effect for up to forty-five

1 days unless extended by an act of the General Assembly.

2
3 ~~—Section 44-1-143. (A) For the purposes of this section:~~

4 ~~— (1) “Home-based food production operation” means an individual, operating out of the individual’s~~
5 ~~dwelling, who prepares, processes, packages, stores, and distributes nonpotentially hazardous foods for~~
6 ~~sale directly to a person, including online and by mail order, or to retail stores, including grocery stores.~~
7 ~~“Home-based food production operation” does not include preparing, processing, packaging, storing,~~
8 ~~or distributing aluminum canned goods or charcuterie boards.~~

9 ~~— (2) “Nonpotentially hazardous foods” are foods that are not potentially hazardous.~~

10 ~~— (3) “Person” means an individual consumer.~~

11 ~~— (4) “Potentially hazardous foods” includes:~~

12 ~~— (a) an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw~~
13 ~~seed-sprouts; cut melons; cut leafy greens; cut tomatoes or mixtures of cut tomatoes not modified to~~
14 ~~prevent microorganism growth or toxin formation; garlic-in-oil mixtures not modified to prevent~~
15 ~~microorganism growth or toxin formation;~~

16 ~~— (b) certain foods that are designated as Product Assessment Required (PA) because of the~~
17 ~~interaction of the pH and Aw values in these foods. Below is a table indicating the interaction of pH~~
18 ~~and Aw for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged:~~

Aw values	pH values		
	4.6 or less	>4.6-5.6	>5.6
(1) <0.92	non-PHF	non-PHF	non-PHF
(2) >0.92-0.95	non-PHF	non-PHF	PHF
(3) >0.95	non-PHF	PHF	PHF

19
20 ~~— Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than~~
21 ~~4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009~~
22 ~~Federal Drug Administration Food Code.~~

23 ~~— (B) The operator of the home-based food production operation must take all reasonable steps to~~
24 ~~protect food items intended for sale from contamination while preparing, processing, packaging,~~
25 ~~storing, and distributing the items including, but not limited to:~~

26 ~~— (1) maintaining direct supervision of any person, other than the operator, engaged in the~~
27 ~~processing, preparing, packaging, or handling of food intended for sale;~~

28 ~~— (2) prohibiting all animals, including pets, from entering the area in the dwelling in which the~~
29 ~~home-based food production operation is located while food items are being prepared, processed, or~~
30 ~~packaged and prohibiting these animals from having access to or coming in contact with stored food~~
31 ~~items and food items being assembled for distribution;~~

1 — ~~(3) prohibiting all domestic activities in the kitchen while the home-based food production~~
2 ~~operation is processing, preparing, packaging, or handling food intended for sale;~~

3 — ~~(4) prohibiting any person who is infected with a communicable disease that can be transmitted~~
4 ~~by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted~~
5 ~~by food, who has an infected wound, or who has an acute respiratory infection from processing,~~
6 ~~preparing, packaging, or handling food intended for sale by the home-based food production operation;~~
7 ~~and~~

8 — ~~(5) ensuring that all people engaged in processing, preparing, packaging, or handling food~~
9 ~~intended for sale by the home-based food production operation are knowledgeable of and follow safe~~
10 ~~food-handling practices.~~

11 — ~~(C) Each home-based food production operation shall maintain a clean and sanitary facility to~~
12 ~~produce nonpotentially hazardous foods including, but not limited to:~~

13 — ~~(1) department-approved water supply;~~

14 — ~~(2) a separate storage place for ingredients used in foods intended for sale;~~

15 — ~~(3) a properly functioning refrigeration unit;~~

16 — ~~(4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for~~
17 ~~the cleaning and sanitization of all utensils and equipment;~~

18 — ~~(5) adequate facilities for the storage of utensils and equipment;~~

19 — ~~(6) adequate hand-washing facilities separate from the utensil and equipment cleaning facilities;~~

20 — ~~(7) a properly functioning toilet facility;~~

21 — ~~(8) no evidence of insect or rodent activity; and~~

22 — ~~(9) department-approved sewage disposal, either onsite treatment or publicly provided.~~

23 — ~~(D) All food items packaged at the operation for sale must be properly labeled. The label must~~
24 ~~comply with federal laws and regulations and must include:~~

25 — ~~(1) the name and address of the home-based food production operation. If a home-based food~~
26 ~~production operator does not want to include his address on the label, then the department shall provide~~
27 ~~an identification number to the operator, upon the operator's request, that can be used on the label~~
28 ~~instead;~~

29 — ~~(2) the name of the product being sold;~~

30 — ~~(3) the ingredients used to make the product in descending order of predominance by weight; and~~

31 — ~~(4) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast~~
32 ~~to the background that reads: "PROCESSED AND PREPARED BY A HOME-BASED FOOD~~
33 ~~PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S FOOD~~
34 ~~SAFETY REGULATIONS."~~

35 — ~~(E) Home-based food operations only may sell, or offer to sell, food items directly to a person,~~
36 ~~including online and by mail order, or to retail stores, including grocery stores. Food produced from a~~

1 ~~home-based food production operation shall be considered to be from an approved source, as required~~
2 ~~of a retail food establishment pursuant to Regulation 61.25. Any retail stores, including grocery stores,~~
3 ~~that sell or offer to sell home-based food products must post clearly visible signage indicating that~~
4 ~~home-based food products are not subject to commercial food regulations.~~

5 ~~—(F) A home-based food production operation is not a retail food establishment and is not subject to~~
6 ~~regulation by the department pursuant to Regulation 61.25.~~

7 ~~—(G) The provisions of this section do not apply to an operation with net earnings of less than fifteen~~
8 ~~hundred dollars annually but that would otherwise meet the definition of a home-based food operation~~
9 ~~provided in subsection (A)(1).~~

10 ~~—(H) [Deleted]~~

11 ~~—(I) The provisions of this section apply in the absence of a local ordinance to the contrary.~~

12
13 ~~—Section 44-1-145. (A) Notwithstanding any other provision of law, ground beef or any food~~
14 ~~containing ground beef prepared by a food service provider for public consumption must be cooked to~~
15 ~~heat all parts of the food to at least one hundred fifty five degrees Fahrenheit (sixty eight degrees~~
16 ~~Celsius), unless otherwise ordered by the immediate consumer.~~

17 ~~—(B) The food service provider, its business or its employees or agents, are not liable for any adverse~~
18 ~~effects to the purchaser or anyone else for providing a ground beef product cooked at an internal~~
19 ~~temperature less than one hundred fifty five degrees Fahrenheit (sixty eight degrees Celsius), if~~
20 ~~providing the product is at the request of the purchaser and if the food service provider has notified the~~
21 ~~purchaser in advance that a possible health risk may exist by eating the product. The notice must state~~
22 ~~that a possible health risk may exist in eating undercooked ground beef at an internal temperature less~~
23 ~~than one hundred fifty five degrees Fahrenheit (sixty eight degrees Celsius), and be given to the~~
24 ~~purchaser:~~

25 ~~— (1) in writing;~~

26 ~~— (2) as stated on the menu; or~~

27 ~~— (3) by visible sign warning.~~

28 ~~—(C) In order for an immediate consumer or purchaser, as used in this section, to request or order~~
29 ~~ground beef to be cooked to a temperature less than one hundred fifty-five degrees Fahrenheit (sixty-~~
30 ~~eight degrees Celsius), the individual must be eighteen years of age or older.~~

31
32 ~~—Section 44-1-148. Fresh meat or fresh meat products sold to a consumer may not be offered to the~~
33 ~~public for resale for human consumption if the fresh meat or fresh meat products have been returned~~
34 ~~by the consumer.~~

35
36 Section 44-1-150. (A) ~~Except as provided in Section 44-1-151, a~~ A person who after notice violates,

1 disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Public Health
2 ~~and Environmental Control~~, made by the department pursuant to Section 44-1-140, is guilty of a
3 misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for
4 thirty days.

5 (B) A person who after notice violates a rule, regulation, permit, permit condition, final
6 determination, or order of the department issued pursuant to Section 44-1-140 is subject to a civil
7 penalty not to exceed one thousand dollars a day for each violation.

8 (C) Fines collected pursuant to subsection (B) must be remitted by the department to the State
9 Treasurer for deposit in the state general fund.

10 (D) The term “notice” as used in this section means either actual notice or constructive notice.

11
12 Section 44-1-160. Nothing contained in Section 44-1-140 shall in any way ~~abridge or limit~~abridges
13 or limits the right of ~~any a~~ person to maintain or prosecute ~~any proceedings, civil or criminal, a civil or~~
14 criminal proceeding against a person maintaining a nuisance.

15
16 Section 44-1-170. The Department of Public Health ~~and Environmental Control~~ may direct and
17 supervise the action of the local boards of health in incorporated cities and towns and in all townships
18 in all matters pertaining to ~~such~~the local boards.

19
20 Section 44-1-180. The Department of Public Health ~~and Environmental Control~~ may establish
21 charges for maintenance and medical care for all persons served in State health centers and other health
22 facilities under the jurisdiction of the Department and by personnel of the Department and of the health
23 units under its jurisdiction in homes and any other places where health services are needed. The terms
24 “medical care” and “health services” include the services of physicians, dentists, optometrists, nurses,
25 sanitarians, physical therapists, medical social workers, occupational therapists, health aides, speech
26 therapists, X-ray technologists, dietitians, nutritionists, laboratory technicians, and other professional
27 and subprofessional health workers. The charges, which may be adjusted from time to time, shall be
28 reasonable and based on the total costs of the services rendered, including operating costs, depreciation
29 costs, and all other elements of costs.

30
31 Section 44-1-190. The Department of Public Health ~~and Environmental Control~~ shall make such
32 investigations as it deems necessary to determine which persons or which of the parents, guardians,
33 trustees, committees or other persons or agencies legally responsible therefor are financially able to
34 pay the expenses of the care and treatment, and may contract with any person or agency for the care
35 and treatment of any person to the extent permitted by the resources available to the Department. The
36 Department may require any county or State agency to furnish information which would be helpful to

1 it in making the investigations. In arriving at the amount to be charged, the Department shall have due
2 regard for the financial condition and estate of the person, his present and future needs and the present
3 and future needs of his lawful dependents, and whenever considered necessary to protect him or his
4 dependents, may agree to accept a sum less than the actual cost of services. ~~A~~No person shall may not
5 be deprived of available health services solely because of inability to pay. ~~No fees shall~~A fee may not
6 be charged for services which in the judgment of the Department should be made freely available in
7 order to protect and promote the public health.

8
9 Section 44-1-200. The Department of ~~Public Health and Environmental Control~~ may provide home
10 health services to those persons living in areas of the State in which adequate home health services are
11 not available and may charge fees for such services. Home health services ~~shall~~must include care of
12 the ill and disabled rendered at home including, but not limited to, bedside care, treatment and
13 rehabilitation services. In order that it may provide such services, the department may employ the
14 necessary personnel, including nurses, physical therapists, speech therapists, occupational therapists,
15 medical social workers, home health aides, nutritionists, and supervisory personnel, and may purchase
16 equipment and materials necessary to maintain an effective program. The Department shall, wherever
17 possible, assist and advise nonprofit agencies or associations in the development of home health
18 services programs and may enter into agreements with such agencies or associations specifying the
19 type of assistance and advice it will provide.

20
21 Section 44-1-210. All fees and charges collected pursuant to Sections 44-1-180 to 44-1-200,
22 including vital statistics fees as now provided by law, shall be deposited in the State Treasury and shall
23 be used in the operation of the public health program of the bureau, division, district health unit or local
24 county health department which performed the services for which the fees and charges were collected.
25 An annual report shall be made to the State Fiscal Accountability Authority, Executive Budget Office
26 and the Revenue and Fiscal Affairs Office of the receipts and expenditures made under the provisions
27 of Sections 44-1-180 to 44-1-200.

28
29 Section 44-1-215. Notwithstanding Section 13-7-85, the Department of ~~Public Health and~~
30 ~~Environmental Control~~ may retain all funds generated in excess of those funds remitted to the general
31 fund in ~~fiscal year~~Fiscal Year 2000-2001 from fees listed in Regulation R61-64 Title B.

32
33 Section 44-1-220. All skilled and intermediate care nursing facilities licensed by the Department of
34 ~~Public Health and Environmental Control~~ shall must be required to furnish an item-by-item billing for
35 all charges to the patient or the person paying ~~sueh~~the bill, upon request by ~~sueh~~the patient or person.
36 Items which remain unpaid are not required to be itemized again. ~~Such requests~~A request for itemized

1 billing ~~shall remain~~remains in effect until further notification by the patient or person paying ~~such the~~
2 bill. Provided, that the provision herein ~~shall does~~ not apply to the contracted amount of a state or
3 federal agency. Any amount above ~~such a~~ contract ~~shall must~~ be itemized as provided herein.

4
5 Section 44-1-230. The Department of Public Health~~and Environmental Control~~ shall give
6 consideration to any benefits available to an individual, including private, group or other insurance
7 benefits, to meet, in whole or in part, the cost of any medical or health services. ~~Such benefits~~Benefits
8 ~~shall must~~ be utilized insofar as possible; ~~provided,~~ however, the availability of ~~such~~ benefits ~~shall~~
9 must not be the sole basis for determining eligibility for program services of the department. Insurance
10 carriers ~~shall must~~ not deny payment of benefits otherwise available to the insured solely on the basis
11 that an individual has applied for, or has been deemed eligible to receive, or has received, services, or
12 on the basis that payments have been made for services by the department.

13
14 Section 44-1-260. Upon conducting an early periodic screening, diagnosis, and treatment screening
15 (EPSDT), or another physical examination of a child from which it is determined that the child may
16 benefit from the use of assistive technology, the department or person conducting the screening or
17 examination may refer the child to an appropriate agency for an assistive technology evaluation. For
18 purposes of this section, "assistive technology" means a device or service which is used to increase,
19 maintain, or improve the functional capacities of an individual with a disability. An "assistive
20 technology device" ~~is means~~ means an item, piece of equipment, or product system, whether acquired
21 commercially, off the shelf, modified, or customized that is used to increase, maintain, or improve the
22 functional capacities of an individual with a disability including, but not limited to, aids for daily living,
23 augmentative communication devices, wheelchairs, and mobility aids, seating and positioning aids,
24 computer aids, environmental controls, home and workplace modifications, prosthetics and orthotics,
25 or aids for vision or hearing impairments. An "assistive technology service" is a service that directly
26 assists an individual with a disability in the selection, acquisition, or use of an assistive technology
27 device.

28
29 Section 44-1-280. The ~~Board and~~ Department of Public Health~~and Environmental Control~~ in
30 establishing priorities and funding for programs and services which impact on children and families
31 during the first years of a child's life, within the powers and duties granted to it, must support, as
32 appropriate, the South Carolina First Steps to School Readiness initiative, as established in Title 59,
33 Chapter 152, at the state and local levels.

34
35 Section 44-1-310. (A) The Department of Public Health~~and Environmental Control~~ shall establish
36 a Maternal Morbidity and Mortality Review Committee to review maternal deaths and to develop

1 strategies for the prevention of maternal deaths. The committee must be multidisciplinary and
2 composed of members deemed appropriate by the department. The committee also may review severe
3 maternal morbidity. The department may contract with an external organization to assist in collecting,
4 analyzing, and disseminating maternal mortality information, organizing and convening meetings of
5 the committee, and performing other tasks as may be incident to these activities, including providing
6 the necessary data, information, and resources to ensure successful completion of the ongoing review
7 required by this section.

8 (B) The State Registrar shall provide the following necessary data from death certificates of women
9 who died within a year of pregnancy to the department staff for review to assist in identifying maternal
10 death information:

- 11 (1) name;
- 12 (2) date and time of death;
- 13 (3) state and county of residence;
- 14 (4) date of birth;
- 15 (5) marital status;
- 16 (6) citizenship status;
- 17 (7) United States armed forces veteran status;
- 18 (8) educational background;
- 19 (9) race and ethnicity;
- 20 (10) date and time of injury;
- 21 (11) place of injury;
- 22 (12) location where injury occurred;
- 23 (13) place of death (facility name and/or address);
- 24 (14) manner of death;
- 25 (15) whether an autopsy was performed and findings available as to the cause of death;
- 26 (16) whether tobacco contributed to death;
- 27 (17) primary and contributing causes of death.

28 (C) The State Registrar shall provide the following necessary data from birth certificates or fetal
29 death reports linked to the woman for whom data from the death certificate was provided pursuant to
30 subsection (B), where available, to department staff for review to assist in identifying maternal death
31 information:

- 32 (1) medical record number;
- 33 (2) date of delivery;
- 34 (3) location of event;
- 35 (4) name of mother;
- 36 (5) mother's date of birth;

- 1 (6) mother's race and ethnicity;
- 2 (7) mother's pregnancy history;
- 3 (8) mother's height and weight;
- 4 (9) date of last normal menstrual period;
- 5 (10) date of first prenatal visit;
- 6 (11) number of prenatal visits;
- 7 (12) plurality;
- 8 (13) use of WIC during pregnancy;
- 9 (14) delivery payment method;
- 10 (15) cigarette smoking before and during pregnancy;
- 11 (16) risk factors during pregnancy;
- 12 (17) infections present or treated during pregnancy;
- 13 (18) onset of labor;
- 14 (19) obstetric procedures;
- 15 (20) characteristics of labor and delivery;
- 16 (21) maternal morbidity.

17 (D) The department must not disclose any information collected under this section that would
18 identify the mother or baby with anyone outside the department, including the committee. Identifying
19 information includes, but may not be limited to, names, addresses more specific than the county of
20 residence, medical record numbers, and dates and times of birth or death.

21 (E) The department, or its representatives, on behalf of the committee, shall:

- 22 (1) extract necessary data elements from death certificates and birth certificates or fetal death
23 reports, as applicable, and provide de-identified information to the committee for its review and
24 consideration;
- 25 (2) review and abstract medical records and other relevant data;
- 26 (3) contact family members and other affected or involved persons to collect additional data.

27 (F) The committee shall:

- 28 (1) review information and records provided by the department;
- 29 (2) determine whether maternal death cases reviewed are pregnancy related, as defined as a death
30 within one year of the pregnancy with a direct or indirect causation related to the pregnancy or
31 postpartum period;
- 32 (3) consult with relevant experts to evaluate the records and data;
- 33 (4) make determinations regarding the preventability of maternal deaths;
- 34 (5) develop recommendations for the prevention of maternal deaths; and
- 35 (6) disseminate findings and recommendations pursuant to subsection (J).

36 (G)(1) Health care providers and pharmacies licensed pursuant to Title 40 shall provide reasonable

1 access to the department and its representatives, on behalf of the committee, to all relevant medical
2 records associated with a case under review by the committee.

3 (2) A health care provider, health care facility, or pharmacy providing access to medical records
4 pursuant to this subsection are not liable for civil damages or subject to criminal or disciplinary action
5 for good faith efforts in providing the records.

6 (3) Coroners and law enforcement shall provide reasonable access to the department and its
7 representatives, on behalf of the committee, to all relevant records associated with a case under review
8 by the committee.

9 (H)(1) Information, records, reports, statements, notes, memoranda, or other data collected pursuant
10 to this section are not admissible as evidence in any action of any kind in any court or before another
11 tribunal, board, agency, or person. The information, records, reports, statements, notes, memoranda, or
12 other data must not be exhibited nor their contents disclosed, in whole or in part, by an officer or a
13 representative of the department or another person, except as necessary for the purpose of furthering
14 the review of the committee of the case to which they relate. A person participating in a review may
15 not disclose the information obtained except in strict conformity with the review project.

16 (2) All information, records of interviews, written reports, statements, notes, memoranda, or other
17 data obtained by the department, the committee, and other persons, agencies, or organizations
18 authorized by the department pursuant to this section are confidential.

19 (I)(1) All proceedings and activities of the committee, opinions of members of the committee formed
20 as a result of the proceedings and activities, and records obtained, created, or maintained pursuant to
21 this section, including records of interviews, written reports, and statements procured by the department
22 or another person, agency, or organization acting jointly or under contract with the department in
23 connection with the requirements of this section, are confidential and are not subject to the provisions
24 of Chapter 4, Title 30 relating to open meetings or public records, or subject to subpoena, discovery or
25 introduction into evidence in any civil or criminal proceeding. However, this section must not be
26 construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything
27 that is available from another source and entirely independent of the committee's proceedings.

28 (2) Members of the committee must not be questioned in a civil or criminal proceeding regarding
29 the information presented in or opinions formed as a result of a meeting or communication of the
30 committee. However, this section must not be construed to prevent a member of the committee from
31 testifying to information obtained independently of the committee or which is public information.

32 (J) Reports of aggregated nonindividually identifiable data for the previous calendar year must be
33 compiled and disseminated by March first of the following year in an effort to further study the causes
34 and problems associated with maternal deaths. Reports must be distributed to the General Assembly,
35 the Director of the Department of Public Health and Environmental Control, health care providers and
36 facilities, key governmental agencies, and others necessary to reduce the maternal death rate.

1 (K) Members shall serve without compensation, and are ineligible for the usual mileage, subsistence,
2 and per diem allowed by law for members of state boards, committees, and commissions.

3 (L) The department shall apply for and use any available federal or private monies to help fund the
4 costs associated with implementing the provisions of this section.
5
6

7 SECTION 3. Section 44-9-70 of the S.C. Code is amended to read:
8

9 Section 44-9-70. The State Department of Mental Health is hereby designated as the State's mental
10 health authority for purposes of administering Federal funds allotted to South Carolina under the
11 provisions of the National Mental Health Act, as amended. The State Department of Mental Health is
12 further designated as the State agency authorized to administer minimum standards and requirements
13 for mental health clinics as conditions for participation in Federal-State grants-in-aid under the
14 provisions of the National Mental Health Act, as amended, and is authorized to promote and develop
15 community mental health outpatient clinics. ~~Provided, that nothing~~Nothing in this article shall be
16 construed to prohibit the operation of outpatient mental health clinics by the ~~South Carolina Medical~~
17 ~~College~~ Medical University of South Carolina Hospital in Charleston. ~~Provided, further, that~~
18 ~~nothing~~Further, nothing herein shall be construed to include any of the functions or responsibilities
19 now granted the Department of ~~Public Health and Environmental Control~~, or the administration of the
20 State Hospital Construction Act (Hill-Burton Act), as provided in the ~~1976 S.C. Code of Laws and~~
21 amendments thereto.
22

23 SECTION 4. Chapter 11, Title 25 of the S.C. Code is amended by adding:
24

25 Article 7
26

27 South Carolina Veteran Homes
28

29 Section 25-11-710. The Department of Veterans' Affairs, in mutual agreement with the authorities
30 of the United States Veterans Administration, may establish and operate South Carolina veterans homes
31 to provide treatment for South Carolina veterans who require long term nursing care. The Department
32 of Veterans' Affairs is designated as the agency of the State to apply for and to accept gifts, grants, and
33 other contributions from the federal government or from any other governmental unit for the operation
34 and construction of South Carolina veterans homes. The Department of Veterans' Affairs may consult
35 with the Department of Public Health and the Office of the Governor concerning the policies,
36 management, and operation of the South Carolina veterans homes.

1
2 Section 25-11-720. For the purpose of Section 25 11 710, "South Carolina veterans" means any ex
3 service South Carolina citizen who was discharged under other than dishonorable conditions and who
4 served in any branch of the military or naval service of the United States.

5
6 SECTION 5. Chapter 3, Title 49 of the S.C. Code is amended to read:

7
8 CHAPTER 3

9
10 ~~Water Resources Planning and Coordination Act~~Department of Environmental Services

11
12 Section 49-3-10. ~~(A)(1) This chapter may be cited as the South Carolina Water Resources Planning~~
13 ~~and Coordination Act.~~There is created the Department of Environmental Services comprised of:

14 _____ (a) the Division of Air Quality;

15 _____ (b) the Division of Land and Waste Management;

16 _____ (c) the Division of Water;

17 _____ (d) the Division of Regional and Laboratory Services, which includes the Office of Emergency
18 Response and the Office of Onsite Wastewater and Enforcement; and

19 _____ (e) the Division of Coastal Management.

20 _____ (2) The Director of the Department of Environmental Services may realign the bureaus, divisions,
21 offices, and programs to gain additional efficiencies or to better align resources with changes in
22 environmental statutes or regulation.

23
24 Section 49-3-20. ~~As used in this chapter:~~

25 ~~—(1) "Board" means the governing body of the Department of Natural Resources.~~

26 ~~—(2) "Department" means the Department of Natural Resources.~~The Governor shall appoint a Director
27 of the Department of Environmental Services pursuant to Section 1-30-10(B) upon the advice and
28 consent of the Senate. The director is subject to removal by the Governor as provided for in Section 1
29 3 240. The director shall manage the department and may appoint deputies for the divisions pursuant
30 to Section 1-30-10(E). The director shall have all authority and duties as provided for in Chapter 30,
31 Title 1.

32 The former Water Resources Division of the Department of Natural Resources is transferred to the
33 Division of Water in the Department of Environmental Services. The regulatory functions of the former
34 Water Resources Commission that were transferred to the Department of Health and Environmental
35 Control are further transferred to the Department of Environmental Services.

1 Section 49-3-40. ~~(a)~~(A) The department shall advise and assist the Governor and the General
2 Assembly in:

3 (1) formulating and establishing a comprehensive water resources policy for the State, such as a
4 State Water Plan, including coordination of policies and activities among the state departments and
5 agencies;

6 (2) developing and establishing policies and proposals designed to meet and resolve special
7 problems of water resource use and control within or affecting the State, including consideration of the
8 requirements and problems of urban and rural areas;

9 (3) reviewing the actions and policies of state agencies with water resource responsibilities to
10 determine the consistency of such actions and policies with the comprehensive water policy of the State
11 and to recommend appropriate action where deemed necessary;

12 (4) reviewing any project, plan or program of federal aid affecting the use or control of any waters
13 within the State and to recommend appropriate action where deemed necessary;

14 (5) developing policies and recommendations to assure that the long range interests of all groups,
15 urban, suburban, and rural, are provided for in the state's representation on interstate water issues;

16 (6) recommending to the General Assembly any changes of law or regulation required to
17 implement the policy declared in this chapter; and

18 (7) such other water resources planning, policy formulation and coordinating functions as the
19 Governor and the General Assembly may designate.

20 ~~(b)~~(B) The department is authorized to conduct or arrange for such studies, inquiries, surveys or
21 analyses as may be relevant to its duties in assisting the Governor and the General Assembly in the
22 implementation of the policy declared in this chapter, and in developing recommendations for the
23 General Assembly. For these purposes, the department shall have full access to the relevant records of
24 other state departments and agencies and political subdivisions of the State, and may hold public
25 hearings, and may cooperate with or contract with any public or private agency, including educational,
26 civic and research organizations. The studies, inquiries, surveys, or analyses shall incorporate and
27 integrate, to the maximum extent feasible, plans, programs, reports, research and studies of federal,
28 state, interstate, regional, metropolitan and local units, agencies and departments of government.

29 ~~(e)~~(C) In developing recommendations for the Governor and the General Assembly relating to the
30 use and control of the water resources of the State, the department shall:

31 (1) coordinate its activities by distribution of copies of its notices of meetings with agenda, minutes
32 and reports of all state agencies concerned with water resources;

33 (2) consult with representatives of any federal, state, interstate, or local units of government which
34 would be affected by such recommendations; and

35 (3) be authorized to appoint such interdepartmental and public advisory boards as necessary to
36 advise them in developing policies for recommendations to the Governor and the General Assembly.

1 ~~(d)~~(D) The department shall encourage, assist and advise regional, metropolitan, and local
2 governmental agencies, officials or bodies responsible for planning in relation to water aspects of their
3 programs, and shall assist in coordinating local and regional water resources activities, programs, and
4 plans.

5 ~~(e)~~(E) The department may publish reports, including the results of such studies, inquiries, surveys
6 and analyses as may be of general interest, and shall make an annual report of its activities to the
7 Governor and the General Assembly within ten days after the convening of each session of the General
8 Assembly.

9 ~~(f)~~(F) The department may receive and expend grants, gifts, and monies donated or given by any
10 state, federal, or private agency, person, corporation, water or sewer authority, or political subdivision
11 in connection with water resource investigations in which the results of such investigations will be
12 made publicly available.

