**Vol. 40 February 17, 2023 No. 7**

**(February 14 - 16)**

## 

**Contents**

[**House Floor Actions 2**](#_Toc127532838)

[**Committee Actions 3**](#_Toc127532839)

[**Introduced Legislation 4**](#_Toc127532840)

## House Floor Actions

**(February 14 - 16, 2023)**

The House has approved, and sent to the Senate, **H. 3774** the **“Human Life Protection Act.”**

Among other things, it would declare that life begins at conception. It would prohibit anyone from knowingly providing drugs to a pregnant female to cause an abortion, except in emergency situations.

However, it would not prevent a licensed physician, who fills out appropriate paperwork, from performing an abortion in cases where a pregnancy results from incidents of rape or incest. Physicians would be required to obtain and preserve a DNA sample in these cases. Doctors performing these procedures would have to inform a pregnant woman they will, and then, report these crimes to the county sheriff where the procedures are performed, within 24 hours of completing them, and note they made these reports on the medical chart for the pregnant woman.

A procedure also would be permitted if a fatal fetal anomaly is present, if it is needed to prevent the death of a pregnant woman, if it will abate the substantial risk to any pregnant woman who has one or more of the physical conditions listed in this bill that put her in harm’s way to give birth, or if a substantial and irreversible physical impairment of a major bodily function would result if a mother gives birth. This physical impairment could not be psychological or emotional. Nevertheless, before these procedures are undertaken, efforts must be taken to save the fetus’s life, when possible. In addition, two doctors must certify that a qualifying condition is present.

Contraceptives, *in vitro* fertilization [IVF], and other assistive reproduction technologies are not subject to the prohibitions in this bill. The State Health Plan cannot be used to pay for any prohibited abortion procedures or medicines (except as provided).

Violators of any prohibitions, including anyone intimidating a pregnant woman into having an abortion, could be prosecuted for committing a felony, and would face up to two years in prison, and fines of up to $10