13 ~~(g)~~(G) The department is authorized and required to review and approve the expenditure of funds
14 derived from the United States Army Corps of Engineers when any funds are authorized and
15 appropriated for any water resources related projects or purposes, including but not limited to, the
16 following:

- 17 (1) navigation,
- 18 (2) irrigation,
- 19 (3) water storage,
- 20 (4) aquatic weed management,
- 21 (5) flood control,
- 22 (6) salinity control,
- 23 (7) interstate water concerns, and
- 24 (8) any studies, surveys, or analyses performed by the Corps of Engineers.

25 The review and approval required by this subsection is not applicable to any Corps of Engineers
26 funds which must be expended in a different manner pursuant to express statutory direction.

27
28 Section 49-3-50. In exercising its responsibilities under this chapter, the department shall take into
29 consideration the need for:

30 ~~(a)~~(1) Adequate supplies of surface and groundwaters of suitable quality for all uses, including
31 domestic, municipal, agricultural, and industrial.

32 ~~(b)~~(2) Water of suitable quality for all purposes.

33 ~~(c)~~(3) Water availability for recreational and commercial needs.

34 ~~(d)~~(4) Hydroelectric power.

35 ~~(e)~~(5) Flood damage control or prevention measures including zoning to protect people, property,
36 and productive lands from flood losses.

1 ~~(f)~~(6) Land stabilization measures.

2 ~~(g)~~(7) Drainage measures, including salinity control.

3 ~~(h)~~(8) Watershed protection and management measures.

4 ~~(i)~~(9) Outdoor recreational and fish and wildlife opportunities.

5 ~~(j)~~(10) Studies on saltwater intrusion into groundwater and surface water.

6 ~~(k)~~(11) Measures to protect the state's fisheries and other aquatic resources.

7 ~~(l)~~(12) Any other means by which development of water and related land resources can contribute
8 to economic growth and development, the long-term preservation of water resources, and the general
9 well-being of all the people of the State.

10
11 Section 49-3-60. (A) ~~Notwithstanding another provision of law, an entity that has contracted for the~~
12 ~~right to store water in a reservoir owned by the United State Army Corps of Engineers has exclusive~~
13 ~~rights to any return flows generated directly or indirectly to that reservoir by the entity. The rights~~
14 ~~conferred by this subsection must be subject to any regulatory requirements imposed by the South~~
15 ~~Carolina Department of Health and Environmental Control and to the availability to the entity of unused~~
16 ~~storage capacity within the reservoir to store such return flows.~~ All decisions of the Department of
17 Environmental Services involving the issuance, denial, renewal, suspension, or revocation of permits,
18 licenses, certificates, or other actions of the department which may give rise to a contested case, except
19 a decision to establish a baseline or setback line, must be made using the procedures set forth in this
20 section. A department decision referenced in this subsection relating to a poultry facility or another
21 animal facility, except a swine facility, also must comply with the provisions of Section 49-3-65.

22 (B) ~~For purposes of this section, "return flow" means water that is discharged directly or indirectly~~
23 ~~to a reservoir from a water reclamation facility.~~ The department shall comply with all requirements for
24 public notice, receipt of public comments, and public hearings before making a decision. To the
25 maximum extent possible, the department shall use a uniform system of public notice of permit
26 applications, opportunity for public comment, and public hearings.

27 (C) In making a decision about a permit, license, certification, or other approval giving rise to a
28 contested case, the department shall take into consideration all material comments received in response
29 to the public notice in determining whether to issue, deny or condition a permit, license, certification,
30 or other approval. At the time that a final departmental decision is made, the department shall issue a
31 final written decision and shall base its decision on the administrative record, which must consist of the
32 application and supporting exhibits, all public comments and submissions, and other documents
33 contained in the supporting file for the permit, license, certification, or other approval. The
34 administrative record also may include material readily available at the department, or published
35 materials which are generally available and need not be physically included in the same file as the rest
36 of the record as long as such materials are specifically referred to in the department decision. The

1 department is not required to issue a final written departmental decision for issuance of routine permits
2 for which the department has not received adverse public comments. The department is required to
3 make a final decision granting the permit where the applicant has met all conditions in statutes and
4 regulations governing that permit.

5 (D)(1) The department shall send a notice of a final departmental decision by certified mail, returned
6 receipt requested to the applicant, permittee, licensee, certificate holder, and affected persons who have
7 requested in writing to be notified. Affected persons may request in writing to be notified by regular
8 mail or electronic mail in lieu of certified mail. Notice of decisions for which a written decision is not
9 required pursuant to subsection (C) must be provided by mail, delivery, or other appropriate means to
10 the applicant, permittee, licensee, certificate holder, and affected persons who have requested in writing
11 to be notified.

12 (2) Decisions by the department become final thirty days after the mailing of a notice pursuant to
13 item (1) unless the applicant, permittee, licensee, certificate holder, or affected person files a request
14 for a contested case hearing with the Administrative Law Court.

15 (3) Within thirty calendar days after the mailing of the decision pursuant to item (1), an applicant,
16 permittee, licensee, certificate holder, or affected person desiring to contest the agency decision may
17 request a contested case hearing before the Administrative Law Court, in accordance with the
18 Administrative Procedures Act. Notwithstanding Section 1-23-600(H)(1), the entirety of Section 1-23-
19 600(H) shall apply to timely requests for a contested case hearing of decisions from the Department of
20 Environmental Services. The court shall give consideration to the provisions of Section 1-23-330
21 regarding the department's specialized knowledge.

22 (E) If a deadline provided for in this section falls on a Saturday, Sunday, or state holiday, the
23 deadline must be extended until the next calendar day that is not a Saturday, Sunday, or state holiday.

24
25 Section 49-3-65. (A) In making a decision on a permit, license, certification, or other approval of
26 a poultry facility or another animal facility, except a swine facility, pursuant to Section 49-3-60(C), the
27 department shall base its decision solely on whether the permit complies with the applicable department
28 regulations governing the permitting of poultry and other animal facilities, other than swine facilities.

29 (B) For purposes of permitting, licensing, certification, or other approval of a poultry facility or
30 another animal facility, other than a swine facility:

31 (1) only an applicant, permittee, licensee, or affected person may request a contested case hearing
32 pursuant to Section 49-3-60(D)(2);

33 (2) only an applicant, permittee, licensee, or affected person may become a party to a contested
34 case hearing; and

35 (3) only an applicant, permittee, licensee, or affected person is entitled as of right to be admitted
36 as a party pursuant to Section 1-23-310(5) of the Administrative Procedures Act.

1 (C)(1) In determining whether to issue a permit, license, certification, or other approval of a poultry
2 facility or another animal facility, except a swine facility, the department only may take into
3 consideration the existing development on and use of property owned or occupied by an affected person
4 on the date the department receives the applicant's complete application package as prescribed by
5 regulation. The department must not take into consideration any changes to the development or use of
6 property after receipt of the application including, but not limited to, the construction of a residence.

7 (2) If a property owner signs a setback waiver of the right to contest the issuance of a permit,
8 license, certification, or other approval of a poultry facility or another animal facility, except a swine
9 facility, including waiver of the right to notice and a public hearing on a permit, license, certification,
10 or other approval and to file a contested case or other action, then the affected person has seventy two
11 hours to provide in writing a withdrawal or rescission of the waiver.

12 (D)(1) An applicant, permittee, licensee, or affected person who is aggrieved by a decision to issue
13 or deny a permit, license, certification, or other approval of a poultry facility or another animal facility,
14 except a swine facility, may request a contested case hearing before the Administrative Law Court, in
15 accordance with the Administrative Procedures Act.

16 (2) Notwithstanding any other provision of law, a decision to issue a permit, license, certification,
17 or other approval of a poultry facility or another animal facility, except a swine facility, may not be
18 contested if the proposed building footprint is located eight hundred feet or more from the facility
19 owner's property line or located one thousand feet or more from an adjacent property owner's
20 residence.

21 (E) For purposes of this section, 'affected person' means a property owner with standing within a
22 one mile radius of the proposed building footprint or permitted poultry facility or other animal facility,
23 except a swine facility, who is challenging on his own behalf the permit, license, certificate, or other
24 approval for the failure to comply with the specific grounds set forth in the applicable department
25 regulations governing the permitting of poultry facilities and other animal facilities, other than swine
26 facilities.

27
28 Section 49-3-70. (A) The Department of Environmental Services may make, adopt, promulgate, and
29 enforce reasonable rules and regulations from time to time requiring and providing for:

30 (1) the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats, and
31 other vehicles of transportation in this State and all correctional facilities, jails, hotels, schools, and
32 other places used by or open to the public;

33 (2) the control of industrial plants, including the protection of workers from fumes, gases, and
34 dust, whether obnoxious or toxic;

35 (3) the use of water in air humidifiers;

36 (4) the regulation of the methods of disposition of garbage or sewage and any like refuse matter

1 in or near any village, town, or city of the State, incorporated or unincorporated, and to abate obnoxious
2 and offensive odors caused or produced by septic tank toilets by prosecution, injunction, or otherwise;
3 and

4 (5) the alteration of safety glazing material standards and the defining of additional structural
5 locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.

6 (B) The department may make separate orders and rules to meet any emergency not provided for by
7 general rules and regulations, for the purpose of suppressing nuisances dangerous to the environment
8 and public life and health. Any rule or order imposed pursuant to this section shall remain in effect for
9 up to forty-five days unless extended by an act of the General Assembly.

10
11 Section 49-3-75. (A) There is established within the Department of Environmental Services an
12 Expedited Review Program to provide an expedited process for permit application review. Participation
13 in this program is voluntary, and the program must be supported by expedited review fees promulgated
14 in regulation pursuant to subsection (B)(1). The department shall determine the project applications to
15 review, and the process may be applied to any one or all of the permit programs administered by the
16 department.

17 (B)(1) Before January 1, 2009, the Department of Health and Environmental Control was directed
18 to promulgate regulations necessary to carry out the provisions of this section. The regulations were to
19 include, but are not limited to, definitions of 'completeness' for applications submitted, consideration
20 of joint federal state permitting activities, standards for applications submitted that advance
21 environmental protection, and expedited process application review fees. Beginning the effective date
22 of this act, the Department of Environmental Services shall promulgate regulations it determines
23 necessary to carry out the purposes of this section.

24 (2) Regulations promulgated pursuant to this section must not alter public notice requirements for
25 permits, certifications, or licenses issued by the Department of Environmental Services.

26 (C) Until the Department of Health and Environmental Control promulgated regulations pursuant to
27 subsection (B)(1), it was directed to conduct a pilot expedited review program to determine the most
28 environmentally sound, cost efficient, and economically beneficial process for implementation of a
29 statewide expedited review program and to determine which permit programs, or subcomponents of a
30 program, to include in the pilot program and also was authorized to establish pilot program expedited
31 process application fees.

32 (D) There was created the Expedited Review Fund that is separate and distinct from the general fund
33 of the State and all other funds. Fees established in regulation pursuant to subsection (B) and assessed
34 pursuant to subsection (C) must be credited to the fund and used for the costs of implementing the
35 Expedited Review Program. Interest accruing to the fund must be retained by the fund and used for the
36 same purposes. Revenue in the fund not expended during a fiscal year, including fees generated

1 pursuant to subsection (C), must be carried forward to the succeeding fiscal year and must be used for
2 the same purposes.

3
4 Section 49-3-80. A corporation or person whose only purpose is furnishing, supplying, marketing,
5 or selling treated effluent for irrigation purposes, is not a public utility for purposes of Title 58 by virtue
6 of the furnishing, supplying, marketing, or selling of the treated effluent, provided that the effluent has
7 not been permitted for consumption by the Department of Environmental Services or other regulatory
8 agency.

9
10 Section 49-3-85. (A) A person who after notice violates, disobeys, or refuses, omits, or neglects to
11 comply with a regulation of the Department of Environmental Services, made by the department
12 pursuant to Section 49-3-70, is guilty of a misdemeanor and, upon conviction, must be fined not more
13 than two hundred dollars or imprisoned for thirty days.

14 (B) A person who after notice violates a rule, regulation, permit, permit condition, final
15 determination, or order of the department issued pursuant to Section 49-3-70 is subject to a civil penalty
16 not to exceed one thousand dollars a day for each violation.

17 (C) Fines collected pursuant to subsection (B) must be remitted by the department to the State
18 Treasurer for deposit in the state general fund.

19 (D) The term 'notice' as used in this section means either actual notice or constructive notice.

20 (E) This section does not apply to fines levied pursuant to Section 49-3-70(2) or any other areas
21 regulated by the South Carolina Occupational Health and Safety Act, Section 41-12-10, et seq.

22
23 Section 49-3-90. Nothing contained in Section 49-3-70 in any way abridges or limits the right of a
24 person to maintain or prosecute a civil or criminal proceeding against a person maintaining a nuisance.

25
26 Section 49-3-95. (A) For purposes of the section, 'impacted location' means any facility issued or
27 otherwise subject to a permit, license, or approval from the North Carolina Department of Environment
28 and Natural Resources that has now been determined to be located within the jurisdiction of the South
29 Carolina Department of Environmental Services as a result of the amendments to Section 1-1-10,
30 effective January 1, 2017.

31 (B) Notwithstanding any other provision of law, the South Carolina Department of Environmental
32 Services, in issuing any environmental permit, license, or approval to an impacted location shall
33 provide a schedule of compliance that allows the permittee a reasonable period of time to be no greater
34 than five years to come into compliance with any South Carolina environmental rule, regulation, or
35 standard established by the department or by law that has no corresponding rule, regulation, or standard
36 under North Carolina law or regulation, or is more stringent than the corresponding rule, regulation, or

1 standard established under North Carolina law or regulation. The department may include increments
2 of progress applicable in each year of the schedule established under this subsection, and may shorten
3 the period of compliance as necessary to prevent an imminent threat to the public health and
4 environment. The department may extend a permittee's compliance schedule under this section beyond
5 five years upon written application by the permittee only if the department determines that
6 circumstances reasonably require such an extension, and the extension of time would pose no threat to
7 public health or the environment.

8
9 Section 49-3-100. (A) Notwithstanding any other provision of law, shellfish that is the subject of a
10 violation of law, including regulations, may be confiscated and disposed of at the discretion of the
11 arresting officer.

12 (B) A person convicted of a second offense of harvesting shellfish in a polluted area, upon
13 conviction, must be fined not less than two hundred dollars and not more than five hundred dollars or
14 imprisoned for not less than thirty days and not more than sixty days.

15 (C) A person convicted of a third or subsequent offense of harvesting shellfish in a polluted area,
16 upon conviction, must be fined not less than five hundred dollars and not more than one thousand
17 dollars or imprisoned for not less than sixty days and not more than ninety days.

18 (D) All equipment including, but not limited to, vehicles, boats, motors, trailers, harvesting
19 equipment, weapons, spotlights, bags, boxes, or tools, used or in any other manner involved in a first
20 offense of harvesting shellfish in any polluted area, may be impounded at the discretion of the arresting
21 officer. The equipment impounded must be delivered to the sheriff of the county in which the arrest
22 was made and must be retained by the sheriff. The equipment may not be returned to the owner until
23 the case has been finally disposed of. All equipment including, but not limited to, vehicles, boats,
24 motors, trailers, harvesting equipment, weapons, spotlights, bags, boxes, or tools, used or in any other
25 manner involved in a second, third, or subsequent offense of harvesting shellfish in a polluted area,
26 must be confiscated. All confiscated equipment must be sold at auction by the sheriff of the county in
27 which the second, third, or subsequent offense took place and by a representative of the Department of
28 Environmental Services, except for weapons, which, following confiscation, must be disposed of in the
29 manner set forth in Sections 16-23-50, 16-23-460, and 16-23-500.

30
31 Section 49-3-105. Notwithstanding any other provision of law, all revenue from a fine or a
32 forfeiture of bond for a violation of a shellfish law or regulation provided by this title must be deposited
33 monthly with the treasurer of the county in which the arrest for the violation was made. One third of
34 the revenue must be retained by the county treasurer to be used for the general operating needs of the
35 county pursuant to the direction of the governing body of the county. Two thirds of the revenue must
36 be remitted quarterly to the Department of Environmental Services of which one half is to be used in

1 enforcing shellfish laws and regulations and one half is to be remitted quarterly to the state's general
2 fund. All monies derived from auction sales of confiscated equipment pursuant to Section 49-3-100
3 must be deposited, retained, remitted, and used in the same manner as provided in this section for all
4 revenue derived from a fine or a violation of a shellfish law or regulation. A report of fines for
5 forfeitures of bonds regarding shellfish violations must be sent to the department monthly by each
6 magistrate and clerk of court in this State. A report of monies derived from auction of sales of
7 confiscated equipment must be sent to the department monthly by each sheriff.

8
9 Section 49-3-110. When a person is apprehended by a shellfish patrolman upon a charge of
10 violating the health and sanitary aspects of shellfish, crab, and shrimp laws or regulations, the person
11 upon being served with a summons by the patrolman in lieu of being immediately brought before the
12 proper judicial officer may enter into a formal recognizance or deposit a proper sum of money in lieu
13 of a recognizance or incarceration with the patrolman as bail which must not be less than the minimum
14 or more than the maximum fine, but in no case exceed one hundred dollars. The bail must be turned
15 over to the proper judicial officer. A receipt for the sum deposited must be given to the person by the
16 patrolman. The summons duly served must give the judicial officer jurisdiction to dispose of the matter.
17 Upon receipt of bail the patrolman shall release the person so charged, and the person may appear in
18 court at the time stated in and required by the summons.

19
20 SECTION 6. Section 44-2-20(3) of the S.C. Code is amended to read:

21
22 (3) "Committed funds" means that portion of the Superb Account reserved as a result of action by
23 the Department of ~~Health and Environmental Control~~ Services to approve costs for planned site
24 rehabilitation activities.

25
26 SECTION 7. Section 44-2-20(5) of the S.C. Code is amended to read:

27
28 (5) "Department" means the Department of ~~Health and Environmental Control~~ Services.

29
30 SECTION 8. Section 44-2-40(A) of the S.C. Code is amended to read:

31
32 (A)(1) There is created within the state treasury two separate and distinct accounts which are to be
33 administered by the Department of ~~Health and Environmental Control~~ Services. The "Superb Account"
34 and the "Superb Financial Responsibility Fund" are created to assist owners and operators of
35 underground storage tanks containing petroleum and petroleum products to the extent provided for in
36 this chapter but not to relieve the owner or operator of any liability that cannot be satisfied by the

1 provisions of this chapter.

2 (2) The Superb Account must be used for payment of usual, customary, and reasonable costs for site
3 rehabilitation of releases from underground storage tanks containing petroleum or petroleum products.

4 (3) The Superb Financial Responsibility Fund must be used for compensating third parties for actual
5 costs for bodily injury and property damage caused by accidental releases from underground storage
6 tanks containing petroleum or petroleum products. The Superb Financial Responsibility Fund must
7 not be used for reimbursing claims for punitive damages.

8 (4) Except for releases reported before July 1, 1994, sites where the underground storage tank, at the
9 time of discovery and reporting of the release to the department, is not in substantial compliance with
10 regulations promulgated pursuant to Section 44-2-50(A), are not eligible for compensation from the
11 Superb Account, and no third party claims resulting from that release may be paid from the Superb
12 Financial Responsibility Fund.

13
14 SECTION 9. Section 44-2-60(C) of the S.C. Code is amended to read:

15
16 (C) In addition to the inspection fee of one-fourth cent a gallon imposed pursuant to Section 39-41-
17 120, an environmental impact fee of one-half cent a gallon is imposed which must be used by the
18 department for the purposes of carrying out the provisions of this chapter. This one-half cent a gallon
19 environmental impact fee must be paid and collected in the same manner that the one-fourth cent a
20 gallon inspection fee is paid and collected except that the monies generated from these environmental
21 impact fees must be transmitted by the Department of Agriculture to the Department of Health and
22 Environmental Control Services which shall deposit the fees as provided for in Section 44-2-40.

23
24 SECTION 10. Section 44-2-130(E)(1) of the S.C. Code is amended to read:

25
26 (E)(1) An owner or operator of an underground storage tank or his agent seeking to qualify for
27 compensation from the Superb Account for site rehabilitation shall submit a written application to the
28 department. The written application must be on a form specified by the department and include
29 certification that site rehabilitation is necessary, the tanks at the site have been registered in compliance
30 with applicable law and regulations, and all registration fees have been paid. The department shall
31 accept certification that the release at the site is in need of rehabilitation if the certification is provided
32 jointly by the owner or operator and a South Carolina registered professional geologist or engineer, and
33 if the certification is supported with geotechnical data which reasonably justifies the claim. Upon final
34 determination the department shall provide written notice to the applicant of its findings including
35 detailed reasons for any denial. Any denial of an application must be appealable to ~~the Board of Health~~
36 ~~and Environmental Control~~ a court with appropriate jurisdiction pursuant to the Administrative

1 Procedures Act. The department is exempt from this time frame for applications which are received
2 within three months of the close of the grace period allowed in Section 44-2-110.

3
4 SECTION 11. Section 44-4-130(F) of the S.C. Code is amended to read:

5
6 (F) ~~“Commissioner”~~ “Director” means the ~~Commissioner~~ Director of the Department of Public
7 Health and Environmental Control.

8
9 SECTION 12. Section 44-4-130(I) of the S.C. Code is amended to read:

10
11 (I) ~~“DHEC”~~ “Department” means the Department of Public Health and Environmental Control or
12 any person authorized to act on behalf of the Department of Health and Environmental Control.

13
14 SECTION 13. Section 44-4-130(W) of the S.C. Code is amended to read:

15
16 (W) “Trial court” is the circuit court for the county in which the isolation or quarantine is to occur
17 or to the circuit court for the county in which a public health emergency has been declared. If that court
18 is unable to function because of the isolation, quarantine, or public health emergency, the trial court is
19 a circuit court designated by the Chief Justice upon petition and proper showing by the Department of
20 Public Health and Environmental Control.

21
22 SECTION 14. Section 44-4-540(B)(1) of the S.C. Code is amended to read:

23
24 (B)(1) ~~DHEC~~ The department may temporarily isolate or quarantine an individual or groups of
25 individuals through an emergency order signed by the ~~commissioner~~ director or his designee, if delay
26 in imposing the isolation or quarantine would significantly jeopardize ~~DHEC's~~ the department's ability
27 to prevent or limit the transmission of a contagious or possibly contagious disease to others. Any
28 emergency order imposed pursuant to this section shall remain in effect for up to forty-five days unless
29 extended by an act of the General Assembly.

30
31 SECTION 15. Section 44-7-130(3) of the S.C. Code is amended to read:

32
33 (3) ~~“Board” means the State Board of Health and Environmental Control.~~ Reserved

34
35 SECTION 16. Section 44-7-130(8) of the S.C. Code is amended to read:

1 (8) "Department" means the Department of Public Health and Environmental Control.
2

3 SECTION 17. Section 44-7-150(3) of the S.C. Code is amended to read:
4

5 (3) adopt in accordance with Article I of the Administrative Procedures Act substantive and
6 procedural regulations considered necessary by the department ~~and approved by the board~~ to carry out
7 the department's licensure and Certificate of Need duties under this article, including regulations to
8 deal with competing applications;
9

10 SECTION 18. Section 44-7-180(A) of the S.C. Code is amended to read:
11

12 (A) There is created a health planning committee comprised of fourteen members. The Governor
13 shall appoint twelve members, which must include at least one member from each congressional
14 district. In addition, each of the following groups must be represented among the Governor's
15 appointees: health care consumers, health care financiers, including business and insurance, and health
16 care providers, including an administrator of a licensed for-profit nursing home. ~~The chairman of the~~
17 ~~board~~ director of the department shall appoint one member. The South Carolina Consumer Advocate or
18 the Consumer Advocate's designee is an ex officio nonvoting member. Members appointed by the
19 Governor are appointed for four-year terms, and may serve only two consecutive terms. Members of
20 the health planning committee are allowed the usual mileage and subsistence as provided for members
21 of boards, committees, and commissions. The committee shall elect from among its members a
22 chairman, vice chairman, and such other officers as the committee considers necessary to serve a two-
23 year term in that office.
24

25 SECTION 19. Section 44-7-180(C) of the S.C. Code is amended to read:
26

27 (C) Upon approval by the health planning committee, the South Carolina Health Plan must be
28 submitted at least once every two years to the ~~board~~ department for final revision and adoption. Once
29 adopted by the ~~board~~ department, the plan may later be revised through the same planning and approval
30 process. The department shall adopt by regulation a procedure to allow public review and comment,
31 including regional public hearings, before adoption or revision of the plan.
32

33 SECTION 20. Section 44-7-190(A) of the S.C. Code is amended to read:
34

35 (A) The department shall adopt, ~~upon approval of the board~~, Project Review Criteria which, at a
36 minimum, must provide for the determination of need for health care facilities, beds, services and

1 equipment, including demographic needs, appropriate distribution, and utilization; accessibility to
2 underserved groups; availability of facilities and services without regard to ability to pay; absence of
3 less costly and more effective alternatives; appropriate financial considerations, including method of
4 financing, financial feasibility, and cost containment; consideration of impact on health systems
5 resources; site and building suitability; consideration of quality of care; and relevant special
6 considerations as may be appropriate. The Project Review Criteria must be adopted as a regulation
7 pursuant to the Administrative Procedures Act.

8
9 SECTION 21. Section 44-7-200(C) of the S.C. Code is amended to read:

10
11 ~~(C) Upon publication of this notice and until a contested case hearing is requested pursuant to Section~~
12 ~~44-1-60(G):~~

13 ~~—(1) members of the board and persons appointed by the board to hold a final review conference on~~
14 ~~staff decisions may not communicate directly or indirectly with any person in connection with the~~
15 ~~application; and~~

16 ~~—(2) no person shall communicate, or cause another to communicate, as to the merits of the~~
17 ~~application with members of the board and persons appointed by the board to hold a final review~~
18 ~~conference on staff decisions.~~

19 ~~—A person who violates this subsection is subject to the penalties provided in Section 1-23-~~
20 ~~360.Reserved~~

21
22 SECTION 22. Section 44-7-210(C) of the S.C. Code is amended to read:

23
24 (C) On the basis of ~~staff~~ review of the application, the staff department shall make a staff department
25 decision to grant or deny the Certificate of Need and the staff department shall issue a decision in
26 accordance with Section 44-1-60(D)(C). ~~Notice of the decision must be sent to the applicant and~~
27 ~~affected persons who have asked to be notified. The decision becomes the final agency decision unless~~
28 ~~a timely written request for a final review is filed with the department as provided for in Section 44-1-~~
29 ~~60(E).~~

30 ~~—However, a person may not file a request for final review in opposition to the staff decision on a~~
31 ~~Certificate of Need unless the person provided written notice to the department during the staff review~~
32 ~~that he is an affected person and specifically states his opposition to the application under review.~~

33
34 SECTION 23. Section 44-7-210(D) of the S.C. Code is amended to read:

1 SECTION 24. Section 44-7-210(E) of the S.C. Code is amended to read:

2
3 ~~(E)~~(D) A contested case hearing of the final agency decision must be requested in accordance with
4 Section 44-1-60(G)(D). The issues considered at the contested case hearing considering a Certificate
5 of Need are limited to those presented or considered during the ~~staff~~departmental review.

6
7 SECTION 25. Section 44-7-230(D) of the S.C. Code is amended to read:

8
9 (D) A Certificate of Need is valid for one year from the date of issuance. A Certificate of Need must
10 be issued with a timetable submitted by the applicant and approved by the department to be followed
11 for completion of the project. The holder of the Certificate of Need shall submit periodic progress
12 reports on meeting the timetable as may be required by the department. Failure to meet the timetable
13 results in the revocation of the Certificate of Need by the department unless the department determines
14 that extenuating circumstances beyond the control of the holder of the Certificate of Need are the cause
15 of the delay. The department may grant two extensions of up to nine months each upon evidence that
16 substantial progress has been made in accordance with procedures set forth in regulations. ~~The board~~
17 ~~may grant further extensions of up to nine months each only if it determines that substantial progress~~
18 ~~has been made in accordance with the procedures set forth in regulations.~~

19
20 SECTION 26. Section 44-7-320(B) of the S.C. Code is amended to read:

21
22 (B) Should the department determine to assess a penalty, deny, suspend, or revoke a license, it shall
23 send to the appropriate person or facility, by certified mail, a notice setting forth the particular reasons
24 for the determination. The determination becomes final thirty days after the mailing of the notice,
25 unless the person or facility, within such thirty-day period, requests in writing a contested case hearing
26 ~~before the board, or its designee,~~ pursuant to the Administrative Procedures Act. On the basis of the
27 contested case hearing, the determination involved must be affirmed, modified, or set aside. Judicial
28 review may be sought in accordance with the Administrative Procedures Act.

29
30 SECTION 27. Section 44-7-370 of the S.C. Code is amended to read:

31
32 Section 44-7-370. (A) The South Carolina Department of Public Health and Environmental Control
33 shall establish a Residential Care Committee to advise the department regarding licensing and
34 inspection of community residential care facilities.

35 (1) The committee consists of the Long Term Care Ombudsman, three operators of homes with
36 ten beds or less, four operators of homes with eleven beds or more, and three members to represent the

1 department appointed by the ~~commissioner~~director for terms of four years.

2 (2) The terms must be staggered and no member may serve more than two consecutive terms. Any
3 person may submit names to the ~~commissioner~~director for consideration. The advisory committee
4 shall meet at least once annually with representatives of the department to evaluate current licensing
5 regulations and inspection practices. Members shall serve without compensation.

6 (B) The Department of Public Health and Environmental Control shall appoint a Renal Dialysis
7 Advisory Council to advise the department regarding licensing and inspection of renal dialysis centers.
8 The council must be consulted and have the opportunity to review all regulations promulgated by the
9 ~~board~~department affecting renal dialysis prior to submission of the proposed regulations to the General
10 Assembly.

11 (1) The council is composed of a minimum of fourteen persons, one member recommended by the
12 Palmetto Chapter of the American Nephrology Nurses Association; one member recommended by the
13 South Carolina Chapter of the National Association of Patients on Hemodialysis and Transplants; three
14 physicians specializing in nephrology recommended by the South Carolina Renal Physicians
15 Association; two administrators of facilities certified for dialysis treatment or kidney transplant
16 services; one member recommended by the South Carolina Kidney Foundation; one member
17 recommended by the South Carolina Hospital Association; one member recommended by the South
18 Carolina Medical Association; one member of the general public; one member representing
19 technicians working in renal dialysis facilities; one member recommended by the Council of
20 Nephrology Social Workers; and one member recommended by the Council of Renal Nutritionists.
21 The directors of dialysis programs at the Medical School of the University of South Carolina and the
22 Medical University of South Carolina, or their designees, are ex officio members of the council.

23 (2) Members shall serve four-year terms and until their successors are appointed and qualify. No
24 member of council shall serve more than two consecutive terms. The council shall meet as frequently
25 as the ~~board~~department considers necessary, but not less than twice each year. Members shall serve
26 without compensation.

27
28 SECTION 28. Section 44-7-2430(C)(1) of the S.C. Code is amended to read:

29
30 (C)(1) The ~~Board~~Department of Public Health and Environmental Control shall appoint an advisory
31 committee that must have an equal number of members representing all involved parties. The ~~board~~
32 department shall seek recommendations for appointments to the advisory committee from
33 organizations that represent the interests of hospitals, consumers, businesses, purchasers of health care
34 services, physicians, and other professionals involved in the research and control of infections.

35
36 SECTION 29. Section 44-29-10 of the S.C. Code is amended to read:

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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 and Environmental Control 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 and Environmental Control. The Department of Public Health and Environmental Control must designate the diseases it considers contagious and infectious. The Department of Public Health and Environmental Control 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 health care provider, coroner, medical examiner, or any person or entity that maintains a database containing health care 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 and Environmental Control must designate reportable illnesses and health conditions as set forth in subsection (A).

SECTION 30. Section 44-29-10(D) of the S.C. Code is amended to read:

(D) The reports of conditions must be made in the form and manner as prescribed by ~~DHEC~~ the department 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.

SECTION 31. Section 44-29-150 of the S.C. Code is amended to read:

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 ~~Board~~ Department of Public Health and Environmental Control. Re-evaluation will not be required for employment in consecutive years unless otherwise indicated by such guidelines.

1 SECTION 32. Section 44-29-210(A) of the S.C. Code is amended to read:

2
3 (A)(1) If the ~~Board of the Department of Health and Environmental Control or the~~ Director of the
4 Department of Public Health and Environmental Control approves in writing a mass immunization
5 project to be administered in any part of this State in cooperation with an official or volunteer medical
6 or health agency, any authorized employee of the agency, any physician who does not receive
7 compensation for his services in the project, and any licensed nurse who participates in the project,
8 except as provided in subsection (B), is not liable to any person for illness, reaction, or adverse effect
9 arising from or out of the use of any drug or vaccine administered in the project by the employee,
10 physician, or nurse. ~~Neither the board nor the~~The director may not approve the project unless ~~either the~~
11 department finds that the project conforms to good medical and public health practice.

12 (2) For purposes of this section, a person is considered to be an authorized employee of an official
13 or volunteer medical or health agency if he has received the necessary training for and approval of the
14 department for participation in the project.

15
16 SECTION 33. Section 44-53-110(11) of the S.C. Code is amended to read:

17
18 (11) "Department" means the State Department of Public Health and Environmental Control.

19
20 SECTION 34. Section 44-53-160(C) of the S.C. Code is amended to read:

21
22 (C) If a substance is added, deleted, or rescheduled as a controlled substance pursuant to federal law
23 or regulation, the department shall, ~~at the first regular or special meeting of the South Carolina Board~~
24 ~~of Health and Environmental Control~~ within thirty days after publication in the federal register of the
25 final order designating the substance as a controlled substance or rescheduling or deleting the
26 substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion,
27 or rescheduling of a substance by the department pursuant to this subsection has the full force of law
28 unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by
29 the department pursuant to this subsection must be in substance identical with the order published in
30 the federal register effecting the change in federal status of the substance. Upon the addition, deletion,
31 or rescheduling of a substance, the department shall forward copies of the change to the Chairmen of
32 the Medical Affairs Committee and the Judiciary Committee of the Senate, the Chairman of the
33 Medical, Military, Public and Municipal Affairs Committee, the Chairman of the Judiciary Committee
34 of the House of Representatives, the Clerks of the Senate and House, and the Code Commissioner, and
35 shall post the schedules on the department's website indicating the change and specifying the effective
36 date of the change.

1
2 SECTION 35. Section 44-53-280(C) of the S.C. Code is amended to read:

3
4 (C) A class 20-28 registration, as provided for by the ~~board~~department in regulation, expires October
5 first of each year. The registration of a registrant who fails to renew by October first is canceled.
6 However, registration may be reinstated upon payment of the renewal fees due and a penalty of one
7 hundred dollars if the registrant is otherwise in good standing and presents a satisfactory explanation
8 for failure to renew.

9
10 SECTION 36. Section 44-53-280(D) of the S.C. Code is amended to read:

11
12 (D) All registrations other than class 20-28, as provided for by the ~~board~~department in regulation,
13 expire on April first of each year. The registration of a registrant who fails to renew by April first is
14 canceled. However, registration may be reinstated upon payment of the renewal fees due and a penalty
15 of one hundred dollars if the registrant is otherwise in good standing and presents a satisfactory
16 explanation for failure to renew.

17
18 SECTION 37. Section 44-53-290(i) of the S.C. Code is amended to read:

19
20 (i) Practitioners who dispense narcotic drugs to individuals for maintenance treatment or
21 detoxification treatment shall obtain annually a separate registration for that purpose. The ~~board~~
22 department shall register an applicant to dispense but not prescribe narcotic drugs to individuals for
23 maintenance treatment or detoxification treatment, or both:

24 (1) if the applicant is a practitioner who is otherwise qualified to be registered under the provisions
25 of this article to engage in the treatment with respect to which registration has been sought;

26 (2) if the ~~board~~department determines that the applicant will comply with standards established
27 by the ~~board~~department respecting security of stocks of narcotic drugs for such treatment, and the
28 maintenance of records in accordance with Section 44-53-340 and the rules issued by the ~~board~~
29 department on such drugs; and

30 (3) if the ~~board~~department determines that the applicant will comply with standards established
31 by the ~~board~~department respecting the quantities of narcotic drugs which may be provided for
32 unsupervised use by individuals in such treatment.

33
34 SECTION 38. Section 44-53-310(a) of the S.C. Code is amended to read:

35
36 (a) An application for a registration or a registration granted pursuant to Section 44-53-300 to

1 manufacture, distribute, or dispense a controlled substance, may be denied, suspended, or revoked by
2 the ~~Board~~ department upon a finding that the registrant:

3 (1) Has materially falsified any application filed pursuant to this article;

4 (2) Has been convicted of a felony or misdemeanor under any State or Federal law relating to any
5 controlled substance;

6 (3) Has had his Federal registration suspended or revoked to manufacture, distribute, or dispense
7 controlled substances; or

8 (4) Has failed to comply with any standard referred to in Section 44-53-290(i).

9
10 SECTION 39. Section 44-53-320(b) of the S.C. Code is amended to read:

11
12 (b) The Department, without an order to show cause, may suspend any registration simultaneously
13 with the institution of proceedings under Section 44-53-310, or where renewal of registration is refused
14 if it finds that there is an imminent danger to the public health or safety which warrants this action. A
15 failure to comply with a standard referred to in Section 44-53-290(i) may be treated under this
16 subsection as grounds for immediate suspension of a registration granted under such section. The
17 suspension shall continue in effect until withdrawn by the ~~Board~~ department or dissolved by a court of
18 competent jurisdiction.

19
20 SECTION 40. Section 44-53-360(g) of the S.C. Code is amended to read:

21
22 (g) The ~~Board~~ department shall, by rules and regulations, specify the manner by which prescriptions
23 are filed.

24
25 SECTION 41. Section 44-53-740 of the S.C. Code is amended to read:

26
27 Section 44-53-740. The ~~Board of the~~ Department of Public Health and Environmental Control shall
28 promulgate regulations necessary to carry out the provisions of this article.

29
30 SECTION 42. Section 44-55-20(1), (2), and (7) of the S.C. Code is amended to read:

31
32 Section 44-55-20. As used in this article:

33
34 (1) ~~“Board” means the South Carolina Board of Health and Environmental Control which is charged~~
35 ~~with responsibility for implementation of the Safe Drinking Water Act. Reserved~~

36 (2) ~~“Commissioner”~~ “Director”: means the ~~commissioner~~ director of the department or his authorized

1 agent.

2
3 (7) "Department" means the South Carolina Department of ~~Health and Environmental~~
4 ~~Control Services~~, including personnel authorized and empowered to act on behalf of the department ~~or~~
5 ~~board. The department is charged with the responsibility for implementation of the Safe Drinking Water~~
6 Act.

7
8 SECTION 43. Section 44-55-30 of the S.C. Code is amended to read:

9
10 Section 44-55-30. In general, the design and construction of any public water system must be in
11 accord with modern engineering practices for these installations. The ~~board~~ department shall establish
12 regulations, procedures, or standards as may be necessary to protect the health of the public and to
13 ensure proper operation and function of public water systems. These regulations may prescribe
14 minimum design criteria, the requirements for the issuance of construction and operation permits,
15 operation and maintenance standards, and bacteriological, chemical, radiological, and physical
16 standards for public water systems, and other appropriate regulations.

17
18 SECTION 44. Section 44-55-40(G) of the S.C. Code is amended to read:

19
20 (G) The department may authorize variances or exemptions from the regulations issued pursuant to
21 this section under conditions and in such manner as the ~~board~~ department considers necessary and
22 desirable; however, these variances or exemptions must be permitted under conditions and in a manner
23 which is not less stringent than the conditions under, and the manner in which, variances and
24 exemptions may be granted under the Federal Safe Drinking Water Act.

25
26 SECTION 45. Section 44-55-40(K) of the S.C. Code is amended to read:

27
28 (K) The ~~Commissioner~~ Director of the Department of ~~Health and Environmental Control Services~~
29 shall classify all public water system treatment facilities giving due regard to the size, type, complexity,
30 physical condition, source of supply, and treatment process employed by the public water system
31 treatment facility and the skill, knowledge, and experience necessary for the operation of these
32 facilities. Each treatment facility must be classified at the highest applicable level of the following
33 classification system, with Group VII Treatment being the highest classification level:

34 Group I Treatment. A facility which provides disinfection treatment using a sodium hypochlorite or
35 calcium hypochlorite solution as the disinfectant.

36 Group II Treatment. A facility which provides disinfection treatment using gaseous chlorine or

1 chloramine disinfection or includes sequestering, fluoridation, or corrosion control treatment.

2 Group III Treatment. A facility treating a groundwater source which is not under the direct influence
3 of surface water, utilizing aeration, coagulation, sedimentation, lime softening, filtration, chlorine
4 dioxide, ozone, ~~ultra-violet~~ultraviolet light disinfection, powdered activated carbon addition, granular
5 activated carbon filtration or ion exchange, or membrane technology or that includes sludge storage or
6 a sludge dewatering process.

7 Group IV Treatment. A facility treating a surface water source or a groundwater source which is
8 under the direct influence of surface water, utilizing aeration, coagulation, clarification with a minimum
9 detention time of two hours in the clarification unit, lime softening, rapid rate gravity filtration (up to
10 four gallons per minute per square foot), slow sand filtration, chlorine dioxide, powdered activated
11 carbon addition, or granular activated carbon filtration or ion exchange or that includes sludge storage
12 or a sludge dewatering process. This classification also includes any treatment facility which does not
13 provide filtration for a surface water source or a groundwater source which is under the direct influence
14 of surface water.

15 Group V Treatment. A facility treating a surface water source or a groundwater source which is under
16 the direct influence of surface water, utilizing high rate gravity filtration (greater than four gallons per
17 minute per square foot), clarification with a detention time of less than two hours in the clarification
18 unit, diatomaceous earth filtration, or ultraviolet light disinfection.

19 Group VI Treatment. A facility treating a surface water source or a groundwater source which is
20 under the direct influence of surface water, utilizing direct filtration, membrane technology, or ozone.

21 Group VII Treatment. Drinking water dispensing stations and vending machines which utilize water
22 from an approved public water system or bottled water plants which treat water from the distribution
23 system of a public water system or from a groundwater source which is not under the direct influence
24 of surface water.

25
26 SECTION 46. Section 44-55-40(L) of the S.C. Code is amended to read:

27
28 (L) The ~~Commissioner-Director~~ of the Department of ~~Health and Environmental Control Services~~
29 shall classify all public water distribution systems giving due regard to the size, type, and complexity
30 of the public water distribution system and the skill, knowledge, and experience necessary for the
31 operation of these systems. The classification must be based on:

32 Group I Distribution. Distribution systems associated with state and transient noncommunity water
33 systems.

34 Group II Distribution. Distribution systems associated with community and nontransient
35 noncommunity public water systems which have a reliable production capacity not greater than six
36 hundred thousand gallons a day and which do not provide fire protection.

1 Group III Distribution. Distribution systems associated with community and nontransient
2 noncommunity water systems which have a reliable production capacity greater than six hundred
3 thousand gallons a day but not greater than six million gallons a day (MGD) or have a reliable
4 production capacity not greater than six hundred thousand gallons a day and provide fire protection.

5 Group IV Distribution. Distribution systems associated with community and nontransient
6 noncommunity water systems which have a reliable production capacity than six MGD, but not greater
7 than twenty MGD.

8 Group V Distribution. Distribution systems associated with community and nontransient
9 noncommunity water systems which have a reliable production capacity greater than twenty MGD.

10
11 SECTION 47. Section 44-55-40(O) of the S.C. Code is amended to read:

12
13 (O) The ~~board~~department, to ensure that underground sources of drinking water are not contaminated
14 by improper well construction and operation, may promulgate regulations as developed by the Advisory
15 Committee established pursuant to Section 44-55-45, setting standards for the construction,
16 maintenance, operation, and abandonment of any well except for wells where well construction,
17 maintenance, and abandonment are regulated by the Groundwater Use Act of 1969, Sections 49-5-10
18 et seq.; the Oil and Gas Exploration, Drilling, Transportation, and Production Act, Sections 48-43-10
19 et seq.; or the Water Use Reporting and Coordination Act, Section 49-4-10 et seq. For these excepted
20 wells, the ~~board~~department may promulgate regulations. The ~~board~~department shall further ensure
21 that all wells are constructed in accordance with the standards. The ~~board~~department shall make
22 available educational training on the standards to well drillers who desire this training.

23
24 SECTION 48. Section 44-55-45 of the S.C. Code is amended to read:

25
26 Section 44-55-45. (A) An advisory committee to the ~~board~~department must be appointed for the
27 purpose of advising the ~~board~~department during development or subsequent amendment of regulatory
28 standards for the construction, maintenance, operation, and abandonment of wells subject to the
29 jurisdiction of the board. The Advisory Committee is composed of eight members appointed by the
30 board. Five members must be active well drillers; one member must be a registered professional
31 engineer with experience in well design and construction; one member must be a consulting
32 hydrogeologist with experience in well design and construction; and one member must be engaged in
33 farming and shall represent the public at large. Three ex officio members shall also serve on the
34 Advisory Committee, one of whom must be an employee of the Department of ~~Health and~~
35 ~~Environmental Control~~Services, and appointed by the ~~commissioner~~director; and two of whom must
36 be employees of the South Carolina Department of Natural Resources and appointed by the director.

1 (B) The term of office of members of the Advisory Committee is for four years and until their
2 successors are appointed and qualify. No member may serve more than two consecutive terms. The
3 initial terms of office must be staggered and any member may be removed for cause after proper
4 notification and an opportunity to be heard.

5
6 SECTION 49. Section 44-55-50 of the S.C. Code is amended to read:

7
8 Section 44-55-50. (A) In establishing regulations, procedures, and standards under Section 44-55-
9 30 and in exercising supervisory powers under Section 44-55-40 the ~~board or~~ department must not
10 prohibit or fail to include provisions for recreational activities including boating, water skiing, fishing,
11 and swimming in any reservoir without first making and publishing specific findings that these
12 recreational activities would be injurious to the public health and assigning with particularity the factual
13 basis and reasons for these decisions.

14 (B) If the ~~board or~~ department determines that these recreational activities would be injurious to the
15 public health it shall cause to have published at least once a week for six consecutive weeks in a
16 newspaper of general circulation in the county or area affected a summary of its findings. Any citizen
17 of this State who objects to the findings of the ~~board or~~ department is entitled to request a public
18 hearing, which the ~~board or~~ department shall conduct within thirty days after the request. The public
19 hearing must be a formal evidentiary hearing where testimony must be recorded. After the hearing the
20 ~~board or~~ department shall review its initial findings and shall within thirty days after the hearing affirm
21 or reevaluate its findings in writing and give notice to known interested parties. The findings of the
22 ~~board or~~ department may be appealed to the circuit court, which is empowered to modify or overrule
23 the findings if the court determines the findings to be arbitrary or unsupported by the evidence. Notice
24 of intention to appeal must be served on the ~~board or~~ department within fifteen days after it has affirmed
25 or reevaluated its initial findings and copies also must be served on known interested parties.

26 (C) A public water system utilizing a fully owned and protected watershed as its water supply is
27 exempt from this section.

28
29 SECTION 50. Section 44-55-60 of the S.C. Code is amended to read:

30
31 Section 44-55-60. (A) An imminent hazard is considered to exist when in the judgment of the
32 ~~commissioner~~ director there is a condition which may result in a serious immediate risk to public health
33 in a public water system.

34 (B) In order to eliminate an imminent hazard, the ~~commissioner~~ director may, without notice or
35 hearing, issue an emergency order requiring the water system to immediately take such action as is
36 required under the circumstances to protect the public health. A copy of the emergency order must be

1 served by certified mail or other appropriate means. An emergency order issued by the ~~commissioner~~
2 director must be effected immediately and binding until the order is reviewed and modified by the
3 ~~board-department~~ or modified or rescinded by a court of competent jurisdiction.

4
5 SECTION 51. Section 44-55-70 of the S.C. Code is amended to read:

6
7 Section 44-55-70. (A) A public water system shall, as soon as practicable, give public notice if it:

- 8 ___ (1) is not in compliance with the State Primary Drinking Water Regulations;
9 ___ (2) fails to perform required monitoring;
10 ___ (3) is granted a variance for an inability to meet a maximum contaminant level requirement;
11 ___ (4) is granted an exemption; or
12 ___ (5) fails to comply with the requirements prescribed by a variance or exemption.

13 (B) The ~~board-department~~ shall prescribe procedures for the public notice, including procedures for
14 notification by publication in a newspaper of general circulation, notification to be given in the water
15 bills of the systems, as long as a condition of violation exists, and other notification as is considered
16 appropriate by the ~~board-department~~.

17
18 SECTION 52. Section 44-55-120(C) of the S.C. Code is amended to read:

19
20 (C) There is established a Safe Drinking Water Advisory Committee for the purpose of advising and
21 providing an annual review to the department and General Assembly on the fee schedule and the use
22 of revenues deposited in the Drinking Water Trust Fund. The Governor shall appoint the advisory
23 committee which must be composed of one member representing water systems with fifty thousand or
24 more service connections, one member representing water systems with at least twenty-five thousand
25 but fewer than fifty thousand service connections, one member representing water systems with at least
26 ten thousand but fewer than twenty-five thousand water service connections, one member representing
27 water systems with at least one thousand but fewer than ten thousand service connections, one member
28 representing water systems with fewer than one thousand service connections, and the Executive
29 Director of the Office of Regulatory Staff and the ~~Commissioner-Director of the Department of Health~~
30 ~~and Environmental Control Services~~, or a designee.

31
32 SECTION 53. Section 44-55-690 of the S.C. Code is amended to read:

33
34 Section 44-55-690. The county board of health may permit and approve the installation of temporary
35 septic tanks in the case of unusual, temporary or emergency conditions. Such temporary septic tank
36 shall be constructed and installed in accordance with the specifications, rules and regulations

1 promulgated by the county board of health relating to the use of such tanks, and the ~~board~~-department
2 may determine the period of time for which such temporary septic tank may be used.

3
4 SECTION 54. Section 44-55-860 of the S.C. Code is amended to read:

5
6 Section 44-55-860. Whenever any lot or parcel of land without improvement thereon upon which an
7 owner intends to construct a building or place a mobile home is not accessible to a sewer line for a tap-
8 on and the county board of health or other appropriate agency in which the lot or parcel of land is
9 situated certifies that such lot or land is not suitable to accommodate a septic tank or other individual
10 sewage disposal system, the ~~board or agency~~department shall state in writing to the owner within thirty
11 days following inspection of the property the reason such septic tank or system cannot be used. At the
12 same time the ~~board or agency~~department shall inform the owner of the property in detail of any
13 corrective measures that may be taken to remedy the sewage problem.

14
15 SECTION 55. Section 44-56-20(1) through (3) of the S.C. Code is amended to read:

16
17 Section 44-56-20. Definitions as used in this chapter:

18
19 (1) ~~“Board” means the South Carolina Board of Health and Environmental Control which is charged~~
20 ~~with responsibility for implementation of the Hazardous Waste Management Act.~~Reserved

21 (2) “Director” means the director of the department or his authorized agent.

22 (3) “Department” means the Department of ~~Health and Environmental Control~~Services, including
23 personnel thereof authorized by the board to act on behalf of the department or board. The department
24 is charged with the responsibility for implementation of the Hazardous Waste Management Act.

25
26 SECTION 56. Section 44-56-30 of the S.C. Code is amended to read:

27
28 Section 44-56-30. The ~~board~~-department shall promulgate such regulations, procedures or standards
29 as may be necessary to protect the health and safety of the public, the health of living organisms and
30 the environment from the effects of improper, inadequate, or unsound management of hazardous
31 wastes. Such regulations may prescribe contingency plans; the criteria for the determination of
32 whether any waste or combination of wastes is hazardous; the requirements for the issuance of permits
33 required by this chapter; standards for the transportation, containerization, and labeling of hazardous
34 wastes consistent with those issued by the United States Department of Transportation; operation and
35 maintenance standards; reporting and record keeping requirements; and other appropriate regulations.

1 SECTION 57. Section 44-56-60(a)(1) of the S.C. Code is amended to read:

2
3 (a)(1) In order to provide the General Assembly with the information it needs to accomplish the
4 above goals, the Department of ~~Health and Environmental Control~~ Services shall evaluate annually the
5 effects of new and existing waste management technologies, alternate methods of storage or disposal,
6 recycling, incineration, waste minimization laws and practices, and other factors that tend to reduce the
7 volume of hazardous waste. The results of the department's evaluation must be reported to the General
8 Assembly not later than February first of each year, beginning in 1991, in a form that will permit the
9 General Assembly to determine whether or not hazardous waste landfill capacity in this State should
10 be reduced.

11
12 SECTION 58. Section 44-56-100 of the S.C. Code is amended to read:

13
14 Section 44-56-100. The ~~board~~ department may issue, modify or revoke any order to prevent any
15 violation of this chapter.

16
17 SECTION 59. Section 44-56-130(3) of the S.C. Code is amended to read:

18
19 (3) It shall be unlawful for any person to fail to comply with this chapter and rules and regulations
20 promulgated pursuant to this chapter; to fail to comply with any permit issued under this chapter; or
21 to fail to comply with any order issued by the ~~board~~, director, or the department.

22
23 SECTION 60. Section 44-56-160(A) of the S.C. Code is amended to read:

24
25 (A) The Department of ~~Health and Environmental Control~~ Services is directed to establish a
26 Hazardous Waste Contingency Fund to ensure the availability of funds for response actions necessary
27 at permitted hazardous waste landfills and necessary from accidents in the transportation of hazardous
28 materials and to defray the costs of governmental response actions at uncontrolled hazardous waste
29 sites. The contingency fund must be financed through the imposition of fees provided in Sections 44-
30 56-170 and 44-56-510 and annual appropriations which must be provided by the General Assembly.

31
32 SECTION 61. Section 44-56-200(B) of the S.C. Code is amended to read:

33
34 (B) The Department of ~~Health and Environmental Control~~ Services is empowered to implement and
35 enforce the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Public
36 Law 96-510), and subsequent amendments to Public Law 96-510 as of the effective date of the

1 amendments.

2
3 SECTION 62. Section 44-56-210 of the S.C. Code is amended to read:

4
5 Section 44-56-210. (A) The Department of ~~Health and Environmental Control~~Services, in its
6 discretion, shall assign not more than two full-time health inspectors to serve at each commercial
7 hazardous waste treatment, storage, and disposal facility located in South Carolina for the purpose of
8 assuring the protection of the health and safety of the public by monitoring the receipt and handling of
9 hazardous waste at these sites. For any facilities to which a full-time inspector is not assigned, there
10 must be one or more inspectors who shall monitor these facilities on a rotating basis.

11 (B) The department shall implement a fee schedule to cover the costs of implementing this inspection
12 program and the fees must be collected by the facilities from the hazardous waste generators utilizing
13 these sites.

14
15 SECTION 63. Section 44-56-405 of the S.C. Code is amended to read:

16
17 Section 44-56-405. The purpose of the South Carolina Drycleaning Facility Restoration Trust Fund
18 is to collect and manage funds for the investigation and remediation of environmental contamination
19 arising from the operation of eligible drycleaning facilities and eligible wholesale supply facilities. The
20 Department of Revenue shall collect, and enforce the payment of surcharges and fees, which constitute
21 the fund, as required by this article. The Department of ~~Health and Environmental Control~~Services
22 shall administer the fund to ensure that the sites that pose the greatest threat to human health and the
23 environment are remediated first and that the remediation is accomplished in compliance with this
24 article.

25
26 SECTION 64. Section 44-56-410(2) of the S.C. Code is amended to read:

27
28 (2) "Department" means the Department of ~~Health and Environmental Control~~Services.

29
30 SECTION 65. Section 44-56-420(B) of the S.C. Code is amended to read:

31
32 (B) The ~~board of the~~ Department of ~~Health and Environmental Control~~Services shall establish a
33 moratorium on administrative and judicial actions by the department concerning drycleaning facilities
34 and wholesale supply facilities resulting from the release of drycleaning solvent to soil or waters of the
35 State. This moratorium applies only to those sites deemed eligible as defined in Section 44-56-470. The
36 ~~board~~department may review and determine the appropriateness of the moratorium as needed. The

1 review by the ~~board~~ department must include, but is not limited to, consideration of these factors:

2 (1) the solvency of the fund as described in this article;

3 (2) prioritization of the sites;

4 (3) public health concerns related to the sites;

5 (4) eligibility of the sites; and

6 (5) corrective action plans submitted to the department. After review, the board may suspend all
7 or a portion of the moratorium if necessary.

8
9 SECTION 66. Section 44-56-495(C) of the S.C. Code is amended to read:

10
11 (C) Members enumerated in subsections (B)(1) through (B)(3) are appointed by the ~~board of the~~
12 Department of ~~Health and Environmental Control~~ Services and shall serve terms of two years and until
13 their successors are appointed. The chairman of the council is elected by the members of the council at
14 the first meeting of each new term.

15
16 SECTION 67. Section 44-56-720(4) of the S.C. Code is amended to read:

17
18 (4) "Department" means the South Carolina Department of ~~Health and Environmental~~
19 ~~Control~~ Services.

20
21 SECTION 68. Section 44-56-840(A) of the S.C. Code is amended to read:

22
23 (A) There is created a Hazardous Waste Management Select Oversight Committee to monitor funds
24 generated from the fees imposed under Section 44-56-170(C) and (E) and designated for the fund under
25 Section 44-56-810. The committee shall oversee the research efforts and projects approved for funding
26 by the foundation. Notwithstanding any other provision of law, the committee is composed of:

27 (1) the Governor or his designee;

28 (2) the chairman of the House Agriculture and Natural Resources Committee or his designee;

29 (3) the chairman of the Senate Agriculture and Natural Resources Committee or his designee;

30 (4) the chairman of the House Labor, Commerce and Industry Committee or his designee;

31 (5) the chairman of the Senate Labor, Commerce and Industry Committee or his designee;

32 (6) the Director of the Department of ~~Health and Environmental Control~~ Services or his designee;

33 (7) one member representing business and industry appointed by the Governor;

34 (8) one public member appointed by the Governor; and

35 (9) one member representing environmental interests appointed by the Governor.

1 SECTION 69. Section 44-61-20(5) of the S.C. Code is amended to read:

2
3 (5) ~~“Board” means the governing body of the Department of Health and Environmental Control or~~
4 ~~its designated representative.~~Reserved

5
6 SECTION 70. Section 44-61-20(8) of the S.C. Code is amended to read:

7
8 (8) ~~“Department” means the administrative agency known as the Department of Public Health and~~
9 ~~Environmental Control.~~

10
11 SECTION 71. Section 44-61-30 of the S.C. Code is amended to read:

12
13 Section 44-61-30. (A) The Department of Public Health and Environmental Control, with the
14 advice of the Emergency Medical Services Advisory Council and the State Medical Control Physician,
15 shall develop standards and promulgate regulations for the improvement of emergency medical
16 services (hereinafter referred to as EMS) in the State. All administrative responsibility for this program
17 is vested in the department.

18 (B) The EMS Program shall include:

19 (1) the regulation and licensing of public, private, volunteer, or other type ambulance services;
20 however, in developing these programs for regulating and licensing ambulance services, the programs
21 must be formulated in such a manner so as not to restrict or restrain competition;

22 (2) inspection and issuance of permits for ambulance vehicles;

23 (3) the licensing of emergency medical responder agencies;

24 (4) training and certification of EMS personnel;

25 (5) development, adoption, and implementation of EMS standards and state plan;

26 (6) the development and coordination of an EMS communications system;

27 (7) designation of trauma centers and the categorization of hospital emergency departments; and

28 (8) the establishment of an electronic patient care reporting system to provide data to the National
29 EMS Information System database for betterment of EMS across the nation.

30 (C) An Emergency Medical Services Advisory Council must be established composed of
31 representatives of the Department of Public Health and Environmental Control, the South Carolina
32 Medical Association, the South Carolina Trauma Advisory Council, the South Carolina Hospital
33 Association, the South Carolina Heart Association, Medical University of South Carolina, University
34 of South Carolina School of Medicine, South Carolina College of Emergency Physicians, South
35 Carolina Emergency Nurses Association, Emergency Management Division of the Office of the
36 Adjutant General, South Carolina Emergency Medical Services Association, State Board for Technical

1 and Comprehensive Education, Governor's Office of Highway Safety, Department of Health and
2 Human Services, four regional Emergency Medical Services councils, and one EMT first responder
3 agency. Membership on the council must be by appointment by the board. Three members of the
4 advisory council must be members of organized rescue squads operating in this State, three members
5 shall represent the private emergency services systems, and three members shall represent the county
6 emergency medical services systems. The advisory council shall serve without compensation, mileage,
7 per diem, or subsistence.

8
9 SECTION 72. Section 44-61-40(B) of the S.C. Code is amended to read:

10
11 (B) Applicants shall file license applications with the appropriate official of the department having
12 authority over emergency services. At a minimum, license applications shall contain evidence of ability
13 to conform to the standards and regulations established by the ~~board~~department and such other
14 information as may be required by the department. If the application is approved, the license will be
15 issued. If the application is disapproved, the applicant may appeal in a manner pursuant to Article 3,
16 Chapter 23, Title 1.

17
18 SECTION 73. Section 44-61-50 of the S.C. Code is amended to read:

19
20 Section 44-61-50. A vehicle must not be operated as an ambulance, unless its licensed owner
21 applies for and receives an ambulance permit issued by the department for that vehicle. Prior to issuing
22 an original permit for an ambulance, the vehicle for which the permit is issued shall meet all
23 requirements as to vehicle design, construction, staffing, medical and communication equipment and
24 supplies, and sanitation as set forth in this article or in the standards and regulations promulgated by
25 the ~~board~~department. Absent revocation or suspension, permits issued for ambulances are valid for a
26 period not to exceed two years.

27
28 SECTION 74. Section 44-61-60 of the S.C. Code is amended to read:

29
30 Section 44-61-60. (A) Such equipment as deemed necessary by the department must be required of
31 organizations applying for ambulance permits. Each licensee of an ambulance shall comply with
32 regulations as may be promulgated by the ~~board~~department and shall maintain in each ambulance,
33 when it is in use as such, all equipment as may be prescribed by the ~~board~~department.

34 (B) The transportation of patients and the provision of emergency medical services shall conform to
35 standards promulgated by the ~~board~~department.

1 SECTION 75. Section 44-61-70(C) of the S.C. Code is amended to read:

2
3 (C) Whoever hinders, obstructs, or interferes with a duly authorized agent of the department while
4 in the performance of his duties or violates a provision of this article or regulation of the ~~board~~
5 department promulgated pursuant to this article is guilty of a misdemeanor and, upon conviction, must
6 be punished by a fine of not less than five hundred dollars and not more than five thousand dollars or
7 by imprisonment for not less than ten days nor more than six months for each offense. Information
8 pertaining to the license or permit is admissible in evidence in all prosecutions under this article if it is
9 consistent with applicable statutory provisions.

10
11 SECTION 76. Section 44-61-80(G) of the S.C. Code is amended to read:

12
13 (G) All instructors of emergency medical technician training courses must be certified by the
14 department pursuant to requirements established by the ~~board; and department; and~~ department; and all such training
15 courses shall be supervised by certified instructors.

16
17 SECTION 77. Section 44-61-130 of the S.C. Code is amended to read:

18
19 Section 44-61-130. A certified emergency medical technician may perform any function consistent
20 with his certification, according to guidelines and regulations that the ~~board~~ department may prescribe.
21 Emergency medical technicians, trained to provide advanced life support and possessing current
22 Department of ~~Public Health and Environmental Control~~ certification while on duty with a licensed
23 service, are authorized to possess limited quantities of drugs, including controlled substances, as may
24 be approved by the ~~Department of Health and Environmental Control~~ department for administration to
25 patients during the regular course of duties of emergency medical technicians, pursuant to the written
26 or verbal order of a physician possessing a valid license to practice medicine in this State; however,
27 the physician must be registered pursuant to state and federal laws pertaining to controlled substances.

28
29 SECTION 78. Section 44-61-310 of the S.C. Code is amended to read:

30
31 Section 44-61-310. As used in this article:

32 (1) "Advanced life support" means an advanced level of prehospital, interhospital, and emergency
33 service care which includes basic life support functions, cardiac monitoring, cardiac defibrillation,
34 telemetered electrocardiography, administration of antiarrhythmic agents, intravenous therapy,
35 administration of specific medications, drugs and solutions, use of adjunctive ventilation devices,
36 trauma care, and other techniques and procedures authorized by the department pursuant to regulations.

1 (2) "Basic life support" means a basic level of prehospital care which includes patient stabilization,
2 airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture
3 stabilization, and other techniques and procedures authorized by the department pursuant to
4 regulations.

5 (3) ~~"Board" means the governing body of the Department of Health and Environmental Control or~~
6 ~~its designated representative.~~Reserved

7 (4) "Department" means the Division of Emergency Medical Services and Trauma within the
8 Department of Public Health and Environmental Control.

9 (5) "Director" means the Director of the Department of Public Health and Environmental Control.

10 (6) "EMSC Program" means the Emergency Medical Services for Children Program established
11 pursuant to this article and other relevant programmatic activities conducted by the department in
12 support of appropriate treatment, transport, and triage of ill or injured children.

13 (7) "Emergency medical services personnel" means persons trained and certified or licensed to
14 provide emergency medical care, whether on a paid or volunteer basis, as part of a basic life support or
15 advanced life support prehospital emergency care service or in an emergency department or pediatric
16 critical care or specialty unit in a licensed hospital.

17 (8) "Emergency medical technician" or "EMT" means, when used in general terms for emergency
18 medical personnel, an individual possessing a valid, emergency medical technician (EMT), advanced
19 emergency medical technician (AEMT), or paramedic certificate issued by the State pursuant to the
20 provisions of this article.

21 (9) "Manager" means the person coordinating the EMSC Program within the Department of Public
22 Health and Environmental Control.

23 (10) "Prehospital care" means the provision of emergency medical care or transportation by trained
24 and certified or licensed emergency medical services personnel at the scene of an emergency and while
25 transporting sick or injured persons to a medical care facility or provider.

26
27 SECTION 79. Section 44-61-350(B) of the S.C. Code is amended to read:

28
29 (B) Committee members must be appointed by the ~~board~~director of the department.

30
31 SECTION 80. Section 44-61-720(19) of the S.C. Code is amended to read:

32
33 (19) "State EMS Authority" means the ~~board, office, or other agency~~department with the legislative
34 mandate to license EMS personnel.

35
36 SECTION 81. Section 44-61-800(B)(1) of the S.C. Code is amended to read:

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(B)(1) Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one ~~board~~department, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the Governor of the state will determine which entity will be responsible for assigning the delegate.

SECTION 82. Section 44-63-10 of the S.C. Code is amended to read:

Section 44-63-10. The Department of Public Health and Environmental Control shall prepare the necessary methods and forms for obtaining vital statistics.

SECTION 83. Section 44-63-20 of the S.C. Code is amended to read:

Section 44-63-20. The Department of Public Health and Environmental Control 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 84. Section 44-63-30 of the S.C. Code is amended to read:

Section 44-63-30. The Director of the Department of Public Health and Environmental Control 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.

SECTION 85. 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 and Environmental Control 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.

1 Other applicants may be provided with a statement that the marriage or divorce occurred, the date, and
2 county of the event.

3
4 SECTION 86. Section 44-63-110 of the S.C. Code is amended to read:

5
6 Section 44-63-110. For making, furnishing, or certifying any card, certificate, or certified copy of
7 the record, for filing a record amendment according to the provisions of Section 44-63-60, 44-63-80,
8 44-63-90 or 44-63-100, or for searching the record, when no card, certificate, or certified copy is made,
9 a fee in an amount as determined by the ~~Board of the Department of Public Health and Environmental~~
10 ~~Control~~ must be paid by the applicant, except that the Department of Social Services or its designee is
11 not required to pay a fee when the information is needed for the purpose of establishing paternity or
12 establishing, modifying, or enforcing a child support obligation. The amount of the fee established by
13 the ~~board department~~ may not exceed the cost of the services performed and to the extent possible must
14 be charged on a uniform basis throughout the State. When verification of the facts contained in these
15 records is needed for Veterans Administration purposes in connection with a claim, it must be furnished
16 without charge to the Veterans' Affairs Department of the Governor's Office or to a county veterans
17 affairs officer upon request and upon the furnishing of satisfactory evidence that the request is for the
18 purpose authorized in this chapter.

19
20 SECTION 87. Section 44-63-161(A)(1) of the S.C. Code is amended to read:

21
22 (A) It is unlawful for a person:

23 (1) other than the Department of ~~Public Health and Environmental Control~~ and county health
24 departments to issue copies or certified copies of birth and death certificates or a document purporting
25 to be a birth or death certificate;

26
27 SECTION 88. Section 44-63-163 of the S.C. Code is amended to read:

28
29 Section 44-63-163. Upon entry of a court order or an administrative determination that the putative
30 father is the legal father pursuant to Section 63-17-70(A), the clerk of court shall send a report to the
31 Registrar of the Division of Vital Statistics of the Department of ~~Public Health and Environmental~~
32 ~~Control~~ showing such information as may be required on an amended certificate of birth to be furnished
33 by the Division of Vital Statistics of the Department of ~~Public Health and Environmental Control~~. A
34 new certificate must be prepared for a child born in this State to reflect the name of the father
35 determined by the court or an administrative agency of competent jurisdiction upon receipt of a certified
36 copy of a court or administrative determination of paternity pursuant to Section 63-17-10. Orders

1 modifying, vacating, or amending paternity orders must be handled by the clerk of court and State
2 Registrar in the same manner. If the surname of the child is not decreed by the court, the surname must
3 not be changed on the certificate. When an amended certificate is prepared, the original certificate and
4 certified copy of the court order must be placed in a sealed file not to be subject to inspection except
5 by order of the family court.

6
7 SECTION 89. Section 44-69-20(1) through (3) of the S.C. Code is amended to read:

8
9 Section 44-69-20. As used in this chapter:

10
11 (1) ~~“Board” shall mean the South Carolina Board of Health and Environmental Control.~~Reserved

12 (2) “Branch office” shall mean a location or site from which a home health agency provides services
13 within a portion of the total geographic area served by the parent agency. The branch office is part of
14 the home health agency and is located sufficiently close to share administration, supervision, and
15 services in a manner that renders it unnecessary for the branch independently to meet the conditions of
16 participation as a home health agency.

17 (3) “Department” shall mean South Carolina Department of Public Health and Environmental
18 ~~Control.~~

19
20 SECTION 90. Section 44-69-30 of the S.C. Code is amended to read:

21
22 Section 44-69-30. (A) No person, private or public organization, political subdivision, or other
23 governmental agency shall establish, conduct, or maintain a home health agency or represent itself as
24 providing home health services without first obtaining a license from the Department of Public Health
25 ~~and Environmental Control~~. This license is effective for a twelve-month period following the date of
26 issue. A license issued under this chapter is not assignable or transferable and is subject to suspension
27 or revocation at any time for failure to comply with this act. Subunits of parent home health agencies
28 must be separately licensed.

29 (B) The department may enter into public and private joint partnerships or enter into other
30 appropriate cooperative agreements or arrangements or negotiate and effect these partnerships and
31 agreements to include the sale of the entity and/or the transfer of licenses held by the department or its
32 subdivisions to other qualified providers, if appropriate, when doing so would result in continued high
33 quality patient care, continued provision of services to indigent patients, assurance of the employment
34 of the department's home health employees, and provision of home care services adequate to meet the
35 needs of the State. The department may facilitate the negotiation, contracting, or transfer of these
36 activities through licensure and without requirement of a Certificate of Need as set out in Section 44-

1 69-75 and without regard to the Procurement Code, Section 11-35-10, et. seq. However, a sale of the
2 entity is subject to the provisions of the Procurement Code.

3 (C) At least thirty days before entering any negotiations regarding a contractual agreement or a
4 public/private partnership concerning the provision of home health services, the department shall place
5 a public notice in a newspaper of general circulation for a period of no less than three consecutive days
6 within the area where the services will be performed.

7 (D) The department may establish requirements and conditions upon those entities joined in
8 partnership or receiving transfer of the home care services, licensing, and Certificate of Need including,
9 but not limited to, transfer of employees, coverage of indigent patients, and payments or contributions
10 to the department to continue the provision of basic public health services as determined by the
11 department. ~~All agreements must be reviewed and approved by the board of the department.~~ The
12 department may monitor and enforce the contract or partnership provisions and/or conditions of transfer
13 or any other conditions or requirements of agreements entered into pursuant to this section.

14 (E) All funds paid to or received by the department pursuant to this section must be deposited in an
15 account separate and distinct from the general fund entitled the Public Health Fund (PHF). The funds
16 deposited in this fund must be used solely by the department to support basic public health services
17 determined to be necessary by the department. The appropriation of the funds must be through the
18 General Appropriations Act.

19 (F) Notwithstanding any of the provisions of this section, the department may continue to provide
20 public health services in the clinic, the home, and the community necessary to ensure the protection
21 and promotion of the public's health.

22
23 SECTION 91. Section 44-69-50 of the S.C. Code is amended to read:

24
25 Section 44-69-50. Reasonable fees shall be established by the ~~Board~~department. Such fees shall be
26 paid into the State Treasury or refunded to the applicant if the license is denied. Governmental home
27 health agencies are exempt from payment of license fees.

28
29 SECTION 92. Section 44-70-20(1) of the S.C. Code is amended to read:

30
31 (1) "Department" means the South Carolina Department of Public Health ~~and Environmental~~
32 ~~Control~~.

33
34 SECTION 93. Section 44-71-20 of the S.C. Code is amended to read:

35
36 Section 44-71-20. As used in this chapter:

1
2 (1) ~~“Board” means the South Carolina Board of Health and Environmental Control.~~ Reserved

3 (2) “Department” means the South Carolina Department of Public Health and Environmental
4 Control.

5
6 SECTION 94. Section 44-75-20 of the S.C. Code is amended to read:

7
8 Section 44-75-20. As used in this chapter:

9 (a)(1) “Athletic trainer” means an allied health professional with specific qualifications as set forth
10 in Section 44-75-50 who, upon the advice and consent of a licensed physician, carries out the practice
11 of care, prevention, and physical rehabilitation of athletic injuries, and who, in carrying out these
12 functions, may use physical modalities, including, but not limited to, heat, light, sound, cold, electricity,
13 or mechanical devices related to rehabilitation and treatment.

14 (b)(2) “Certificate” means official acknowledgment by the department that an individual has
15 successfully completed educational and other requirements referred to in this act which entitle that
16 individual to perform the functions and duties of an athletic trainer.

17 (c)(3) “Department” means the Department of Public Health and Environmental Control.

18 (d)(4) ~~“Board” means the Board of Health and Environmental Control.~~ Reserved

19
20 SECTION 95. Section 44-75-30(b) of the S.C. Code is amended to read:

21
22 (b)(1) An Athletic Trainers' Advisory Committee is created consisting of nine members appointed
23 by the ~~board~~ department. Two members must be from the department, one must be from the State Board
24 of Medical Examiners, four must be certified athletic trainers, and two must be from the general public
25 who are not certified or licensed in any health care field and are not connected in any way with athletic
26 trainers.

27 (2) Membership on the committee is by appointment by the ~~board~~ department. The terms of the
28 members are for four years or until successors are appointed except that of those first appointed four
29 are appointed to a term of two years.

30 (3) The committee must meet at least once each year to review the standards and regulations for
31 improving athletic training services and make recommendations to the department.

32
33 SECTION 96. Section 44-75-40(e) of the S.C. Code is amended to read:

34
35 (e) Any person whose application is denied, suspended, or revoked is entitled to a hearing before the
36 ~~board~~ department if he submits a written request to the ~~board~~ department. Proceedings for denial,

1 revocation, or suspension of a certificate must be conducted consistent with ~~Aet 176 of 1977~~
2 ~~(Administrative Procedures Act)~~Chapter 23, Title 1, the Administrative Procedures Act.

3
4 SECTION 97. Section 44-78-15(3) of the S.C. Code is amended to read:

5
6 (3) "EMS personnel" means emergency medical personnel certified by the South Carolina
7 Department of ~~Public Health and Environmental Control~~ including first responders who have
8 completed a Department of ~~Public Health and Environmental Control~~ approved medical first responder
9 program.

10
11 SECTION 98. Section 44-80-10(3) of the S.C. Code is amended to read:

12
13 (3) "Department" means the South Carolina Department of ~~Public Health and Environmental~~
14 ~~Control~~.

15
16 SECTION 99. Section 44-80-10(4) of the S.C. Code is amended to read:

17
18 (4) "Director" means the Director of the South Carolina Department of ~~Public Health and~~
19 ~~Environmental Control~~.

20
21 SECTION 100. Section 44-87-10 of the S.C. Code is amended to read:

22
23 Section 44-87-10. As used in this chapter:

24 (1) "Asbestos abatement entity" means any individual, partnership, firm, association, corporation,
25 sole proprietorship, or other business concern, as well as an employee or member of a governmental,
26 religious, or social organization, that is involved in asbestos abatement.

27 (2) "Asbestos project" means an activity associated with abatement, including inspection, design, air
28 monitoring, in-place management, encapsulation, enclosure, renovation, repair, removal, any other
29 disturbance of regulated asbestos-containing materials, and demolition of a regulated facility.

30 (3) "Contractor" means an individual partnership, corporation, or other business concern that
31 performs asbestos abatement for a facility owner which is not a permanent employee of the facility
32 owner.

33 (4) "Department" means the South Carolina Department of ~~Health and Environmental~~
34 ~~Control~~Services.

35
36 SECTION 101. Section 44-87-10(4) of the S.C. Code is amended to read:

1
2 (4) "Department" means the South Carolina Department of ~~Health and Environmental~~
3 ~~Control~~Services.

4
5 SECTION 102. Section 44-89-30(2) of the S.C. Code is amended to read:

6
7 (2) ~~"Board" means the South Carolina Board of Health and Environmental Control.~~Reserved

8
9 SECTION 103. Section 44-89-30(4) of the S.C. Code is amended to read:

10
11 (4) "Department" means the South Carolina Department of Public Health and Environmental
12 Control.

13
14 SECTION 104. Section 44-93-20(C) of the S.C. Code is amended to read:

15
16 (C) ~~"Board" means the South Carolina Board of Health and Environmental Control which is charged~~
17 ~~with responsibility for implementation of the Infectious Waste Management Act.~~Reserved

18
19 SECTION 105. Section 44-93-20(F) of the S.C. Code is amended to read:

20
21 (F) "Department" means the Department of ~~Health and Environmental Control~~Services, including
22 personnel of the department authorized by the board to act on behalf of the department ~~or board~~. The
23 department is charged with the responsibility for implementation of the Infectious Waste Management
24 Act.

25
26 SECTION 106. Section 44-93-150(A) of the S.C. Code is amended to read:

27
28 (A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or
29 requirement under this chapter, the department may issue an order requiring the person to comply with
30 the permit, regulation, standard, or requirement or the department may bring civil action for injunctive
31 relief in the appropriate court; or, the department may request that the Attorney General bring civil or
32 criminal enforcement action under subsection (B) or (C) of this section. Violation of a court order
33 issued pursuant to this section is contempt of the issuing court and punishable as provided by law. The
34 department also may invoke civil penalties as provided in this section for violations of the provisions
35 of this chapter, including an order, permit, regulation, or standard. After exhaustion of administrative
36 remedies, a person against whom a civil penalty is invoked by the department may appeal the decision

1 of the department ~~or board~~ to the Court of Common Pleas.

2
3 SECTION 107. Section 44-93-160(B) of the S.C. Code is amended to read:

4
5 (B) The owner or operator of a facility required to be permitted pursuant to this chapter treating
6 infectious waste shall submit, not later than the tenth day of each month, to the Department of ~~Health~~
7 ~~and Environmental Control~~Services:

8 (1) a report detailing the total weight of infectious waste received for treatment during the
9 preceding month and its point of origin;

10 (2) a check made payable to the department for the fee due for the preceding month;

11 (3) in case of failure to file a return on or before the date prescribed by law or failure to pay a fee
12 on or before the date prescribed by law, there must be added a penalty of twenty-five percent of the
13 amount of fee due. The department may revoke a permit to operate for failure to pay any fees, penalties,
14 or interest required by law. Upon payment the department may reinstate the permit to an operator of a
15 permitted treatment facility treating infectious waste in this State. The penalty provided by this item
16 may be reduced or waived by the department for reasonable cause.

17
18 SECTION 108. Section 44-96-40(9) of the S.C. Code is amended to read:

19
20 (9) "Department" means the South Carolina Department of ~~Health and Environmental~~
21 ~~Control~~Services.

22
23 SECTION 109. Section 44-96-40(24) of the S.C. Code is amended to read:

24
25 (24) "Lead-acid battery collection facility" means a facility authorized by the Department of ~~Health~~
26 ~~and Environmental Control~~Services to accept lead-acid batteries from the public for temporary storage
27 prior to recycling.

28
29 SECTION 110. Section 44-96-40(29) of the S.C. Code is amended to read:

30
31 (29) "Office" means the Office of Solid Waste Reduction and Recycling established within the
32 Department of ~~Health and Environmental Control~~Services pursuant to Section 44-96-110.

33
34 SECTION 111. Section 44-96-40(51) of the S.C. Code is amended to read:

35
36 (51) "Solid Waste Management Trust Fund" means the trust fund established within the Department

1 of ~~Health and Environmental Control Services~~ pursuant to Section 44-96-120.

2
3 SECTION 112. Section 44-96-40(55) of the S.C. Code is amended to read:

4
5 (55) "State solid waste management plan" means the plan which the Department of ~~Health and~~
6 ~~Environmental Control Services~~ is required to submit to the General Assembly and to the Governor
7 pursuant to Section 44-96-60.

8
9 SECTION 113. Section 44-96-60(C) of the S.C. Code is amended to read:

10
11 (C) Not later than six months after this chapter is effective, there shall be established a State Solid
12 Waste Advisory Council. The council shall consist of the following sixteen members:

13 (1) twelve members appointed by the Governor which shall include one member to represent
14 manufacturing interests; one member to represent the retail industry; two members to represent the
15 solid waste disposal industry; one member to represent existing private recycling industry; two
16 members to represent the general public; three members to represent county governments to be
17 recommended by the South Carolina Association of Counties, one shall represent a county with a
18 population of 50,000 or less, one shall represent a county with a population more than 50,000 and up
19 to 100,000, and the final county representative shall represent a county with a population over 100,000;
20 and two members shall represent municipalities to be recommended by the South Carolina Municipal
21 Association. County, regional, and municipal representatives who are elected officials shall serve ex
22 officio;

23 (2) the consumer advocate or his designee;

24 (3) one member to represent the Department of ~~Health and Environmental Control Services~~;

25 (4) the Secretary of Commerce or his designee; and

26 (5) one member to represent the Governor.

27 The members of the council in (1) above appointed after May 27, 1997, shall serve terms of four
28 years dating from May 27, 1997, except that the member representing manufacturing interests, one
29 member representing the solid waste disposal industry, the member representing existing private
30 recycling industry, one member representing the general public, the member representing a county with
31 a population of over one hundred thousand, and one municipal member must be appointed for a term
32 of two years dating from May 27, 1997, and subsequent appointment of these members must be for a
33 term of four years. No member appointed after May 27, 1997, may serve more than two terms.
34 Members named in (2), (3), (4), and (5) above shall serve co-terminus with their office or at the pleasure
35 of the respective appointing authority. No member appointed before May 27, 1997, shall serve past
36 May 27, 2001. Members shall promulgate regulations concerning meeting attendance. The council

1 shall advise the department on the preparation of the state solid waste management plan, on methods
2 of implementing the state plan on the preparation of the annual reports by the department on solid waste
3 management and provide technical expertise regarding solid waste management grants and planning.
4 The council shall be provided with drafts of the plan and reports and shall be given adequate opportunity
5 to comment. The council also shall be advised on a regular basis by the department regarding the grant
6 applications which have been accepted or denied under the Solid Waste Management Grant Program
7 and on the status of the Solid Waste Management Trust Fund.

8
9 SECTION 114. Section 44-96-85(A) of the S.C. Code is amended to read:
10

11 (A) There is established a Solid Waste Emergency Fund to be administered by the ~~department~~
12 Department of Health and Environmental Control Services.

13 (1) Beginning the state fiscal year after the effective date of this section, the department shall
14 transfer two and one-half percent of the funds remitted quarterly to the Solid Waste Management Trust
15 Fund pursuant to Sections 44-96-160, 44-96-170, 44-96-180, and 44-96-200 to a special sub-fund
16 designated as the Solid Waste Emergency Fund.

17 (2) The department shall deposit quarterly payments into the Solid Waste Emergency Fund until
18 the unencumbered balance equals \$1,500,000.

19 (3) When expenditures from the account occur, the department shall, on a quarterly basis, transfer
20 funds in accordance with this section until such time as the unencumbered balance of the fund equals
21 \$1,500,000.
22

23 SECTION 115. Section 44-96-100(A) of the S.C. Code is amended to read:
24

25 (A) Whenever the department determines that a person is in violation of a regulation promulgated
26 pursuant to this article regarding Sections 44-96-160(X) (Used Oil), 44-96-170(H) (Waste Tires), or
27 44-96-190(A) (Yard trash, compost), the department may issue an order requiring the person to comply
28 with the regulation or the department may bring civil action for injunctive relief in the appropriate court
29 or the department may request that the Attorney General bring civil or criminal enforcement action
30 under this section. The department also may impose reasonable civil penalties not to exceed ten
31 thousand dollars, for each day of violation, for violations of the regulations promulgated pursuant to
32 this article regarding Sections 44-96-160(X), 44-96-170(H), or 44-96-190(A). After exhaustion of
33 administrative remedies, a person against whom a civil penalty is invoked by the department may
34 appeal the decision of the department ~~or board of~~ to the court of common pleas, pursuant to the
35 Administrative Procedures Act.
36

1 SECTION 116. Section 44-96-120(C) of the S.C. Code is amended to read:

2
3 (C) The department shall report on a quarterly basis to the State Solid Waste Advisory Council,
4 House Ways and Means Committee, Senate Finance Committee, and the Joint Legislative Committee
5 on Energy on the condition of the Solid Waste Management Trust Fund and on the use of all funds
6 allocated from the Solid Waste Management Trust Fund. Quarterly reports shall be made not later than
7 sixty days after the last day of each fiscal quarter beginning with the first full quarter after this chapter
8 is effective. Notwithstanding Chapter 39 of Title 11, the Department of ~~Health and Environmental~~
9 ~~Control~~Services, through the Office of Solid Waste Reduction and Recycling, shall make decisions on
10 the allocation of oil overcharge funds transferred to the Solid Waste Management Trust Fund pursuant
11 to Section 44-96-120(B)(9). The department's decisions shall be made upon the approval of the
12 statewide Solid Waste Advisory Council and after consultation with the Governor's Office and the Joint
13 Legislative Committee on Energy to ensure that the funds are administered according to decisions of
14 the federal courts and requirements of the United States Department of Energy. If all oil overcharge
15 funds transferred to the Solid Waste Management Trust Fund are not committed for projects or
16 programs authorized by this chapter five years from the date this chapter is effective, they shall be
17 returned to the Governor's Office.

18
19 SECTION 117. Section 44-96-165 of the S.C. Code is amended to read:

20
21 Section 44-96-165. The Department of ~~Health and Environmental Control~~Services, with the
22 approval of the State Auditor, shall contract with one or more qualified, independent certified public
23 accountants on a one-year basis to audit revenues and disbursements from the Solid Waste Management
24 Trust Fund and the Waste Tire Trust Fund established pursuant to Section 44-96-120 and from the
25 Petroleum Fund established pursuant to Section 44-96-160(V). The auditors may audit relevant records
26 of a public or private entity that has submitted, kept, handled, or tracked monies for any of the three
27 funds. This contract must be funded by the Solid Waste Management Trust Fund, the Petroleum Fund,
28 and the Waste Tire Trust Fund.

29
30 SECTION 118. Section 44-96-170(N) of the S.C. Code is amended to read:

31
32 (N)(1) For sales made on or after November 1, 1991, there is imposed a fee of two dollars for each
33 new tire sold with a Department of Transportation number to the ultimate consumer, whether or not the
34 tire is mounted by the seller. The wholesaler or retailer receiving new tires from unlicensed wholesalers
35 is responsible for paying the fee imposed by this subsection.

36 (2) The Department of Revenue shall administer, collect, and enforce the tire recycling fee in the

1 same manner that the sales and use taxes are collected pursuant to Chapter 36 of Title 12. The fee
2 imposed by this subsection must be remitted on a monthly basis. Instead of the discount allowed
3 pursuant to Section 12-36-2610, the taxpayer may retain three percent of the total fees collected as an
4 administrative collection allowance. This allowance applies whether or not the return is timely filed.

5 (3) The department shall deposit all fees collected to the credit of the State Treasurer who shall
6 establish a separate and distinct account from the state general fund.

7 (4) The State Treasurer shall distribute one and one-half dollars for each tire sold, less applicable
8 credit, refund, and discount, to each county based upon the population in each county according to the
9 most recent United States Census. The county shall use these funds for collection, processing, or
10 recycling of waste tires generated within the State.

11 (5) The remaining portion of the tire recycling fee is to be credited to the Solid Waste Management
12 Trust Fund by the State Treasurer for the Waste Tire Grant Trust Fund, established under the
13 administration of the South Carolina Department of ~~Health and Environmental Control~~ Services.

14 (6) The General Assembly shall review the waste tire disposal recycling fee every five years.

15
16 SECTION 119. Section 44-96-170(P) of the S.C. Code is amended to read:

17
18 (P) The Office of Solid Waste Reduction and Recycling of the Department of ~~Health and~~
19 ~~Environmental Control~~ Services may provide grants from the Waste Tire Trust Fund to counties which
20 have exhausted all funds remitted to counties under Section 44-96-170(N), to regions applying on
21 behalf of those counties and to local governments within those counties to assist in the following:

- 22 (1) constructing, operating, or contracting with waste tire processing or recycling facilities;
23 (2) removing or contracting for the removal of waste tires for processing or recycling;
24 (3) performing or contracting for the performance of research designed to facilitate waste tire
25 recycling; or
26 (4) the purchase or use of recycled products or materials made from waste tires generated in this
27 State.

28
29 SECTION 120. Section 44-96-170(Q) of the S.C. Code is amended to read:

30
31 (Q) Waste tire grants must be awarded on the basis of written grant request proposals submitted to
32 and approved, not less than annually, by the committee consisting of ten members appointed by the
33 commissioner representing:

- 34 (1) the South Carolina Tire Dealers and Retreaders Association;
35 (2) the South Carolina Association of Counties;
36 (3) the South Carolina Association of Regional Councils;

- 1 (4) the South Carolina Department of ~~Health and Environmental Control~~Services;
- 2 (5) tire manufacturers;
- 3 (6) the general public;
- 4 (7) a public interest environmental organization;
- 5 (8) the South Carolina Department of Natural Resources;
- 6 (9) the Office of the Governor; and
- 7 (10) the South Carolina Municipal Association.

8 Members of the committee shall serve for terms of three years and until their successors are
9 appointed and qualify.

10 Vacancies must be filled in the manner of original appointment for the unexpired portion of the term.
11 The representative of the department shall serve as chairman. The committee shall review grant
12 requests and proposals and make recommendations on grant awards to the State Solid Waste Advisory
13 Council. Grants must be awarded by the State Solid Waste Advisory Council.

14
15 SECTION 121. Section 44-96-250(B)(1) through (4) of the S.C. Code is amended to read:

16
17 (B) The following definitions are applicable in this article:

18 (1) "Applicant" means an individual, corporation, partnership, business association, or
19 government entity that applies for the issuance, transfer, or modification of a permit under this article.

20 (2) "Ash" means the solid residue from the incineration of solid waste.

21 (3) "Closure" means the discontinuance of operation by ceasing to accept, treat, store, or dispose
22 of solid waste in a manner which minimizes the need for further maintenance and protects human health
23 and the environment.

24 (4) "Director" means the Director of the South Carolina Department of ~~Health and Environmental~~
25 ~~Control~~Services.

26
27 SECTION 122. Section 44-96-440(C) of the S.C. Code is amended to read:

28
29 (C) It shall be unlawful for any person to fail to comply with this article and any regulations
30 promulgated pursuant to this article, or to fail to comply with any permit issued under this article, or to
31 fail to comply with any order issued by the ~~board, commissioner, director~~ or the department.

32
33 SECTION 123. Section 44-96-450(A) of the S.C. Code is amended to read:

34
35 (A) Whenever the department finds that a person is in violation of a permit, regulation, standard, or
36 requirement under this article, the department may issue an order requiring the person to comply with

1 the permit, regulation, standard, or requirement, or the department may bring civil action for injunctive
2 relief in the appropriate court, or the department may request that the Attorney General bring civil or
3 criminal enforcement action under this section. The department also may impose reasonable civil
4 penalties established by regulation, not to exceed ten thousand dollars for each day of violation, for
5 violations of the provisions of this article, including any order, permit, regulation, or standard. After
6 exhaustion of administrative remedies, a person against whom a civil penalty is invoked by the
7 department may appeal the decision of the department-~~or board~~ to the court of common pleas.

8
9 SECTION 124. Section 44-113-20(3) of the S.C. Code is amended to read:

10
11 (3) "Department" means the South Carolina Department of Public Health and Environmental
12 ~~Control~~.

13
14 SECTION 125. Section 44-115-80(A) of the S.C. Code is amended to read:

15
16 (A) A physician, or other owner of medical records as provided for in Section 44-115-130, may
17 charge a fee for the search and duplication of a paper or electronic medical record, but the fee may not
18 exceed:

19 (1) Sixty-five cents per page for the first thirty pages provided in an electronic format and fifty
20 cents per page for all other pages provided in an electronic format, plus a clerical fee not to exceed
21 twenty-five dollars for searching and handling, which combined with the per page costs may not exceed
22 one hundred fifty dollars per request, but to which may be added actual postage and applicable sales
23 tax. The search and handling fee is permitted even though no medical record is found as a result of the
24 search, except where the request is made by the patient.

25 (2) Sixty-five cents per page for the first thirty printed pages and fifty cents per page for all other
26 printed pages, plus a clerical fee not to exceed twenty-five dollars for searching and handling, which
27 combined with the per page print costs may not exceed two hundred dollars per request, and to which
28 may be added actual postage and applicable sales tax. The search and handling fee is permitted even
29 though no medical record is found as a result of the search, except where the request is made by the
30 patient.

31 (3) All fees allowed by this section, including the maximum, must be adjusted annually in
32 accordance with the Consumer Price Index for all Urban Consumers, South Region (CPI-U), published
33 by the U.S. Department of Labor. The Department of Public Health and Environmental~~Control~~ is
34 responsible for calculating this annual adjustment, which is effective on July first of each year, starting
35 July 1, 2015.

1 SECTION 126. Section 44-115-130 of the S.C. Code is amended to read:

2
3 Section 44-115-130. (A) A physician may not sell medical records to someone other than a
4 physician or osteopath licensed by the South Carolina State Board of Medical Examiners or a hospital
5 licensed by the South Carolina Department of ~~Public Health and Environmental Control~~. Exceptions
6 to this prohibition may be granted and approved by the South Carolina State Board of Medical
7 Examiners.

8 (B) Before a physician may sell medical records, he must cause to be published a public notice of
9 his intention to sell the records in a newspaper of general circulation in the area of his practice at least
10 three times in the ninety days preceding the sale. The notice shall advise patients that they may retrieve
11 their records if they prefer that their records not be included in the sale.

12
13 SECTION 127. Section 44-128-20(A) of the S.C. Code is amended to read:

14
15 (A) The Department of ~~Public Health and Environmental Control~~ shall develop and implement a
16 Youth Smoking Prevention Plan for the purpose of preventing and reducing cigarette smoking by
17 minors.

18
19 SECTION 128. Section 44-128-50(B) of the S.C. Code is amended to read:

20
21 (B) Notwithstanding the provisions of Section 8-13-770, the membership of the advisory
22 commission is as follows:

23 (1) two members appointed by the Speaker of the House of Representatives from the membership
24 of the House of Representatives;

25 (2) two members appointed by the President of the Senate from the membership of the Senate;
26 and

27 (3) eleven members appointed by the Governor as follows:

28 (a) one representative of the Department of ~~Public Health and Environmental Control~~;

29 (b) one representative of the Department of Alcohol and Other Drug Abuse Services;

30 (c) three health professionals;

31 (d) two youths between the ages of twelve and eighteen; and

32 (e) five citizens of the State with knowledge, competence, experience, or interest in youth
33 smoking prevention, or other relevant background including, but not limited to, youth education, public
34 health, social science, and business expertise.

35
36 SECTION 129. Section 44-130-20(3) of the S.C. Code is amended to read:

1
2 (3) "Department" means the Department of Health and Environmental Control.

3
4 SECTION 130. Section 44-130-20(3) of the S.C. Code is amended to read:

5
6 (3) "Department" means the Department of Public Health and Environmental Control.

7
8 SECTION 131. Title 46 of the S.C. Code is amended by adding:

9
10 CHAPTER 57

11
12 Food Safety

13
14 Section 46-57-10. The Department of Agriculture shall administer and enforce the provisions
15 contained in this chapter.

16
17 Section 46-57-20. (A) For the purposes of this section:

18 (1) 'Home based food production operation' means an individual, operating out of the individual's
19 dwelling, who prepares, processes, packages, stores, and distributes nonpotentially hazardous foods for
20 sale directly to a person.

21 (2) 'Nonpotentially hazardous foods' means candy and baked goods that are not potentially
22 hazardous foods.

23 (3) 'Person' means an individual consumer.

24 (4) 'Potentially hazardous foods' means:

25 (a) an animal food that is raw or heat treated, a plant food that is heat treated or consists of raw
26 seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes not modified to
27 prevent microorganism growth or toxin formation, or garlic in oil mixtures not modified to prevent
28 microorganism growth or toxin formation;

29 (b) certain foods that are designated as Product Assessment Required (PA) because of the
30 interaction of the pH and Aw values in these foods. Below is a table indicating the interaction of pH
31 and Aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged:

	Aw values		pH values	
		4.6 or less	> 4.6 – 5.6	> 5.6
(1)	< 0.92	non-PHF	non-PHF	non-PHF
(2)	> 0.92 – 0.95	non-PHF	non-PHF	PHF
(3)	> 0.95	non-PHF	PHF	PHF

1
2 Foods in item (2) with a pH value greater than 5.6 and foods in item (3) with a pH value greater than
3 4.6 are considered potentially hazardous unless a product assessment is conducted pursuant to the 2009
4 Federal Drug Administration Food Code.

5 (B) The operator of the home based food production operation must take all reasonable steps to
6 protect food items intended for sale from contamination while preparing, processing, packaging,
7 storing, and distributing the items including, but not limited to:

8 (1) maintaining direct supervision of any person, other than the operator, engaged in the
9 processing, preparing, packaging, or handling of food intended for sale;

10 (2) prohibiting all animals, including pets, from entering the area in the dwelling in which the
11 home based food production operation is located while food items are being prepared, processed, or
12 packaged and prohibiting these animals from having access to or coming in contact with stored food
13 items and food items being assembled for distribution;

14 (3) prohibiting all domestic activities in the kitchen while the home-based food production
15 operation is processing, preparing, packaging, or handling food intended for sale;

16 (4) prohibiting any person who is infected with a communicable disease that can be transmitted
17 by food, who is a carrier of organisms that can cause a communicable disease that can be transmitted
18 by food, who has an infected wound, or who has an acute respiratory infection from processing,
19 preparing, packaging, or handling food intended for sale by the home based food production operation;
20 and

21 (5) ensuring that all people engaged in processing, preparing, packaging, or handling food
22 intended for sale by the home based food production operation are knowledgeable of and follow safe
23 food handling practices.

24 (C) Each home based food production operation shall maintain a clean and sanitary facility to
25 produce nonpotentially hazardous foods including, but not limited to:

26 (1) department approved water supply;

27 (2) a separate storage place for ingredients used in foods intended for sale;

28 (3) a properly functioning refrigeration unit;

29 (4) adequate facilities, including a sink with an adequate hot water supply to meet the demand for
30 the cleaning and sanitization of all utensils and equipment;

31 (5) adequate facilities for the storage of utensils and equipment;

32 (6) adequate hand washing facilities separate from the utensil and equipment cleaning facilities;

33 (7) a properly functioning toilet facility;

34 (8) no evidence of insect or rodent activity; and

35 (9) department approved sewage disposal, either on site treatment or publicly provided.

36 (D) All food items packaged at the operation for sale must be properly labeled. The label must

1 comply with federal laws and regulations and must include:

2 (1) the name and address of the home based food production operation;

3 (2) the name of the product being sold;

4 (3) the ingredients used to make the product in descending order of predominance by weight; and

5 (4) a conspicuous statement printed in all capital letters and in a color that provides a clear contrast
6 to the background that reads: 'NOT FOR RESALE PROCESSED AND PREPARED BY A HOME
7 BASED FOOD PRODUCTION OPERATION THAT IS NOT SUBJECT TO SOUTH CAROLINA'S
8 FOOD SAFETY REGULATIONS.'

9 (E) Home based food operations only may sell, or offer to sell, food items directly to a person for his
10 own use and not for resale. A home based food operation may not sell, or offer to sell, food items at
11 wholesale. Food produced from a home based food production operation must not be considered to be
12 from an approved source, as required of a retail food establishment pursuant to Regulation 61.25.

13 (F) A home based food production operation is not a retail food establishment and is not subject to
14 regulation by the department pursuant to Regulation 61.25.

15 (G) The provisions of this section do not apply to an operation with net earnings of less than five
16 hundred dollars annually but that would otherwise meet the definition of a home based food operation
17 provided in subsection (A)(1).

18
19 Section 46-57-30. (A) Notwithstanding any other provision of law, ground beef or any food
20 containing ground beef prepared by a food service provider for public consumption must be cooked to
21 heat all parts of the food to at least one hundred fifty five degrees Fahrenheit, or sixty eight degrees
22 Celsius, unless otherwise ordered by the immediate consumer.

23 (B) The food service provider, its business or its employees or agents, are not liable for any adverse
24 effects to the purchaser or anyone else for providing a ground beef product cooked at an internal
25 temperature less than one hundred fifty five degrees Fahrenheit, or sixty eight degrees Celsius, if
26 providing the product is at the request of the purchaser and if the food service provider has notified the
27 purchaser in advance that a possible health risk may exist by eating the product. The notice must state
28 that a possible health risk may exist in eating undercooked ground beef at an internal temperature less
29 than one hundred fifty five degrees Fahrenheit, or sixty eight degrees Celsius, and be given to the
30 purchaser:

31 (1) in writing;

32 (2) as stated on the menu; or

33 (3) by visible sign warning.

34 (C) In order for an immediate consumer or purchaser, as used in this section, to request or order
35 ground beef to be cooked to a temperature less than one hundred fifty five degrees Fahrenheit (sixty
36 eight degrees Celsius), the individual must be eighteen years of age or older.

1
2 Section 46-57-40. Fresh meat or fresh meat products sold to a consumer may not be offered to the
3 public for resale for human consumption if the fresh meat or fresh meat products have been returned
4 by the consumer.

5
6 Section 46-57-50. The Department of Agriculture may make, adopt, promulgate, and enforce
7 reasonable rules and regulations from time to time requiring and providing for:

8 (1) the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands, all other
9 places or establishments providing eating or drinking facilities, and all other places known as private
10 nursing homes or places of similar nature, operated for gain or profit; and

11 (2) the production, storing, labeling, transportation, and selling of milk and milk products, filled milk
12 and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk
13 products, milk derivatives, and any other products made in semblance for milk or milk products.; and

14 (3) the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for
15 that purpose or used in connection with other businesses, and bottling plants.

16
17 Section 46-57-60. The department may not use any funds appropriated or authorized to the
18 department to enforce Regulation 61 25 to the extent that its enforcement would prohibit a church or
19 charitable organization from preparing and serving food to the public on their own premises at not more
20 than one function a month or not more than twelve functions a year.

21
22 Section 46-57-70. (A) Except as provided in Section 46 57 50, a person who after notice violates,
23 disobeys, or refuses, omits, or neglects to comply with a regulation of the Department of Agriculture
24 promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined
25 not more than two hundred dollars or imprisoned for thirty days.

26 (B) A person who after notice violates a rule, regulation, permit, permit condition, final
27 determination, or order of the department issued pursuant to this chapter is subject to a civil penalty
28 not to exceed one thousand dollars a day for each violation.

29 (C) Fines collected pursuant to subsection (B) must be remitted by the department to the State
30 Treasurer for deposit in the state general fund.

31 (D) The term 'notice' as used in this section (D) means either actual notice or constructive notice.

32
33 SECTION 132. Section 47-5-20(2) of the S.C. Code is amended to read:

34
35 (2) "Department" means the South Carolina Department of ~~Health and Environmental~~
36 ~~Control~~Services, including county health departments.

1
2 SECTION 133. Chapter 5, Title 47 of the S.C. Code is amended by adding:

3
4 Section 47-5-220. The Department of Environmental Services and the Department of Public Health
5 are authorized to consult with one another and share otherwise confidential information with one
6 another related to victims of bites from rabid animals.

7
8 SECTION 134. Section 47-17-320 of the S.C. Code is amended to read:

9
10 Section 47-17-320. The Department of ~~Health and Environmental Control~~Agriculture is charged
11 with the enforcement of the provisions of this article. All meat found by the Department of ~~Health and~~
12 ~~Environmental Control~~Agriculture which is landed within the boundaries of the State and does not
13 comply with the provisions of this article shall be confiscated and destroyed.

14
15 SECTION 135. Section 48-1-10(9) of the S.C. Code is amended to read:

16
17 (9) "Department" means the Department of ~~Health and Environmental Control~~Services;

18
19 SECTION 136. Section 48-1-20 of the S.C. Code is amended to read:

20
21 Section 48-1-20. It is declared to be the public policy of the State to maintain reasonable standards
22 of purity of the air and water resources of the State, consistent with the public health, safety and welfare
23 of its citizens, maximum employment, the industrial development of the State, the propagation and
24 protection of terrestrial and marine flora and fauna, and the protection of physical property and other
25 resources. It is further declared that to secure these purposes and the enforcement of the provisions of
26 this chapter, the Department of ~~Health and Environmental Control~~Services shall have authority to
27 abate, control and prevent pollution.

28
29 SECTION 137. Section 48-1-55 of the S.C. Code is amended to read:

30
31 Section 48-1-55. On any navigable river in this State where an oyster factory is located, the
32 Department of ~~Health and Environmental Control~~Services may utilize qualified personnel of the
33 county or municipality in whose jurisdiction the factory operates to assist with the monitoring of water
34 quality and other environmental standards the department is required to enforce. The assistance may
35 be provided at the request of the department and upon the consent of the county or municipality
36 concerned.

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SECTION 138. 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 South Carolina Department of ~~Health and Environmental Control~~Services.

SECTION 139. Section 48-1-95(A) of the S.C. Code is amended to read:

(A) As used in this section:

(1) "Action plan" or "plan" means a schedule for implementing and completing repairs, upgrades, and improvements needed to minimize future repetitive significant spills of untreated or partially treated domestic sewage.

(2) "Capacity, Management, Operation, and Maintenance or 'CMOM' plan" means a comprehensive, dynamic framework for wastewater utilities to identify and incorporate widely accepted wastewater industry practices to:

- (a) better manage, operate, and maintain collection systems;
- (b) investigate capacity constrained areas of the collection system; and
- (c) respond to sanitary sewer overflow events.

(3) "Comprehensive review" or "review" means a complete technical assessment of the components and operation of a sewage system or its treatment works that are contributing to, or may be contributing to, repetitive significant spills of untreated or partially treated domestic sewage.

(4) "Department" means the Department of ~~Health and Environmental Control~~Services.

(5) "Significant spill" means a net discharge from a wastewater utility of at least five thousand gallons of untreated or partially treated domestic sewage that could cause a serious adverse impact on the environment or public health. "Significant spill" does not include spills caused by a natural disaster, direct act of a third party, or other act of God.

(6) "Wastewater utility" or "utility" means the operator or owner of a sewage collection system or its treatment works providing sewer service to the public. "Wastewater utility" does not include manufacturers, electric utilities, agricultural operations, and wastewater treatment systems located on property owned by the federal government.

SECTION 140. Section 48-1-100 of the S.C. Code is amended to read:

Section 48-1-100. (A) A person affected by the provisions of this chapter or the rules and regulations adopted by the department desiring to make a new outlet or source, or to increase the quantity of discharge from existing outlets or sources, for the discharge of sewage, industrial waste or

1 other wastes, or the effluent therefrom, or air contaminants, into the waters or ambient air of the State,
2 first shall make an application to the department for a permit to construct and a permit to discharge
3 from the outlet or source. If, after appropriate public comment procedures, as defined by department
4 regulations, the department finds that the discharge from the proposed outlet or source will not be in
5 contravention of provisions of this chapter, a permit to construct and a permit to discharge must be
6 issued to the applicant. The department, if sufficient hydrologic and environmental information is not
7 available for it to make a determination of the effect of the discharge, may require the person proposing
8 to make the discharge to conduct studies that will enable the department to determine that its quality
9 standards will not be violated.

10 (B) The Department of ~~Health and Environmental Control~~ Services is the agency of state government
11 having jurisdiction over the quality of the air and waters of the State of South Carolina. It shall develop
12 and enforce standards as may be necessary governing emissions or discharges into the air, streams,
13 lakes, or coastal waters of the State, including waste water discharges.

14 (C) The Department of ~~Health and Environmental Control~~ Services is the agency of state government
15 having jurisdiction over those matters involving real or potential threats to the health of the people of
16 South Carolina, including the handling and disposal of garbage and refuse; septic tanks; and individual
17 or ~~privately owned~~ privately owned systems for the disposal of offal and human or animal wastes.

18
19 SECTION 141. Section 48-1-130 of the S.C. Code is amended to read:

20
21 Section 48-1-130. A person discharging sewage, industrial waste, or other waste or air contaminant
22 into the environment of the State, in such manner or quantity as to cause pollution, without regard to
23 the time that the discharge began or whether or not the continued discharge has been by virtue of a
24 permit issued by the department, shall discontinue the discharge upon receipt of an order of the
25 department. An order is subject to review pursuant to Section ~~44-1-60~~ 49-3-60 and the Administrative
26 Procedures Act. This section does not abrogate any of the department's emergency powers.

27
28 SECTION 142. Section 48-1-280 of the S.C. Code is amended to read:

29
30 Section 48-1-280. Nothing herein contained shall be construed to postpone, stay or abrogate the
31 enforcement of the provisions of the public health laws of this State and rules and regulations
32 promulgated hereunder in respect to discharges causing actual or potential hazards to public health nor
33 to prevent the Department of ~~Health and Environmental Control~~ Services from exercising its right to
34 prevent or abate nuisances.

35
36 SECTION 143. Section 48-2-20(2) of the S.C. Code is amended to read:

1
2 (2) "Department" means the South Carolina Department of ~~Health and Environmental~~
3 ~~Control Services~~.

4
5 SECTION 144. Section 48-2-70 of the S.C. Code is amended to read:

6
7 Section 48-2-70. Under each program for which a permit processing fee is established pursuant to
8 this article, the promulgating authority also shall establish by regulation a schedule for timely action
9 by the Department of ~~Health and Environmental Control Services~~ on permit applications under that
10 program. These schedules shall contain criteria for determining in a timely manner when an application
11 is complete and the maximum length of time necessary and appropriate for a thorough and prompt
12 review of each category of permit applications and shall take into account the nature and complexity
13 of permit application review required by the act under which the permit is sought. If the department
14 fails to grant or deny the permit within the time frame established by regulation, the department shall
15 refund the permit processing fee to the permit applicant.

16
17 SECTION 145. Section 48-2-320(1) through (3) of the S.C. Code is amended to read:

18
19 Section 48-2-320. As used in this article:

20
21 (1) "~~Commissioner~~" "Director" means the ~~Commissioner~~ Director of the Department of ~~Health and~~
22 ~~Environmental Control Services~~.

23 (2) "Department" means the Department of ~~Health and Environmental Control Services~~.

24 (3) "Environmental Emergency" means a situation, to be determined by the ~~commissioner~~ director,
25 that constitutes an immediate threat to the environment or public health, or both, and providing
26 immediate, but temporary relief to the situation may require the expenditure of funds to effect a
27 solution, provide temporary relief, or retain the services of appropriate technical personnel or
28 contractors.

29
30 SECTION 146. Section 48-2-330(A) of the S.C. Code is amended to read:

31
32 (A) There is created within the Department of ~~Health and Environmental Control Services~~ a
33 restricted account to be known as the Environmental Emergency Fund.

34
35 SECTION 147. Section 48-2-340(A) of the S.C. Code is amended to read:

1 (A) The department, through the ~~commissioner~~ director or the ~~commissioner's~~ director's designee,
2 shall certify that funding for a specific emergency was necessary to protect the environment or public
3 health, or both. Annually, the department shall prepare an independent accounting of all revenue in the
4 fund. The report must be submitted to the ~~chairman of the Board of the Department of Health and~~
5 ~~Environmental Control~~ Governor and must be made available to the public upon request.

6
7 SECTION 148. Section 48-3-10(6) of the S.C. Code is amended to read:

8
9 (6) "Department" shall mean the Department of ~~Health and Environmental Control~~ Services of South
10 Carolina.

11
12 SECTION 149. Section 48-3-140(A) of the S.C. Code is amended to read:

13
14 (A) No bonds may be issued pursuant to the provisions of this chapter until the proposal of the
15 governing board to issue the bonds receives the approval of the State Fiscal Accountability Authority.
16 Whenever a governing board proposes to issue bonds pursuant to the provisions of this chapter, it shall
17 file its petition with the State Fiscal Accountability Authority or the Department of Administration, as
18 applicable, setting forth:

- 19 (1) a brief description of the pollution control facilities proposed to be undertaken;
20 (2) a statement setting forth the action taken by the Department of ~~Health and Environmental~~
21 ~~Control Services~~ in connection with the pollution control facilities;
22 (3) a reasonable estimate of the cost of the pollution control facilities;
23 (4) a general summary of the terms and conditions of the loan agreement; and
24 (5) such other information as the State Fiscal Accountability Authority or the Department of
25 Administration, as applicable, requires.

26
27 SECTION 150. Section 48-4-10 of the S.C. Code is amended to read:

28
29 Section 48-4-10. (A) The South Carolina Department of Natural Resources ~~is created to~~ shall
30 administer and enforce the laws of this State relating to wildlife, marine resources, and natural resources
31 and other laws specifically assigned to it. The department must be comprised of a Law Enforcement
32 Division, a Wildlife and Freshwater Fisheries Division, a Marine Resources Division, and a Land,
33 Water, and Conservation Division. Each division of the department must have the functions and
34 powers provided by law.

35 ~~(B) All functions, powers, and duties provided by law to the South Carolina Wildlife and Marine~~
36 ~~Resources Department, the Geological Survey Division of the Budget and Control Board, to include~~

1 the State Geologist, and the South Carolina Migratory Waterfowl Committee are transferred to the
2 Department of Natural Resources. All nonregulatory functions, powers, and duties provided by law to
3 the South Carolina Water Resources Commission and the State Land Resources Conservation
4 Commission are transferred to the Department of Natural Resources. All rules, regulations, standards,
5 orders, or other actions of these entities remain in effect unless specifically changed or voided by the
6 department in accordance with the Administrative Procedures Act.

7 (C)(B) All divisions are directly accountable to and subject to the Department of Natural Resources.

8 ~~(D) The Wildlife and Marine Resources Commission, the Land Resources Conservation~~
9 ~~Commission, and the Water Resources Commission are abolished.~~

10
11 SECTION 151. Section 48-5-20(6) of the S.C. Code is amended to read:

12
13 (6) "Department" means the South Carolina Department of ~~Health and Environmental~~
14 ~~Control~~Services.

15
16 SECTION 152. Section 48-14-20(1) and (6) of the S.C. Code is amended to read:

17
18 (1) "Department" means the South Carolina Department of ~~Health and Environmental~~
19 ~~Control~~Services.

20
21 (6) "Designated Watershed" means a watershed designated by a local government and approved by
22 the Department of ~~Health and Environmental Control~~ Services and identified as having an existing or
23 potential stormwater, sediment control, or nonpoint source pollution problem.

24
25 SECTION 153. Section 48-18-20(8) of the S.C. Code is amended to read:

26
27 (8) "Department" means the South Carolina Department of ~~Health and Environmental~~
28 ~~Control~~Services.

29
30 SECTION 154. Section 48-18-20(11) of the S.C. Code is amended to read:

31
32 (11) "~~Board~~" means the board of the department. Reserved

33
34 SECTION 155. Section 48-18-50(1) of the S.C. Code is amended to read:

35
36 (1) A state Advisory Council on Erosion and Sediment Reduction (State Advisory Council), which

1 may include, but not be limited to, a representative of each of the following, must be appointed by the
2 Governor upon the advice of the following agencies and organizations:

- 3 South Carolina Association of Counties
- 4 South Carolina Municipal Association
- 5 South Carolina Association of Conservation Districts
- 6 South Carolina Home Builders Association
- 7 Associated General Contractors, Inc.
- 8 South Carolina Association of Realtors
- 9 South Carolina Chapter, American Society of Landscape Architects
- 10 South Carolina Chapter, American Society of Civil Engineers
- 11 Council of Governments Executive Director's Committee
- 12 South Carolina Farm Bureau
- 13 South Carolina State Grange
- 14 Office of the Governor
- 15 USDA-Soil Conservation Service
- 16 Clemson University
- 17 South Carolina Department of ~~Health and Environmental Control~~ Services
- 18 South Carolina Forestry Commission
- 19 South Carolina Forestry Association
- 20 South Carolina Chapter
- 21 American Institute of Architects

22
23 SECTION 156. Section 48-20-30 of the S.C. Code is amended to read:

24
25 Section 48-20-30. The South Carolina Department of ~~Health and Environmental Control~~ Services
26 is responsible for administering the provisions and requirements of this chapter. This includes the
27 process and issuance of mining permits, review and approval of reclamation plans, collection of
28 reclamation performance bonds, conduct of environmental appraisals, technical assistance to mine
29 operators and the public, implementation of research and demonstration projects, and inspections of all
30 mining operations and reclamation as set forth in this chapter. Proper execution of these responsibilities
31 may necessitate that the department seek comment from other relevant state agencies regarding matters
32 within their respective areas of statutory responsibility or primary interests. The department has
33 ultimate authority, subject to the appeal provisions of this chapter, over all mining, as defined in this
34 chapter, and the provisions of this chapter regulating and controlling such activity.

35
36 SECTION 157. Section 48-20-40(3) of the S.C. Code is amended to read:

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(3) "Department" means the South Carolina Department of ~~Health and Environmental Control~~Services. Whenever in this chapter the department is assigned duties, they may be performed by the director or by subordinates as he designates.

SECTION 158. 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 South Carolina Department of ~~Health and Environmental Control~~Services;

SECTION 159. Section 48-21-20(b) 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 ~~Health and Environmental Control~~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.

SECTION 160. Section 48-21-20(c) of the S.C. Code is amended to read:

(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 Department of ~~Health and Environmental Control~~Services.

1 SECTION 161. Section 48-34-40(B) of the S.C. Code is amended to read:

2
3 (B) Prescribed fires conducted pursuant to this chapter:

4 (1) must have a written prescribed fire plan that:

5 (a) complies with the South Carolina Smoke Management Guidelines;

6 (b) is prepared before authorization to burn is issued by the State Commission of Forestry; and

7 (c) is on site and followed during the burn;

8 (2) must have present at least one certified prescribed fire manager who must:

9 (a) be certified by the commission;

10 (b) personally supervise the burn from ignition until the certified prescribed fire manager
11 determines the burn to be safe;

12 (c) fully consider both fire behavior and related smoke management issues during and after the
13 burn;

14 (3) are considered in the public interest and do not constitute a public or private nuisance when
15 conducted pursuant to the South Carolina Smoke Management Guidelines, Chapters 1 and 35, Title 48,
16 and Chapter 2, Title 50; prescribed fires that are purposefully set in accordance with these chapters
17 and the South Carolina Smoke Management Guidelines are exempt from the open fire prohibition
18 pursuant to R. 61-62.2 and are acceptable to the Department of ~~Health and Environmental Control~~
19 Services if the fire is for:

20 (a) burning forest lands for specific management practices;

21 (b) agricultural control of diseases, weeds, and pests and for other specific agricultural purposes;

22 (c) open burning of trees, brush, grass, and other vegetable matter for game management
23 purposes;

24 (4) are considered a property right of the property owner.

25
26 SECTION 162. Section 48-39-10(C) of the S.C. Code is amended to read:

27
28 (C) "Division" means the Coastal Division of the South Carolina Department of ~~Health and~~
29 Environmental Control Services.

30
31 SECTION 163. Section 48-39-10(V) of the S.C. Code is amended to read:

32
33 (V) "Department" means the South Carolina Department of ~~Health and Environmental~~
34 Control Services.

35
36 SECTION 164. Section 48-39-10(W) of the S.C. Code is amended to read:

1
2 (W) ~~“Board” means the board of the department.~~Reserved

3
4 SECTION 165. Section 48-39-35 of the S.C. Code is amended to read:

5
6 Section 48-39-35. The Coastal Division of the Department of Health and Environmental Control is
7 created July 1, 1994. The division is transferred to the Department of Environmental Services on July
8 1, 2024.

9
10 SECTION 166. The undesignated, introductory paragraph of Section 48-39-50 of the S.C. Code is
11 amended to read:

12
13 Section 48-39-50. The South Carolina Department of ~~Health and Environmental Control~~Services
14 shall have the following powers and duties:

15
16 SECTION 167. Section 48-39-50(S) of the S.C. Code is amended to read:

17
18 (S) To monitor, in coordination with the South Carolina Department of Natural Resources, the waters
19 of the State for oil spills. If such Department observes an oil spill in such waters it shall immediately
20 report such spill to the South Carolina Department of ~~Health and Environmental Control~~Services, the
21 United States Coast Guard and the Environmental Protection Agency. This in no way negates the
22 responsibility of the spiller to report a spill.

23
24 SECTION 168. Section 48-39-270(3) of the S.C. Code is amended to read:

25
26 (3) ~~Department~~“Department” means the Department of Health and Environmental ControlServices.

27
28 SECTION 169. Section 48-39-280(F) of the S.C. Code is amended to read:

29
30 (F)~~(4)~~ A landowner claiming ownership of property adversely affected by the establishment of a
31 baseline or setback line; may file a request with the Administrative Law Court, in accordance with
32 Chapter 23, Title 1 for a contested case hearing within one year of the establishment of the baseline or
33 setback line. upon submittal of substantiating evidence, must be granted a review of the baseline or
34 setback line. Alternatively, the municipality or county in which the property is situated, acting on behalf
35 of the landowner with his written authorization, or an organization acting on behalf of the landowner
36 with his written authorization, may file a request with the Administrative Law Court, in accordance

1 ~~with Chapter 23, Title 1 for a contested case hearing within one year of the establishment of the baseline~~
2 ~~or setback line. upon submittal of substantiating evidence, must be granted a review of the baseline and~~
3 ~~setback line. A review is initiated by filing a request for a review conference with the department board~~
4 ~~via certified mail within one year of the establishment of the baseline or setback line and must include~~
5 ~~a one hundred dollar review fee per property.~~

6 ~~— (2) The initial decision to establish a baseline or setback line must be a department staff decision.~~

7 ~~— (3) No later than sixty calendar days after the receipt of a request for review, the board must:~~

8 ~~— (a) decline to schedule a review conference in writing; or~~

9 ~~— (b) conduct a review conference in accordance with the provisions of item (4).~~

10 ~~— (4) A review conference may be conducted by the board, its designee, or a committee of three~~
11 ~~members of the board appointed by the chair. The board shall set the place, date, and time for the~~
12 ~~conference; give twenty calendar days' written notice of the conference; and advise the landowner or~~
13 ~~the county, municipality, or organization acting on behalf of the landowner that evidence may be~~
14 ~~presented at the conference. The review conference must be held as follows:~~

15 ~~— (a) Review conferences are open to the public; however, the officers conducting the conference~~
16 ~~may meet in closed session to deliberate on the evidence presented at the conference. The burden of~~
17 ~~proof in a conference is upon the landowner or the county, municipality, or organization acting on~~
18 ~~behalf of the landowner. During the course of the review conference, the staff must explain the staff~~
19 ~~decision and the materials relied upon to support its decision. The landowner or the county,~~
20 ~~municipality, or organization acting on behalf of the landowner shall state the reasons for contesting~~
21 ~~the staff decision and may provide evidence to support amending the staff decision. The staff may rebut~~
22 ~~information and arguments presented by the landowner or the county, municipality, or organization~~
23 ~~acting on behalf of the landowner, and the landowner or the county, municipality, or organization acting~~
24 ~~on behalf of the landowner may rebut information and arguments presented by the staff. Any review~~
25 ~~conference officer may request additional information and may question the landowner or the county,~~
26 ~~municipality, or organization acting on behalf of the landowner and the staff.~~

27 ~~— (b) After the review conference, the board, its designee, or a committee of three members of the~~
28 ~~board appointed by the chair shall issue, based upon the evidence presented, a written decision to the~~
29 ~~landowner or the county, municipality, or organization acting on behalf of the landowner via certified~~
30 ~~mail no later than thirty calendar days after the date of the review conference. The written decision~~
31 ~~must explain the basis for the decision and inform the landowner or the county, municipality, or~~
32 ~~organization acting on behalf of the landowner of the right to request a contested case hearing before~~
33 ~~the Administrative Law Court.~~

34 ~~— (5) The landowner or the county, municipality, or organization acting on behalf of the landowner~~
35 ~~may file a request with the Administrative Law Court, in accordance with Chapter 23, Title 1, for a~~
36 ~~contested case hearing within thirty calendar days after:~~

1 ~~_____ (a) written notice is received by the landowner or the county, municipality, or organization~~
2 ~~acting on behalf of the landowner that the board declines to hold a review conference;~~

3 ~~_____ (b) the sixty-calendar-day deadline to hold the review conference has lapsed and no conference~~
4 ~~has been held; or~~

5 ~~_____ (c) the final agency decision resulting from the review conference is received by the landowner~~
6 ~~or the county, municipality, or organization acting on behalf of the landowner.~~

7
8 SECTION 170. Section 48-39-320(C) of the S.C. Code is amended to read:

9
10 (C) Notwithstanding any other provision of law contained in this chapter, ~~the board, or the Office of~~
11 ~~Ocean and Coastal Resource~~ the Division of Coastal Management, may allow the use in a pilot project
12 of any technology, methodology, or structure, whether or not referenced in this chapter, if it is
13 reasonably anticipated that the use will be successful in addressing an erosional issue in a beach or
14 dune area. If success is demonstrated, ~~the board, or the Office of Ocean and Coastal Resource~~ the
15 Division of Coastal Management, may allow the continued use of the technology, methodology, or
16 structure used in the pilot project location and additional locations.

17
18 SECTION 171. Section 48-40-20(2) of the S.C. Code is amended to read:

19
20 (2) ~~“Office”~~ “Division” means the ~~Office of Ocean and Coastal Resource~~ Division of Coastal
21 Management of the Department of Health and Environmental Control Services.

22
23 SECTION 172. Section 48-40-40(B) of the S.C. Code is amended to read:

24
25 (B) The trust fund must be administered by the ~~Office of Ocean and Coastal Resource~~ Division of
26 Coastal Management of the Department of ~~Health and Environmental Control~~ Services pursuant to this
27 chapter and its regulations governing application, review, ranking, and approval procedures for grants.

28
29 SECTION 173. Section 48-43-10(B) of the S.C. Code is amended to read:

30
31 (B) “Department” means the South Carolina Department of ~~Health and Environmental~~
32 Control Services.

33
34 SECTION 174. Section 48-43-10(W) of the S.C. Code is amended to read:

35
36 (W) “Sanitary landfill” means a solid waste disposal facility regulated by the Department of ~~Health~~

1 ~~and Environmental Control~~Services.

2
3 SECTION 175. Section 48-43-10(X) of the S.C. Code is amended to read:

4
5 (X) ~~“Board” means board of the department.~~Reserved

6
7 SECTION 176. Section 48-43-30(B)(5) and (6) of the S.C. Code is amended to read:

8
9 (5) To promulgate, after hearing and notice as hereinafter provided, such rules and regulations, and
10 issue such orders reasonably necessary to prevent waste and oil discharges from drilling and production
11 platforms, pipelines, gathering systems, processing facilities, storage facilities, refineries, port
12 facilities, tankers and other facilities and vessels that may be a source of oil spills and to protect
13 correlative rights, to govern the practice and procedure before the ~~board~~department and to fulfill its
14 duties and the purposes of this chapter.

15 (6) To regulate the exploration, drilling, production, and transportation of methane gas in and
16 related to sanitary landfills. The department is authorized to exercise discretion in regulating such
17 activities and may impose any requirement of this chapter as is necessary, in the opinion of the
18 department, to prevent waste of oil and gas, to protect correlative rights and to prevent pollution of the
19 water, air, and land by oil and gas. The department is further authorized to require any person applying
20 for a drilling permit or otherwise producing methane gas in a sanitary landfill to comply with one of
21 the following requirements for financial responsibility in an amount deemed sufficient by the
22 department in its discretion in order to achieve the purpose specified in Section 48-43-30(A)(1):

23 (i) furnish a bond consistent with the requirements of Section 48-43-30(B)(1)(e); or

24 (ii) furnish proof of insurance with the State of South Carolina as beneficiary. Before the
25 issuance of drilling permits for methane gas recovery from sanitary landfills, the department must
26 certify that the proposed activity is consistent with the Department of ~~Health and Environmental~~
27 ~~Control Services~~Services regulations governing the operation, monitoring, and maintenance of the landfills and
28 applicable permit conditions.

29
30 SECTION 177. Section 48-43-40(D) of the S.C. Code is amended to read:

31
32 (D) All rules, regulations and orders made by the Department of ~~Health and Environmental Control~~
33 Services shall be in writing, shall be entered in full and indexed in books to be kept by the department
34 for that purpose, and shall be public records open for inspection at all times during office hours. In
35 addition, all rules and regulations shall be filed with the Secretary of State. A copy of any rule,
36 regulation or order, certified by any member of the department or the department, under its seal, shall

1 be received in evidence in all courts of this State with the same effect as the original.

2
3 SECTION 178. Section 48-43-50 of the S.C. Code is amended to read:

4
5 Section 48-43-50. (A) The ~~board~~department or an Administrative Law Judge shall have the power
6 to conduct hearings, to summon witnesses, to administer oaths and to require the production of records,
7 books and documents for examination at any hearing or investigation.

8 (B) Upon failure or refusal on the part of any person to comply with a subpoena issued by the ~~board~~
9 department pursuant to this section, or upon the refusal of any witness to testify as to any matter
10 regarding which he may be interrogated and which is pertinent to the hearing or investigation, any
11 circuit court in the State, upon the application of the ~~board~~department, may issue an order to compel
12 such person to comply with such subpoena, and to attend before the ~~board~~department and produce
13 such records, books and documents for examination, and to give his testimony. Such court shall have
14 the power to punish for contempt as in the case of disobedience to a like subpoena issued by the court,
15 or for refusal to testify therein.

16
17 SECTION 179. Section 48-43-60 of the S.C. Code is amended to read:

18
19 Section 48-43-60. Any person, who is aggrieved and has a direct interest in the subject matter of
20 any final order issued by the ~~board~~department, may appeal such order to the circuit court.

21
22 SECTION 180. Section 48-43-100 of the S.C. Code is amended to read:

23
24 Section 48-43-100. All rules and regulations adopted by the Department of ~~Health and~~
25 ~~Environmental Control~~Services, as provided for in this chapter, must be approved by the General
26 Assembly before they shall be effective; provided, however, no regulation approved by the General
27 Assembly shall conflict, at the time of approval, with any requirement or be in excess of any statute,
28 rule or regulation of the Federal Government or any department or agency thereof.

29
30 SECTION 181. Section 48-43-390(A) of the S.C. Code is amended to read:

31
32 (A) The South Carolina State Fiscal Accountability Authority, upon review by the Joint Bond
33 Review Committee as necessary, hereinafter referred to as the authority, is hereby designated as the
34 State Agency with the authority, responsibility and power to lease all State lands to persons for the
35 purpose of drilling for and producing oil and gas. The Department of ~~Health and Environmental~~
36 ~~Control Services~~ is hereby designated as the exclusive agent for the authority in selecting lands to be

1 leased, administering the competitive bidding for leases, administering the leases, receiving and
2 compiling comments from other state agencies concerning the desirability of leasing the state lands
3 proposed for leasing and such other activities that pertain to oil and gas leases as may be included
4 herein as responsibilities of the authority.

5
6 SECTION 182. Section 48-43-510(1) of the S.C. Code is amended to read:

7
8 (1) "Department" means the Department of ~~Health and Environmental Control~~ Services.

9
10 SECTION 183. Section 48-43-510(13) of the S.C. Code is amended to read:

11
12 (13) "~~Board~~" means the Department of ~~Health and Environmental Control~~ Reserved

13
14 SECTION 184. Section 48-43-520(4) of the S.C. Code is amended to read:

15
16 (4) The General Assembly intends by the enactment of this article to exercise the police power of
17 the State by conferring upon the Department of ~~Health and Environmental Control~~ Services power to:

18 (a) Deal with the hazards and threats of danger and damage posed by such transfers and related
19 activities;

20 (b) Require the prompt containment and removal of pollution occasioned thereby; and

21
22 SECTION 185. Section 48-43-570(a) of the S.C. Code is amended to read:

23
24 (a) The Department of Transportation, the Department of Natural Resources, and any other agency
25 of this State, shall cooperate with and lend assistance to the Department of ~~Health and Environmental~~
26 ~~Control~~ Services by assigning, upon request, personnel, equipment and material to be utilized in any
27 project or activity related to the containment, collection, dispersal or removal of oil discharged upon
28 the land or into the waters of this State.

29
30 SECTION 186. Section 48-46-30(7) of the S.C. Code is amended to read:

31
32 (7) "Extended care maintenance fund" means the "escrow fund for perpetual care" that is used for
33 custodial, surveillance, and maintenance costs during the period of institutional control and any post-
34 closure observation period specified by the Department of ~~Health and Environmental Control~~ Services
35 and for activities associated with closure of the site as provided for in Section 13-7-30(4).

1 SECTION 187. Section 48-46-30(10) of the S.C. Code is amended to read:

2
3 (10) "Maintenance" means active maintenance activities as specified by the Department of ~~Health~~
4 ~~and-Environmental Control~~Services, including pumping and treatment of groundwater and the repair
5 and replacement of disposal unit covers.

6
7 SECTION 188. Section 48-46-30(19) of the S.C. Code is amended to read:

8
9 (19) "Regional waste" means waste generated within a member state of the Atlantic Compact.
10 Consistent with the regulatory position of the Department of ~~Health and-Environmental~~
11 ~~Control~~Services, Bureau of Radiological Health, dated May 1, 1986, some waste byproducts shipped
12 for disposal that are derived from wastes generated within the Atlantic Compact region, such as residues
13 from recycling, processing, compacting, incineration, collection, and brokering facilities located
14 outside the Atlantic Compact region may also be considered regional waste.

15
16 SECTION 189. Section 48-46-30(22) of the S.C. Code is amended to read:

17
18 (22) "Waste" means Class A, B, or C low-level radioactive waste, as defined in Title I of Public Law
19 99-240 and Department of ~~Health and-Environmental Control~~Services Regulation 61-63, 7.2.22, that
20 is eligible for acceptance for disposal at a regional disposal facility.

21
22 SECTION 190. Section 48-46-40(B)(7)(a) and (9) of the S.C. Code is amended to read:

23
24 (7)(a) If the office, upon the advice of the compact commission or the site operator, concludes based
25 on information provided to the office, that the volume of waste to be disposed during a forthcoming
26 period of time does not appear sufficient to generate receipts that will be adequate to reimburse the site
27 operator for its costs of operating the facility and its operating margin, then the office shall direct the
28 site operator to propose to the compact commission plans including, but not necessarily limited to, a
29 proposal for discontinuing acceptance of waste until such time as there is sufficient waste to cover the
30 site operator's operating costs and operating margin. Any proposal to suspend operations must detail
31 plans of the site operator to minimize its costs during the suspension of operations. Any such proposal
32 to suspend operations must be approved by the Department of ~~Health and-Environmental Control~~
33 Services with respect to safety and environmental protection.

34
35 (9) In all proceedings held pursuant to this section, the office shall participate as a party
36 representing the interests of the State of South Carolina, and the compact commission may participate

1 as a party representing the interests of the compact states. The Executive Director of the Office of
2 Regulatory Staff and the Attorney General of the State of South Carolina shall be parties to any such
3 proceeding. Representatives from the Department of ~~Health and Environmental Control Services~~ shall
4 participate in proceedings where necessary to determine or define the activities that a site operator must
5 conduct in order to comply with the regulations and license conditions imposed by the department.
6 Other parties may participate in the PSC's proceedings upon satisfaction of standing requirements and
7 compliance with the PSC's procedures. Any site operator submitting records and information to the
8 PSC may request that the PSC treat such records and information as confidential and not subject to
9 disclosure in accordance with the PSC's procedures.

10
11 SECTION 191. Section 48-46-50(A) of the S.C. Code is amended to read:

12
13 (A) The Governor shall appoint two commissioners to the Atlantic Compact Commission and may
14 appoint up to two alternate commissioners. These alternate commissioners may participate in meetings
15 of the compact commission in lieu of and upon the request of a South Carolina commissioner. Technical
16 representatives from the Department of ~~Health and Environmental Control Services~~, the office, the PSC,
17 and other state agencies may participate in relevant portions of meetings of the compact commission
18 upon the request of a commissioner, alternate commissioner, or staff of the compact commission, or as
19 called for in the compact commission bylaws.

20
21 SECTION 192. Section 48-46-80 of the S.C. Code is amended to read:

22
23 Section 48-46-80. Pursuant to Section 48-2-10 et seq., the Department of ~~Health and Environmental~~
24 ~~Control Services~~ may adjust the radioactive materials license fee for Low-Level Radioactive Waste
25 Shallow Land Disposal in Regulation 61-30 in an amount that will offset changes to its annual operating
26 budget caused by projected increases or decreases in the number of permittees expected to pay fees for
27 Radioactive Waste Transport Permits under the same regulation for shipment of low-level radioactive
28 waste for disposal within the State.

29
30 SECTION 193. Section 48-46-90 of the S.C. Code is amended to read:

31
32 Section 48-46-90. (A) In accordance with Section 13-7-30, the office, or its designee, is responsible
33 for extended custody and maintenance of the Barnwell site following closure and license transfer from
34 the facility operator. The Department of ~~Health and Environmental Control Services~~ is responsible for
35 continued site monitoring.

36 (B) Nothing in this chapter may be construed to alter or diminish the existing statutory authority of

1 the Department of ~~Health and Environmental Control~~ Services to regulate activities involving
2 radioactive materials and radioactive wastes.

3
4 SECTION 194. Section 48-52-810(10)(b)(v) of the S.C. Code is amended to read:

5
6 (v) a building project funded by the Department of ~~Health and Environmental Control~~ Services in
7 which the primary purpose of the building project is for the storage of archived documents.

8
9 SECTION 195. Section 48-52-865(A)(1)(c) of the S.C. Code is amended to read:

10
11 (c) the Director of the Department of ~~Health and Environmental Control~~ Services, or his designee;

12
13 SECTION 196. Section 48-55-10(A) of the S.C. Code is amended to read:

14
15 (A) The South Carolina Environmental Awareness Award must be presented annually by a
16 committee of two members appointed from each of the following:

17 (1) South Carolina Department of ~~Health and Environmental Control~~ Services by its
18 ~~commissioner~~ director;

19 (2) State Commission of Forestry by its chairman;

20 (3) South Carolina Sea Grant Consortium by its executive director;

21 (4) Water Resources Division of the Department of Natural Resources by the department's
22 director;

23 (5) Wildlife and Freshwater Fish Division of the Department of Natural Resources by the
24 department's director;

25 (6) Land Resources and Conservation Districts Division of the Department of Natural Resources
26 by the department's director; and

27 (7) Coastal Division of the Department of ~~Health and Environmental Control~~ Services by the
28 department's director;

29 (8) Marine Resources Division of the Department of Natural Resources by the department's
30 director.

31
32 SECTION 197. Section 48-56-20(3) of the S.C. Code is amended to read:

33
34 (3) "Department" means the South Carolina Department of ~~Health and Environmental~~
35 ~~Control~~ Services.

1 SECTION 198. Section 48-57-20(1) of the S.C. Code is amended to read:

2
3 (1) "Department" means the South Carolina Department of Health and Environmental
4 ~~Control~~Services.

5
6 SECTION 199. Section 48-60-20(11) of the S.C. Code is amended to read:

7
8 (11) "Department" means the South Carolina Department of Health and Environmental
9 ~~Control~~Services.

10
11 SECTION 200. Section 48-60-55(E) of the S.C. Code is amended to read:

12
13 (E)(1) Not later than thirty calendar days after submission of the plan pursuant to subsection (B), the
14 department shall determine whether or not to approve the plan. The department shall approve the plan
15 for the establishment of a consumer electronic device stewardship program by the submitting
16 representative organization if it meets the requirements of subsections (B) and (C). If the department
17 finds activities included in the plan that do not fulfill those requirements, it shall specify in writing what
18 the department believes to be the plan's deficiencies, promptly meet with the representative
19 organization to discuss the department's concerns, and allow the representative organization at least
20 thirty calendar days after the denial notice to submit a revised plan. If a revised plan is submitted, the
21 department shall review and approve or disapprove the plan within thirty calendar days of submission.

22 (2) If the department disapproves a plan submitted pursuant to item (1), and the representative
23 organization chooses not to submit a revised plan or the department disapproves the revised plan, the
24 representative organization shall have the right to appeal pursuant to Section ~~44-1-60~~49-3-60.

25 (3) If the plan is disapproved on appeal, the representative organization may resubmit a plan
26 pursuant to item (1) which conforms with the guidance of the appellate opinion or member companies
27 may comply with subsection (K).

28
29 SECTION 201. Chapter 62, Title 48 of the S.C. Code is amended by adding:

30
31 Section 48-62-25. Prior to entering into contracts to utilize funds appropriated or authorized by the
32 General Assembly to acquire interests in land for natural resource protection, flood mitigation, or rural
33 land preservation, including conservation easements, the Office of Resilience shall coordinate and
34 collaborate with the South Carolina Conservation Bank to maximize the most cost-effective options
35 available for the acquisition with the greatest public benefit. The Conservation Bank shall coordinate
36 with the Office of Resilience to ensure that the funds are used for projects that support the agency's

1 objectives, the State's broader conservation objectives, and that demonstrate a satisfactory degree of
2 financial leverage, partnerships, and other indicators of quality as determined by the South Carolina
3 Conservation Bank and the Office of Resilience.

4
5 SECTION 202. Section 49-1-15 of the S.C. Code is amended to read:

6
7 Section 49-1-15. (A) Except as otherwise provided herein, no person may erect, construct, or build
8 any structure or works in order to dam or impound the waters of a navigable stream or any waters which
9 are tributary to a navigable stream for the purpose of generating hydroelectricity without securing a
10 permit from the Department of ~~Health and Environmental Control~~Services. Any projects that are
11 subject to Chapter 33, of Title 58 of the Utility Facility Siting and Environmental Protection Act are
12 exempted from this section. Further exempted are projects where the project developer without
13 exercising condemnation authority is the existing owner of the property upon which the project is to be
14 constructed and projects which do not exceed sixty acres including in both cases inundated land.

15 (B) The Department of ~~Health and Environmental Control~~Services may issue a permit for the
16 projects in this subsection after a thorough review of the proposed project and a finding that it meets
17 any regulations of the ~~board department~~ and the following standards:

18 (1) The proposed project does not halt or prevent navigation by watercraft of the type ordinarily
19 frequenting the reach of the watercourse in question.

20 (2) The projects proposed for shoaled areas of the watercourse provide a means of portage or
21 bypass of the project structure.

22 (3) The need for the proposed project far outweighs the historical and current uses of the stream
23 in question.

24 (4) The impact of the proposed project will not threaten or endanger plant or animal life.

25 (5) The recreational and aesthetic benefits or detriments caused by the proposed project do not
26 alter the watercourse or damage riparian lands.

27 (C) The Attorney General shall represent before any federal agency the department, if so requested
28 by the department, respecting the same application.

29
30 SECTION 203. Section 49-1-16 of the S.C. Code is amended to read:

31
32 Section 49-1-16. The Department of ~~Health and Environmental Control~~Services may charge a fee
33 to an applicant for a permit for any construction, alteration, dredging, filling, or other activity in
34 navigable waters of the State. If the project is commercial or industrial and is in support of operations
35 that charge for the production, distribution, or sale of goods or services, a fee of five hundred dollars
36 must be charged, except if the aerial crossing of navigable waters by conductors or other wires

1 supported solely by structures outside the navigable waters the fee shall be one hundred dollars. If the
2 work is noncommercial in nature and provides personal benefits that have no connection with a
3 commercial enterprise the fee must be fifty dollars. The department shall remit the fees to the State
4 Treasurer and shall be issued a credit for any portion of the fees necessary to offset its costs in
5 processing, investigating and taking final action on each permit application. Any remaining portion
6 shall be credited to the general fund of the State.

7
8 SECTION 204. Section 49-1-18 of the S.C. Code is amended to read:

9
10 Section 49-1-18. The General Assembly, pursuant to Section 7, Article I of the South Carolina
11 Constitution, suspends the authority of the South Carolina Department of ~~Health and Environmental~~
12 ~~Control Services~~, hereinafter the department, for all decisions subsequent to 2007 related to all matters
13 pertaining to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral
14 issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce
15 vessels, in particular the approval by the department of the application of the United States Army Corps
16 of Engineers for a Construction in Navigable Waters Permit for the dredging of the South Carolina
17 portion of the Savannah River, because the authority of the Savannah River Maritime Commission,
18 hereinafter the Maritime Commission, superseded the responsibilities of the department for such
19 approval, as established by Act 56 of 2007, and the approval by the department could present imminent
20 and irreversible public health and environmental concerns for the South Carolina portion of the
21 Savannah River. The Department of ~~Health and Environmental Control Services~~ retains authority for
22 all matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater
23 and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a
24 waterway for ocean-going container or commerce vessels. Beginning July 1, 2024, the authority for all
25 matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater and
26 sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway
27 for ocean going container or commerce vessels are transferred to and devolved upon the Department
28 of Environmental Services.

29
30 SECTION 205. Section 49-4-20(5) of the S.C. Code is amended to read:

31
32 (5) "Department" means the Department of ~~Health and Environmental Control Services~~.

33
34 SECTION 206. Section 49-4-170(B) of the S.C. Code is amended to read:

35
36 (B)(1) The department may, in consultation with the Department of Natural Resources, negotiate

1 agreements, accords, or compacts on behalf of and in the name of the State with other states or the
2 United States, or both, with any agency, department, or commission of either, or both, relating to
3 transfers of water that impact waters of this State, or are connected to or flowing into waters of this
4 State. Any agreements, accords, or compacts made by the ~~board~~department pursuant to this section
5 must be approved by concurrent resolution of the General Assembly prior to being implemented. The
6 department also may represent the State in connection with water withdrawals, diversions, or transfers
7 occurring in other states which may affect this State. The provisions in this section do not apply to the
8 Office of Attorney General or any pending or future criminal or civil actions, lawsuits, or causes in
9 which the State is a party or interested.

10 (2) The department must notify the Chairman of the Senate Agriculture and Natural Resources
11 Committee and the Chairman of the House Agriculture, Natural Resources, and Environmental Affairs
12 Committee when the department enters into negotiations or otherwise represents the State as provided
13 in item (1). The department also must periodically report, as necessary or upon request, to the chairmen
14 concerning the progress of the negotiations or representation.

15
16 SECTION 207. Section 49-5-30(3) of the S.C. Code is amended to read:

17
18 (3) ~~“Board” means the Board of the Department of Health and Environmental Control.~~Reserved

19
20 SECTION 208. Section 49-5-30(5) of the S.C. Code is amended to read:

21
22 (5) ~~“Department” means the Department of Health and Environmental Control.~~Services.

23
24 SECTION 209. Section 49-5-60 of the S.C. Code is amended to read:

25
26 Section 49-5-60. (A) In the State where excessive groundwater withdrawal presents potential adverse
27 effects to the natural resources or poses a threat to public health, safety, or economic welfare or where
28 conditions pose a significant threat to the long-term integrity of a groundwater source, including salt
29 water intrusion, the ~~board~~department, after notice and public hearing, in accordance with the
30 Administrative Procedures Act, shall designate a capacity use area. The department, local government
31 authorities, other government agencies, or groundwater withdrawers may initiate the capacity use area
32 designation process. The notice and public hearing must be conducted such that local government
33 authorities, groundwater withdrawers, or the general public may provide comments concerning the
34 capacity use area designation process. A capacity use area must be designated by the ~~board~~department
35 based on scientific studies and evaluation of groundwater resources and may or may not conform to
36 political boundaries.

1 (B) After notice and public hearing, the department shall coordinate the affected governing bodies
2 and groundwater withdrawers to develop a groundwater management plan to achieve goals and
3 objectives stated in Section 49-5-20. In those areas where the affected governing bodies and
4 withdrawers are unable to develop a plan, the department shall take action to develop the plan. ~~The~~
5 ~~plan must be approved by the board before the department may issue groundwater withdrawal permits~~
6 ~~for the area.~~

7 (C) Once the ~~board approves the~~ groundwater management plan for a designated capacity use area
8 is developed pursuant to subsection (A), each groundwater withdrawer shall make application for a
9 groundwater withdrawal permit. The department shall issue groundwater withdrawal permits in
10 accordance with the approved plan.

11 (D) A person or entity affected may appeal a decision of the ~~board~~ department on a capacity use area
12 designation within thirty days after the filing of the decision to the court of common pleas of any county
13 which is included in whole or in part within the disputed capacity use area. The department shall certify
14 to the court the record in the hearing. The court shall review the record and the regularity and the
15 justification for the decision. The court may not substitute its judgment for that of the agency as to the
16 weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand
17 the case for further proceedings. The court may reverse or modify the decision if substantial rights of
18 the appellant have been prejudiced because the administrative findings, inferences, conclusions, or
19 decisions are:

- 20 (1) in violation of constitutional or statutory provisions;
- 21 (2) in excess of the statutory authority of the agency;
- 22 (3) made upon unlawful procedure;
- 23 (4) affected by other error of law;
- 24 (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the record; or
- 25 (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise
26 of discretion.

27
28 SECTION 210. Section 49-6-10 of the S.C. Code is amended to read:

29
30 Section 49-6-10. (A) There is hereby created the South Carolina Aquatic Plant Management Program
31 for the purpose of preventing, identifying, investigating, managing, and monitoring aquatic plant
32 problems in public waters of South Carolina. The program will coordinate the receipt and distribution
33 of available federal, state, and local funds for aquatic plant management activities and research in public
34 waters.

35 (B) The Department of ~~Natural Resources~~ Environmental Services (department) is designated as the
36 state agency to administer the Aquatic Plant Management Program and to apply for and receive grants

1 and loans from the federal government or such other public and private sources as may be available for
2 the Aquatic Plant Management Program and to coordinate the expenditure of such funds.

3
4 SECTION 211. Section 49-6-30 of the S.C. Code is amended to read:

5
6 Section 49-6-30. (A) There is hereby established the South Carolina Aquatic Plant Management
7 Council, hereinafter referred to as the council, which shall be composed of ten members as follows:

8 ~~1.~~(1) ~~The council shall include one~~One representative from each of the following agencies, to be
9 appointed by the chief executive officer of each agency:

10 (a) Water Resources Division of the Department of ~~Natural Resources~~Environmental Services;

11 ~~(b) South Carolina Department of Health and Environmental Control;~~

12 ~~(e)~~(b) Wildlife and Freshwater Fisheries Division of the Department of Natural Resources;

13 ~~(d)~~(c) South Carolina Department of Agriculture;

14 ~~(e)~~(d) Coastal Division of the Department of ~~Health and Environmental Control~~Services;

15 ~~(f)~~(e) South Carolina Public Service Authority;

16 ~~(g)~~(f) Land Resources and Conservation Districts Division of the Department of Natural
17 Resources;

18 ~~(h)~~(g) South Carolina Department of Parks, Recreation and Tourism;

19 ~~(i)~~(h) Clemson University, Department of Fertilizer and Pesticide Control.

20 ~~2.~~(2) The council shall include one representative from the Governor's Office, to be appointed by the
21 Governor.

22 ~~3.~~(3) The representative of the Water Resources Division of the Department of ~~Natural Resources~~
23 Environmental Services shall serve as chairman of the council and shall be a voting member of the
24 council.

25 (B) The council shall provide interagency coordination and serve as the principal advisory body to
26 the department on all aspects of aquatic plant management and research. The council shall establish
27 management policies, approve all management plans, and advise the department on research priorities.

28
29 SECTION 212. Section 49-11-120(3) of the S.C. Code is amended to read:

30
31 (3) "Department" means the South Carolina Department of ~~Health and Environmental Control~~
32 Services or its staff or agents.

33
34 SECTION 213. Section 49-11-170(E) of the S.C. Code is amended to read:

35
36 (E) The owner of a dam or reservoir determined through a preliminary inspection not to be

1 maintained in good repair or operating condition or to be unsafe and a danger to life or property may
2 request a hearing before the ~~board of the department~~ within thirty days after notice of the findings are
3 delivered. The owner may submit written or present oral evidence which must be considered by the
4 ~~board of the department~~ in the issuance of the order.

5
6 SECTION 214. Section 49-11-260(D) of the S.C. Code is amended to read:

7
8 (D) A person against whom a final order or decision has been made, except for emergencies specified
9 in Section 49-11-190, may appeal to the ~~board~~ under Administrative Law Court pursuant to the
10 Administrative Procedures Act. The burden of proof is on the party attacking an order or a decision of
11 the department to show that the order is unlawful or unreasonable.

12
13 SECTION 215. Section 13-7-10(11) of the S.C. Code is amended to read:

14
15 (11) "Extended care maintenance fund" means the "escrow fund for perpetual care" that is used for
16 custodial, surveillance, and maintenance costs during the period of institutional control and any post-
17 closure observation period specified by the Department of ~~Health and Environmental Control~~ Services,
18 and for activities associated with closure of the site as provided for in Section 13-7-30(4).

19
20 SECTION 216. Section 13-7-10(12) of the S.C. Code is amended to read:

21
22 (12) "Maintenance" means active maintenance activities as specified by the Department of ~~Health~~
23 ~~and Environmental Control~~ Services including pumping and treatment of groundwater and the repair
24 and replacement of disposal unit covers.

25
26 SECTION 217. Section 13-7-30(4) of the S.C. Code is amended to read:

27
28 (4) assume responsibility for extended custody and maintenance of radioactive materials held for
29 custodial purposes at any publicly or privately operated facility located within the State, in the event
30 the parties operating these facilities abandon their responsibility, or when the license for the facility is
31 ultimately transferred to an agency of the State, and whenever the federal government or any agency
32 of the federal government has not assumed the responsibility.

33 In order to finance such extended custody and maintenance as the ~~board~~ department may undertake,
34 the ~~board~~ department may collect fees from private or public parties holding radioactive materials for
35 custodial purposes. These fees must be sufficient in each individual case to defray the estimated cost
36 of the ~~board's~~ department's custodial management activities for that individual case. The fees collected

1 for such custodial management activities shall also be sufficient to provide additional funds for the
2 purchase of insurance which shall be purchased for the protection of the State and the general public
3 for the period such radioactive material considering its isotope and curie content together with other
4 factors may present a possible danger to the general public in the event of migration or dispersal of
5 such radioactivity. All such fees, when received by the ~~board~~department, must be transmitted to the
6 State Treasurer. The Treasurer must place the money in a special account, in the nature of a revolving
7 trust fund, which may be designated "extended care maintenance fund", to be disbursed on
8 authorization of the board. Monies in the extended care maintenance funds must be invested by the
9 board in the manner as other state monies. However, any interest accruing as a result of investment
10 must accrue to this extended care maintenance fund. Except as authorized in Section 48-46-40(B)(7)(b)
11 and (D)(2), the extended care maintenance fund must be used exclusively for custodial, surveillance,
12 and maintenance costs during the period of institutional control and during any post-closure and
13 observation period specified by the Department of ~~Health and Environmental Control~~Services, and for
14 activities associated with closure of the site. Funds from the extended care maintenance fund shall not
15 be used for site closure activities or for custodial, surveillance, and maintenance performed during the
16 post-closure observation period until all funds in the decommissioning trust account are exhausted.

17
18 SECTION 218. Section 13-7-40(A) of the S.C. Code is amended to read:

19
20 (A) The Department of ~~Health and Environmental Control~~Services is designated as the agency of
21 the State which is responsible for the control and regulation of radiation sources but, notwithstanding
22 anything in this article, does not have the power to regulate, license, or control nuclear reactors of
23 facilities or operations incident to them in duplication of an activity of the federal government which
24 has not been discontinued by agreement pursuant to Section 13-7-60.

25
26 SECTION 219. Section 13-7-45(A)(1) of the S.C. Code is amended to read:

27
28 (A)(1) The South Carolina Department of ~~Health and Environmental Control~~Services shall
29 promulgate regulations and establish a schedule for the collection of annual fees for the licensing,
30 registration, and certification of users of the sources of ionizing radiation. The fees collected must be
31 sufficient, in the judgment of the department, to protect the public health and safety and the
32 environment and to recover the costs incurred by the department in regulating the use of ionizing
33 radiation and in performing emergency corrective measures intended to protect the public health and
34 safety or the environment pursuant to the provisions of law.

35
36 SECTION 220. Section 13-7-60(B) of the S.C. Code is amended to read:

1
2 (B) Any person who on the effective date of an agreement under subsection (A) of this section
3 possesses a license issued by the Federal Government authorizing activities, the regulation of which is
4 assumed by the State under such agreement, shall be deemed to possess a license issued under this
5 article, which shall expire either ninety days after receipt from the Department of ~~Health and~~
6 ~~Environmental Control Services~~ of a notice of expiration of such license, or upon the date of expiration
7 specified in the Federal license; whichever is earlier.

8
9 SECTION 221. Section 13-7-70(1) of the S.C. Code is amended to read:

10
11 (1) The South Carolina Department of ~~Health and Environmental Control Services~~ (the Department)
12 shall adopt rules and regulations governing the transportation of radioactive materials in South Carolina
13 which, in the judgment of the Department, shall protect the public health and safety and protect the
14 environment. Such rules and regulations shall include, but not be limited to, provisions for the use of
15 signs designating radioactive material ~~enroute; for~~ enroute; for the packing, marking, loading and handling
16 of radioactive materials and the precautions necessary to determine whether the material which is
17 offered for transport is in proper condition. Nothing in this section shall be deemed applicable to the
18 transportation of radioactive waste which is regulated by Article 2 of this chapter.

19
20 SECTION 222. Section 13-7-90 of the S.C. Code is amended to read:

21
22 Section 13-7-90. Any person who is practicing as an operator of sources of ionizing radiation on May
23 26, 1986 is exempt from the certification requirements promulgated by the Department of ~~Health and~~
24 ~~Environmental Control Services~~ provided that such person applies for certification as an operator
25 within sixty days of May 26, 1986.

26
27 SECTION 223. Section 13-7-120 B. of the S.C. Code is amended to read:

28
29 B. "Department" means the Department of ~~Health and Environmental Control Services~~, including
30 personnel authorized to act on behalf of the Department.

31
32 SECTION 224. Section 13-7-160 of the S.C. Code is amended to read:

33
34 B. Final regulations shall be promulgated by the Department within one hundred twenty days from
35 the effective date of the article and shall be subject to the procedures set forth in chapter 23 of title 1
36 provided that the regulations at a minimum shall include, but not be limited to, provisions for the use

1 of signs designating radioactive material cargo; for the packing, marking, loading and handling of
2 radioactive materials and the precautions necessary to determine whether the material which is offered
3 for transport is in proper condition, requiring the shippers to state the estimated date of arrival at the
4 disposal facility, to identify the primary route within the State to give at least seventy-two hours written
5 notice to the Department prior to any transportation of radioactive waste into or within this State, and
6 establishing a schedule of fees for permits, which fees shall be assessed annually.

7 In preparing its regulations, the Department of ~~Health and Environmental Control Services~~ is
8 authorized to distinguish as to the radioactive isotope and its curie strength so as to protect the general
9 public.

10
11 SECTION 225. Section 1-30-10(A) of the S.C. Code is amended to read:

12
13 (A) There are hereby created, within the executive branch of the state government, the following
14 departments:

- 15 ~~1.~~(1) Department of Administration
- 16 ~~2.~~(2) Department of Agriculture
- 17 ~~3.~~(3) Department of Alcohol and Other Drug Abuse Services
- 18 (4) Department of Public Health
- 19 ~~4.~~(5) Department of Commerce
- 20 ~~5.~~(6) Department of Corrections
- 21 ~~6.~~(7) Department of Disabilities and Special Needs
- 22 ~~7.~~(8) Department of Education
- 23 ~~8.~~(9) Department of ~~Health and Environmental Control Services~~
- 24 ~~9.~~(10) Department of Health and Human Services
- 25 ~~10.~~(11) Department of Insurance
- 26 ~~11.~~(12) Department of Juvenile Justice
- 27 ~~12.~~(13) Department of Labor, Licensing and Regulation
- 28 ~~13.~~(14) Department of Mental Health
- 29 ~~14.~~(15) Department of Motor Vehicles
- 30 ~~15.~~(16) Department of Natural Resources
- 31 ~~16.~~(17) Department of Parks, Recreation and Tourism
- 32 ~~17.~~(18) Department of Probation, Parole and Pardon Services
- 33 ~~18.~~(19) Department of Public Safety
- 34 ~~19.~~(20) Department of Revenue
- 35 ~~20.~~(21) Department of Social Services
- 36 ~~21.~~(22) Department of Transportation

1 ~~22.(23)~~ Department of Employment and Workforce

2 ~~23.(24)~~ Department on Aging

3 ~~24.(25)~~ Department of Veterans' Affairs.

4
5 SECTION 226. Section 1-30-75 of the S.C. Code is amended to read:

6
7 Section 1-30-75. ~~Effective on July 1, 1994, the~~The following agencies, boards, and commissions,
8 including all of the allied, advisory, affiliated, or related entities as well as the employees, funds,
9 property, and all contractual rights and obligations associated with the agency, except for those
10 subdivisions specifically included under another department, ~~are transferred to and incorporated in, and~~
11 must be administered as part of the Department of Natural Resources. The department must be divided
12 initially into divisions for Land Resources and Conservation Districts, ~~Water Resources, Marine~~
13 Resources, Wildlife and Freshwater Fisheries, and State Natural Resources Enforcement. ~~The South~~
14 ~~Carolina Wildlife and Marine Resources Commission, as constituted on June 30, 1993, and after that~~
15 ~~time, under the provisions of Section 50-3-10 et seq. is the governing authority for the department:~~

16 (1) Geological Survey of the Research and Statistical Services Division of the Budget and Control
17 Board, to include the State Geologist, formerly provided for at Section 1-11-10, et seq.;

18 (2) State Land Resources Conservation Commission, less the regulatory division, formerly provided
19 for at Section 48-9-10, et seq.;

20 (3) South Carolina Migratory Waterfowl Commission, formerly provided for at Section 50-11-20, et
21 seq.;

22 ~~(4) Water Resources Commission, less the regulatory division, formerly provided for at Section 49-~~
23 ~~3-10, et seq.;~~

24 ~~(5)~~(4) South Carolina Wildlife and Marine Resources Commission, formerly provided for at Section
25 50-3-10, et seq.

26
27 SECTION 227. Chapter 62, Title 48 of the S.C. Code is amended by adding:

28
29 Section 1-30-140. (A) There is hereby created, within the executive branch of the state government,
30 the Department of Public Health, headed by a director appointed by the Governor pursuant to Section
31 44-1-20. The divisions, offices, and programs of the Department of Health and Environmental Control
32 performing functions, related to regulation and protection of the health prior to July 1, 2024, including
33 all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property, and
34 all contractual rights and obligations associated with these divisions, offices, programs, and other
35 related entities, except for those subdivisions specifically included under another department, are
36 hereby transferred to and incorporated in and shall be administered as part of the Department of Public

1 Health.

2 (B) There is hereby created, within the executive branch of the state government, the Department of
3 Environmental Services, headed by a director appointed by the Governor pursuant to Section 49-3-20.
4 The divisions, offices, and programs of the Department of Health and Environmental Control
5 performing functions related to regulation and protection of the environment prior to the effective date
6 of this act, including all of the allied, advisory, affiliated, or related entities as well as the employees,
7 funds, property and all contractual rights and obligations associated with these divisions, offices,
8 programs, and other related entities, except for those subdivisions specifically included under another
9 department, are hereby transferred to and incorporated in and shall be administered as part of the
10 Department of Environmental Services.

11
12 SECTION 228. Section 1-23-600(H)(1) of the S.C. Code is amended to read:

13
14 (H)(1) This subsection applies to ~~timely requests for a contested case hearing pursuant to this section~~
15 ~~or timely filed requests for a contested case hearing of decisions by departments governed by a board~~
16 ~~or commission authorized to exercise the sovereignty of the State~~ the Department of Environmental
17 Services. Emergency actions taken by the Department of Environmental Services pursuant to an
18 applicable statute or regulation are not subject to the provisions of this subsection.

19
20 SECTION 229. Section 24-9-20 of the S.C. Code is amended to read:

21
22 Section 24-9-20. The division shall be responsible for inspecting, in conjunction with a
23 representative of the State Fire Marshal, at least annually every facility in this State housing prisoners
24 or pretrial detainees operated by or for a state agency, county, municipality, or any other political
25 subdivision, and such inspections shall include all phases of operation, fire safety, and health and
26 sanitation conditions at the respective facilities. Food service operations of the facilities must be
27 inspected at least annually by an employee of the Department of ~~Health and Environmental~~
28 ~~Control~~ Agriculture. The inspections of local confinement facilities shall be based on standards
29 established by the South Carolina Association of Counties and adopted by the Department of
30 Corrections, and appropriate fire and health codes and regulations. The division, the inspecting fire
31 marshal, and the food service inspector of the Department of ~~Health and Environmental~~
32 ~~Control~~ Agriculture shall each prepare a written report on the conditions of the inspected facility. Copies
33 of the reports shall be filed with the chairman of the governing body of the political subdivision having
34 jurisdiction of the facility inspected, the chairman of the governing body of each political subdivision
35 involved in a multi-jurisdictional facility, the administrator, manager, or supervisor for the political
36 subdivision, the responsible sheriff or police chief if he has operational custody of the inspected facility,

1 and the administrator or director of the inspected facility. All reports shall be filed through the Director
2 of the Department of Corrections.

3
4 SECTION 230. Section 39-37-120 of the S.C. Code is amended to read:

5
6 Section 39-37-120. The Department of Agriculture shall enforce the provisions of this chapter and
7 shall from time to time, after inquiry and public hearing, adopt and promulgate rules and regulations to
8 supplement and give full effect to the provisions of this chapter. The Department of ~~Health and~~
9 ~~Environmental Control~~ Agriculture shall establish and enforce sanitary regulations pertaining to the
10 manufacture and distribution of frozen desserts, including the sanitary condition of (a) buildings,
11 ground and equipment where frozen desserts are manufactured, (b) persons in direct physical contact
12 with frozen desserts during manufacture, (c) containers in which frozen desserts are held or shipped
13 and (d) premises, buildings, surroundings and equipment where frozen desserts are sold. Such rules
14 and regulations shall be filed and open for public inspection at the principal office of the ~~Department~~
15 department and shall have the force of law.

16
17 SECTION 231. Section 13-7-50 of the S.C. Code is amended to read:

18
19 Section 13-7-50. (A) Whenever the Department of Environmental Services finds that an emergency,
20 as hereinabove defined, exists requiring immediate action to protect the public health and safety the
21 ~~Department~~ department may, without notice or hearing, issue an order reciting the existence of such
22 emergency and requiring that such action be taken as is necessary to meet the emergency.
23 Notwithstanding any other provision of law, such order shall be effective immediately.

24 (B) Any person to whom such order is directed shall comply therewith immediately, but on
25 application to the ~~Department~~ department shall be afforded a hearing within thirty days. On the basis
26 of such hearing, the emergency order shall be continued, modified or revoked within thirty days after
27 such hearing.

28
29 SECTION 232. Section 40-25-20(1) of the S.C. Code is amended to read:

30
31 (1) "Department" means the Department of Public Health and Environmental Control.

32
33 SECTION 233. Sections 6-19-30 through 6-19-40 of the S.C. Code are amended to read:

34
35 Section 6-19-30. The fund for such grants must be from either revenue-sharing trust funds or from
36 general appropriations to the Department of ~~Health and Environmental Control~~ Services, which shall

1 administer the grants for intermission to public water supply authorities or districts, sewer authorities
2 or districts, water and sewer authorities, rural community water or sewer systems, nonprofit
3 corporations, or municipal sewer systems to which the grant is made. The Governor, with the advice
4 and consent of the Senate, shall appoint an advisory committee composed of seven members, one from
5 each congressional district of the State. In addition an employee of the Department of ~~Health and~~
6 ~~Environmental Control Services~~, designated by the commissioner thereof, shall serve ex officio as a
7 member of the committee. The Governor may invite a director, or his representative, from an agency
8 providing water and sewer funds to serve as an advisory nonvoting member to the committee. All
9 members must be appointed for terms of three years. In the event of a vacancy a successor shall be
10 appointed for the unexpired term in the manner of original appointment. The advisory committee shall
11 meet as soon after its appointment as may be practicable and shall organize by electing a chairman,
12 vice chairman, secretary, and such other officers as it may deem desirable. The advisory committee
13 shall select the projects to be funded pursuant to Section 6-19-40. Funds also may be expended from
14 gifts or grants from any source which are made available for the purpose of carrying out the provisions
15 of this chapter. Appropriations made to the fund but not expended at the end of the fiscal year for which
16 appropriated shall not revert to the general fund but shall accrue to the credit of the fund. Grants must
17 be made only for water supply and waste water facilities projects on which construction was not
18 commenced before April 1, 1974.

19
20 Section 6-19-35. The objective of the South Carolina Rural Water and Sewer Act is to assure that
21 the financing available for rural area facilities is fully utilized by communities, authorities or districts
22 in accordance with State guidelines and sound local priorities. Consistent with this objective the act
23 shall consist of but not be limited to the following criteria:

24 (1) The advisory committee will be responsible for coordinating the activities of the Federal and
25 State agencies and for working with State, regional and local planning agencies to develop the
26 necessary area plans and priority listings. To the extent feasible, the State coordination program will
27 be utilized to foster consolidated approaches to the delivery of water and waste disposal services and
28 other common policies among existing agencies that will lead to improved and expanded service. State
29 government funds will be applied when necessary to assist projects not eligible for supplementary
30 assistance from other sources.

31 (2) The Department of ~~Health and Environmental Control Services~~ may, upon approval of the
32 advisory committee, by a memorandum of understanding entered into with other funding agencies,
33 designate one of such agencies, including itself, to administer or supervise any portion of a project
34 funded under this act.

35
36 Section 6-19-40. (a) Application for a grant hereunder may be made to the advisory committee and

1 accompanied by an application to the primary financial source and processed by the Department of
2 Health and Environmental Control. The Department of ~~Health and Environmental Control~~ Services, on
3 approval of the advisory committee, shall make the necessary rules and regulations for the
4 consideration and processing of all State grant requests appropriated under this chapter, which shall
5 generally conform to those used by Federal grant and loan agencies, which rules shall be filed in the
6 office of the Secretary of State. The rules shall contain, but shall not be limited to the following criteria:

- 7 (1) Preliminary engineering costs study;
- 8 (2) Bonded indebtedness of the district, authority or community;
- 9 (3) Financial conditions of the district, authority or community;
- 10 (4) Costs per connection;
- 11 (5) Economic level in the district, area or community;
- 12 (6) Ratio of contracted users to potential users which shall not be less than sixty-seven percent;
- 13 (7) Conformity to overall State, regional or local plans;
- 14 (8) Operation and maintenance costs identified and proper replacement costs;
- 15 (9) Amount of connection charges and minimum user charges; and
- 16 (10) Sustaining costs of rural water and sewer systems.

17 (b) No funds shall be dispensed until the applicant furnishes evidence of a commitment from the
18 primary financial source.

19
20 SECTION 234. Section 56-35-50(B) of the S.C. Code is amended to read:

21
22 (B) The officer must inform the individual receiving the citation that he has the option, at that time,
23 to elect to pay his fine directly to the Department of Public Safety or to receive a hearing in magistrates
24 court. If the individual at the time the citation is issued elects to pay his fine directly to the Department
25 of Public Safety within twenty-eight days, as specified on the citation, no assessments may be added
26 to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a
27 person the Department of Public Safety may designate. Within forty-five days of collection, fifty dollars
28 of the monies collected by the Department of Public Safety must be forwarded to the Department of
29 ~~Health and Environmental Control~~ Services for deposit in the Diesel Idling Reduction Fund, twenty-
30 five dollars of the monies collected must be deposited into an account to be used by the Department of
31 Public Safety's State Transport Police Division in support of the Idling Restrictions for Commercial
32 Diesel Vehicles program which at the end of a fiscal year does not lapse to the general fund, but is
33 instead carried forward to the succeeding fiscal year.

34
35 SECTION 235. Section 56-35-60 of the S.C. Code is amended to read:

1 Section 56-35-60. (A) There is established by the State Treasurer a fund separate and distinct from
2 the general fund and all other funds entitled the Diesel Idling Reduction Fund. Fifty dollars of the fines
3 pursuant to this section must be credited to it and a balance in the fund at the end of a fiscal year does
4 not lapse to the general fund but is instead carried forward to the succeeding fiscal year. The monies in
5 the fund must be used only to cover costs associated with the idling awareness program operated by
6 the Department of ~~Health and Environmental Control~~Services.

7 (B) The Department of ~~Health and Environmental Control~~Services, as funds become available, may
8 develop and operate an idling awareness program that promotes the benefits of idling reductions. The
9 program must encourage businesses and vehicle operators to develop practices to reduce idling.

10
11 SECTION 236. Section 56-35-80 of the S.C. Code is amended to read:

12
13 Section 56-35-80. The Department of ~~Health and Environmental Control~~Services may promulgate
14 regulations to administer and enforce the provisions of this chapter.

15
16 SECTION 237. Sections 3-5-40 through 3-5-60 of the S.C. Code are amended to read:

17
18 Section 3-5-40. If the title to any part of the lands, including submerged lands, property or property
19 rights, required by the United States Government for the construction and maintenance of the aforesaid
20 intracoastal waterway from Winyah Bay, South Carolina, to the State boundary line in the Savannah
21 River and any changes, modifications or extensions thereto and any tributaries thereof, and the Ashley
22 River and Shipyard River projects shall be in any private person, firm or corporation, telephone or
23 telegraph company or other public service corporation or shall have been donated or condemned for
24 public or public service purposes by any political subdivision of this State or any public service
25 corporation, the South Carolina Department of ~~Health and Environmental Control~~Services may, acting
26 for and in behalf of the State, secure the above described rights of way and spoil disposal areas for such
27 intracoastal waterway and all its tributaries and for the Ashley River and Shipyard River projects upon,
28 across and through such lands, including submerged lands, or any part thereof, including oyster beds,
29 telephone and telegraph lines, railroad lines, property of other public service corporations and other
30 property and property rights, by purchase, donation or otherwise, through agreement with the owner
31 when possible. And when any such easement or property is thus acquired the Governor and the
32 Secretary of State shall execute a deed for it to the United States.

33
34 Section 3-5-50. If for any reason the South Carolina Department of ~~Health and Environmental~~
35 ~~Control~~Services is unable to secure any rights-of-way and spoil disposal area upon, across, or through
36 any such land, including submerged lands, property, or rights, by voluntary agreement with the owner,

1 the South Carolina Department of ~~Health and Environmental Control~~Services, acting for and in behalf
2 of the State may condemn it.

3
4 Section 3-5-60. If the United States Government shall so determine, it may condemn and use all
5 lands, including submerged lands, property and property rights which may be needed for the purposes
6 set forth in Section 3-5-40 under the authority of the United States Government and according to the
7 provisions existing in the Federal statutes for condemning lands and property for the use of the United
8 States Government. In case the United States Government shall so condemn such lands, including
9 submerged lands, property and property rights, the South Carolina Department of ~~Health and~~
10 ~~Environmental Control~~Services may pay all expenses of such condemnation proceedings and any
11 award that may be made thereunder out of any monies appropriated for such purposes.

12
13 SECTION 238. Section 3-5-80 of the S.C. Code is amended to read:

14
15 Section 3-5-80. For the purpose of determining the lands, easements and property necessary for the
16 uses herein set out, the South Carolina Department of ~~Health and Environmental Control~~Services or
17 the United States Government, or the agents of either, may enter upon any lands along the general line
18 of the rights of way for the purposes of locating definitely the specific lines of such rights of way and
19 the land required for such purposes and there shall be no claim against the State or the United States
20 for such acts as may be done in making such surveys.

21
22 SECTION 239. Section 3-5-100 of the S.C. Code is amended to read:

23
24 Section 3-5-100. If any of the lands or property, the use of which is acquired for the rights-of-way
25 and spoil disposal areas has been leased by the South Carolina Department of Natural Resources to any
26 person for the cultivation and gathering of oysters, the Department of Natural Resources shall substitute
27 for the leased areas lying within the rights-of-way and spoil disposal areas other equal areas lying
28 without the rights-of-way and spoil disposal areas that also are suitable for the cultivation and gathering
29 of oysters. The Department of ~~Health and Environmental Control~~Services may reimburse the person
30 for any direct actual losses resulting from the transfer of leased oyster beds. If for any reason the
31 Department of Natural Resources is unable to reach an agreement with the owner of the leased oyster
32 beds, the Department of ~~Health and Environmental Control~~Services, acting for the State, may condemn
33 the rights and property of the lessees in the leased areas.

34
35 SECTION 240. Sections 3-5-120 through 3-5-130 of the S.C. Code are amended to read:

1 Section 3-5-120. If and when any such oyster beds or oysters growing therein shall have been
2 damaged by muddy water or by other effects of such dredging operations any person holding such
3 oyster beds in fee simple or in leasehold or owning the oysters growing therein or any person engaged
4 in the prosecution of the work of constructing the waterway shall be privileged to apply to the South
5 Carolina Department of ~~Health and Environmental Control~~ Services to survey such oyster beds and
6 oysters and to determine the extent and amount of such damage. Upon any such application, the
7 Department of ~~Health and Environmental Control~~ Services shall proceed promptly to survey the
8 damage done to such oyster beds and oysters and to determine the identity of the person causing such
9 damage and the identity of the owner in fee or in leasehold of such oyster beds and oysters suffering
10 such damage. The South Carolina Department of ~~Health and Environmental Control~~ Services may
11 subpoena witnesses to assist in the determination of such facts. The department of ~~Health and~~
12 ~~Environmental Control~~ Services must afford the owner of the alleged damaged oyster beds and oysters
13 and the person alleged to have caused the damage an opportunity to be heard.

14
15 Section 3-5-130. Staff of the Coastal Division of the Department of ~~Health and Environmental~~
16 ~~Control~~ Services shall make a determination of the amount of actual damage.

17
18 SECTION 241. Sections 3-5-150 through 3-5-160 of the S.C. Code are amended to read:

19
20 Section 3-5-150. Upon the filing with the clerk of court of any such award there shall be added
21 thereto as a part thereof the costs of the survey held to determine the damage resulting in such award.
22 Such costs shall be repaid to the Department of ~~Health and Environmental Control~~ Services by the
23 person against whom the award is given. If it shall be finally determined that no damage has been done
24 the cost of the survey shall be paid by the person requesting the survey.

25
26 Section 3-5-160. The Department of ~~Health and Environmental Control~~ Services shall account for
27 all monies recovered under the provisions of Sections 3-5-110 to 3-5-150 to the State Treasurer.

28
29 SECTION 242. Section 3-5-190 of the S.C. Code is amended to read:

30
31 Section 3-5-190. Any person, his heirs, executors, administrators, successors or assigns, who may be
32 compensated for damage to oysters during the construction or maintenance of said intracoastal
33 waterway and its tributaries and the Ashley River and Shipyard River projects, whether by the
34 Department of ~~Health and Environmental Control~~ Services, the contractor engaged on the work or the
35 United States, shall be estopped from making further claim for damage to oysters in or upon the same
36 area on account of dredging operations during maintenance or further improvement of the waterway

1 and its tributaries or Ashley River or Shipyard River.

2
3 SECTION 243. Sections 3-5-320 through 3-5-340 of the S.C. Code are amended to read:

4
5 Section 3-5-320. If the title to any part of the lands required by the United States Government for the
6 construction of the aforesaid inland waterway from the North Carolina-South Carolina State line at
7 Little River to Winyah Bay shall be in any private person, company, firm or corporation, railroad
8 company, canal company, telephone or telegraph company or other public service corporation or shall
9 have been donated or condemned for any such use by any political subdivision of this State, the
10 Department of ~~Health and Environmental Control Services~~ may, acting for and in behalf of the State,
11 secure a right of way of the width aforesaid for such inland waterway upon, across and through such
12 lands or any part thereof by purchase, donation or otherwise, through agreement with the owner when
13 possible, and when any such property is thus acquired the Governor and the Secretary of State shall
14 execute a deed for it to the United States.

15
16 Section 3-5-330. If for any reason the Department of ~~Health and Environmental Control Services~~ is
17 unable to secure the right-of-way upon, across, or through the property by voluntary agreement with
18 the owner, the Department of ~~Health and Environmental Control Services~~ acting for the State, may
19 condemn the right-of-way. The Governor and the Secretary of State shall promptly execute a deed for
20 the condemned property to the United States.

21
22 Section 3-5-340. If the United States Government shall so determine, it may condemn and use all
23 lands and property which may be needed for the purposes set forth in Section 3-5-310 under the
24 authority of the United States Government and according to the provisions existing in the Federal
25 statutes for condemning lands and property for the use of the United States Government. In case the
26 United States Government shall so condemn such lands and property, the Department of ~~Health and~~
27 ~~Environmental Control Services~~ may pay all expenses of the condemnation proceedings and any award
28 that may be made thereunder out of any moneys appropriated or which may be appropriated for such
29 purposes.

30
31 SECTION 244. Section 3-5-360 of the S.C. Code is amended to read:

32
33 Section 3-5-360. For the purpose of determining the lands and property necessary for the uses herein
34 set out the Department of ~~Health and Environmental Control Services~~ or the United States Government,
35 or the agents of either, may enter upon any lands along the general line of said right of way and make
36 such surveys and do such other acts as in their judgment may be necessary for the purpose of definitely

1 locating the specific lines of said right of way and the lands required for said purposes and there shall
2 be no claim against the State or the United States for such acts as may be done in making such surveys.
3

4 SECTION 245. (A) This SECTION is effective upon approval of the Governor.

5 (B) There is created the South Carolina Health Optimization Task Force, whose purpose is to analyze
6 the missions and delivery models of all state agencies concerned with the overall public health of the
7 state, as well as certain specific populations including, but not limited to, children and adolescents,
8 newborns, pregnant women, the elderly, disabled, mentally ill, special needs individuals, those with
9 chemical dependencies, the chronically ill, economically disadvantaged and veterans. This analysis
10 will include, but not be limited to, the Department of Health and Environmental Control, the
11 Department of Mental Health, the Department of Alcohol and Other Drug Abuse Services, the
12 Department of Disabilities and Special Needs, and the Department on Aging.

13 (C) The Task Force shall consider reorganizations or mergers of existing health agencies, as well as
14 the establishment of any new health agencies, the purpose of any structural change being an improved
15 service delivery model to an identifiable specific population, as well as the aggregate population of the
16 State.

17 (D) The Task Force will be composed of three members of the Senate appointed by the President,
18 three members of the House of Representatives appointed by the Speaker and one member appointed
19 by the Governor. The three members from each legislative body shall select the co chairs. The Task
20 Force will utilize the staff of the Senate Medical Affairs Committee and the House Medical, Military,
21 Public and Municipal Affairs Committee.

22 (E) The Task Force shall retain a third party, independent, expert consultant or consultants to advise
23 the study committee and issue its own opinion as to what measures studied, if any, benefit South
24 Carolina. They must advise on the benefits of each course of action and also must make their
25 recommendation to the Task Force. They must be selected by the co chairs of the Task Force.
26 Engagements procured under this provision are exempt from the South Carolina Procurement Code.

27 (F) A final report of the work of the Task Force shall include draft legislation and shall be submitted
28 to the General Assembly and the Governor by January 15, 2024. The South Carolina Health
29 Optimization Task Force shall dissolve and terminate upon the submission of its final report.
30

31 SECTION 246. Sections 1-30-45, 44-11-30, and 44-11-40 of the S.C. Code are repealed.
32

33 SECTION 247. (A) The Code Commissioner is directed to change all references to the "Department
34 of Health and Environmental Control" in Chapters 3, 5, 6, 7, 8, 9, 20, 29, 30, 31, 32, 33, 34, 35, 36, 37,
35 38, 39, 40, 41, 44, 49, 52, 53, 61, 63, 69, 70, 74, 78, 80, 81, 99, 113, 115, 117, 122, 125, 128, and 130
36 of Title 44 of the S.C. Code to the "Department of Public Health".

1 (B) The Code Commissioner is directed to change all references to “DHEC” in Chapter 4, Title 44
2 of the S.C. Code to “department”.

3 (C) The Code Commissioner is directed to change all references to the “Department of Health and
4 Environmental Control” in Chapter 55, Title 44 of the S.C. Code to the “Department of Environmental
5 Services”.

6
7 SECTION 248. Monthly progress reports on the transfer and consolidation of state agencies as
8 directed by this act by the Department of Administration shall be issued to the Chairmen of the Senate
9 Finance Committee, Senate Medical Affairs Committee, Senate Agriculture and Natural Resources
10 Committee, House Ways and Means Committee, House Medical, Military, Public and Municipal
11 Affairs Committee, and House Agriculture, Natural Resources and Environmental Affairs Committee.
12 Reports must include a summation of material progress and the expenditures made relevant to the
13 current report, an overview of tasks yet to be accomplished, the associated estimated expenditures, and
14 a projected timeline for completion of those tasks and the entire transfer and consolidation of state
15 agencies as directed by this act. The report also must include information from the receiving agencies
16 regarding the absorption of the transferring agencies and their organization within the receiving
17 agencies. Notwithstanding any of the above, final completion, as directed by this act, shall occur no
18 later than June 30, 2024.

19 Subject to sufficient appropriations for the requirements of this SECTION, the Department of
20 Administration shall procure the necessary experts, consultants, and advisors to conduct annual studies
21 of and provide reports on the effectiveness and efficiency of the services provided by both the
22 Department of Public Health and the Department of Environmental Services for the duration provided
23 for in this SECTION. The studies shall include a review of, among other things, the organizational
24 structure, the financial performance, and use of funding, including grant funding, the adequacy of
25 staffing and other personnel issues, and the services provided as they relate to the mission of each
26 agency. In performing the studies, the experts, consultants, and advisors procured by the Department
27 of Administration shall receive input from the stakeholders and clients of each agency. The experts,
28 consultants, and advisors procured by the Department of Administration shall prepare reports detailing
29 the findings of the studies with recommendations necessary for increased operational efficiencies and
30 effectiveness, and for the maximization of resource utilization. Beginning on the effective date of this
31 act, the experts, consultants, and advisors procured by the Department of Administration shall perform
32 the annual studies for a period of five years and issue reports based on the studies to the Chairmen of
33 the Senate Finance Committee, the Senate Medical Affairs Committee, the Senate and Natural
34 Resources Committee, the House Ways and Means Committee, the House Medical, Military, Public
35 and Municipal Affairs Committee, and the House Agriculture, Natural Resources and Environmental
36 Affairs Committee. The initial report shall be due on September 30, 2025 with succeeding reports due

1 each September 30th thereafter through September 30, 2029.

2 Procurements by the Department of Administration of all experts, consultants, and advisors pursuant
3 to and required by this SECTION are exempt from the purchasing procedures of the South Carolina
4 Consolidated Procurement Code in Chapter 35, Title 11 of the S.C. Code. Procurements made by the
5 Department of Administration pursuant to this SECTION shall be made with as much competition as
6 practicable under the circumstances. If requested by the Executive Director of the Department of
7 Administration, staff from the State Fiscal Accountability Authority's Procurement Division shall
8 assist in procuring the necessary services. If needed, the Department of Administration may used the
9 experts, consultants, and advisors procured pursuant to this SECTION to assist in performing the duties
10 otherwise specified in this act.

11
12 SECTION 249. (A)(1) Beginning July 1, 2024, the Director of the Department of Health and
13 Environmental Control shall serve as the interim Director of the Department of Public Health. The
14 interim director is subject to removal by the Governor pursuant to Section 1 3 240(B).

15 (2) Beginning July 1, 2024, and until the initial director of the Department of Environmental
16 Services is appointed and qualifies, the Director of the Division of Environmental Affairs of the
17 Department of Health and Environmental Control shall serve as the interim Director of the Department
18 of Environmental Services. The interim director is subject to removal by the Governor pursuant to
19 Section 1-3-240.

20 (B) When the provisions of this act transfer particular state agencies, departments, boards,
21 commissions, committees, or entities, or sections, divisions, or portions thereof (transferring
22 departments), to another state agency, department, division, or entity or make them a part of another
23 department or division (receiving departments), the employees, authorized appropriations, bonded
24 indebtedness if applicable, and real and personal property of the transferring department also are
25 transferred to and become part of the receiving department or division unless otherwise specifically
26 provided. All classified or unclassified personnel of the affected agency, department, board,
27 commission, committee, entity, section, division, or position employed by these transferring
28 departments on the effective date of this act, either by contract or by employment at will, shall become
29 employees of the receiving department or division, with the same compensation, classification, and
30 grade level, as applicable. The Department of Administration shall cause all necessary actions to be
31 taken to accomplish this transfer and shall in consultation with the agency head of the transferring and
32 receiving agencies prescribe the manner in which the transfer provided for in this section shall be
33 accomplished. The Department of Administration's action in facilitating the provisions of this section
34 are ministerial in nature and shall not be construed as an approval process over any of the transfers.

35 (C)(1) When an agency, department, entity, or official is transferred to or consolidated with another
36 agency, department, division, entity or official, regulations promulgated by that transferred agency,

1 department, entity or official under the authority of former provisions of law pertaining to it are
2 continued and are considered to be promulgated under the authority of present provisions of law
3 pertaining to it.

4 (2) When powers and duties of the Department of Health and Environmental Control are
5 transferred to and devolved upon another department, agency, or subdivision thereof, the power and
6 duty to promulgate regulations is also transferred to and devolved upon that department, agency, or
7 subdivision thereof.

8 (D) References to the names of agencies, departments, entities, or public officials changed by this
9 act, to their duties or functions herein devolved upon other agencies, departments, entities, or officials,
10 or to provisions of law consolidated with or transferred to other parts of the S.C. Code are considered
11 to be and must be construed to mean appropriate references.

12 (E) Employees or personnel of agencies, departments, entities, or public officials, or sections,
13 divisions, or portions thereof, transferred to or made a part of another agency, department, division, or
14 official pursuant to the terms of this act shall continue to occupy the same office locations and facilities
15 which they now occupy to the greatest extent possible. The rent and physical plant operating costs of
16 these offices and facilities, if any, shall continue to be paid by the transferring agency, department,
17 entity, or official formerly employing these personnel to the greatest extent possible. The records and
18 files of the agencies that formerly employed these personnel shall continue to remain the property of
19 these transferring agencies, except that these personnel shall have complete access to these records and
20 files in the performance of their duties as new employees of the receiving agency.

21 (F) Unless otherwise provided herein or by law, all fines, fees, forfeitures, or revenues imposed or
22 levied by agencies, personnel, or portions thereof, so transferred to other agencies or departments must
23 continue to be used and expended for those purposes provided prior to the effective date of this act. If
24 a portion of these fines, fees, forfeitures, or revenues were required to be used for the support, benefit,
25 or expense of personnel transferred, these funds must continue to be used for these purposes.

26 (G) When the functions of former agencies have been devolved on more than one department or
27 departmental division, the general support services of the former agency must be transferred to the
28 restructured departments or departmental divisions as provided by the General Assembly in the annual
29 general appropriations act.

30 (H)(1) The Code Commissioner of the Legislative Council is directed to change or correct all
31 references to the agencies, divisions, and programs thereof in the S.C. Code to reflect the transfers of
32 authority and responsibility as provided in this act. References to the agencies, divisions, and programs
33 thereof in the S.C. Code or other provisions of law are considered to be and must be construed to mean
34 appropriate references.

35 (2) By July 1, 2024, the Code Commissioner shall prepare and deliver a report to the President of
36 the Senate and the Speaker of the House of Representatives concerning appropriate and conforming

1 changes to the S.C. Code Laws reflecting the provisions of this act relating to the government
2 restructuring described in item (1). The affected agencies shall coordinate with the Code Commissioner
3 for purposes of preparing the report.

4 (I) The Code Commissioner of the Legislative Council shall cause the changes to the S.C. Code as
5 contained in this act to be printed in replacement volumes or in cumulative supplements as he considers
6 practical and economical.

7
8 SECTION 250. (A) This SECTION is effective upon approval of the Governor.

9 (B) Subject to sufficient appropriations for the requirements of this SECTION, the Department of
10 Administration shall identify, select, retain, and procure the services of independent, third-party
11 experts, consultants, or advisors to analyze the missions and delivery models of all state agencies
12 concerned with the overall public health of the state, as well as certain specific populations including,
13 but not limited to, children and adolescents, newborns, pregnant women, the elderly, disabled, mentally
14 ill, special needs individuals, those with chemical dependencies, the chronically ill, economically
15 disadvantaged, and veterans. This analysis will include, but not be limited to, the Department of Health
16 and Environmental Control and its successor entities, the Department of Mental Health, the Department
17 of Alcohol and Other Drug Abuse Services, the Department of Disabilities and Special Needs, and the
18 Department on Aging. Any agencies identified by the Department of Administration as being subject
19 to this analysis shall provide the department with any and all information requested and shall fully
20 participate as requested and required.

21 (C) The analysis procured by the Department of Administration shall consider whether structural
22 changes are necessary to improve health services delivery in the state, recognize operational
23 efficiencies, and maximize resource utilization. Structural changes to be analyzed include
24 reorganizations or mergers of existing health agencies, or divisions or components thereof, as well as
25 the establishment of any new health agencies or the privatization of services currently provided by
26 existing health agencies.

27 (D) The third-party experts, consultants, or advisors must make appropriate recommendations based
28 on the analysis required pursuant to this section and the benefits of each recommendation.

29 (E) The Department of Administration shall prepare a final report summarizing the aforementioned
30 analysis and recommendations and shall submit the final report to the President of the Senate, the
31 Speaker of the House of Representatives, the Chairmen of the Medical Affairs Committee, the
32 Chairman of the Medical, Military and Municipal Affairs Committee, the Chairman of the Finance
33 Committee, the Chairman of the Ways and Means Committee, and the Governor by April 1, 2024, and
34 shall submit interim reports on October 1, 2023, and January 1, 2024. Procurements by the Department
35 of Administration of all experts, consultants and advisors pursuant to and required by this SECTION
36 are exempt from the purchasing procedures of the South Carolina Consolidated Procurement Code in

1 Chapter 35, Title 11 of the 1976 Code. If requested by the Executive Director of the Department of
2 Administration, staff from the State Fiscal Accountability Authority's Procurement Services Division
3 shall assist in procuring the necessary services.

4 (F) The Department of Health and Human Services shall give support to the Department of
5 Administration in fulfilling the purposes of this SECTION.

6
7 SECTION 251. The repeal or amendment by this act of any law, whether temporary or permanent or
8 civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter,
9 discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or
10 amended law, unless the repealed or amended provision shall so expressly provide. After the effective
11 date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full
12 force and effect for the purpose of sustaining any pending or vested right, civil action, special
13 proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the
14 enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or
15 amended laws.

16
17 SECTION 252. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word
18 of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the
19 constitutionality or validity of the remaining portions of this act, the General Assembly hereby
20 declaring that it would have passed this act, and each and every section, subsection, paragraph,
21 subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more
22 other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof
23 may be declared to be unconstitutional, invalid, or otherwise ineffective.

24
25 SECTION 253. (A) The provisions contained in SECTION 4 of this act relating to South Carolina
26 Veterans Homes go into effect on July 1, 2024 for the veterans homes for which the Department of
27 Mental health has a service contract with a third party provider as of May 1, 2023. The provisions
28 contained in SECTION 4 of this act relating to South Carolina Veterans Homes go into effect on July
29 1, 2025 for the veterans homes for which the Department of Mental Health does not have a service
30 contract with a third party provider as of May 1, 2023.

31 (B) SECTION 248 and SECTION 249 of this act, and any other directives in this act pertaining to
32 the Department of Administration's duties to facilitate the transfer and consolidation of state agencies
33 as directed by this act, takes effect upon the approval of the Governor.

34 (C) The remainder of this act takes effect on July 1 2024.

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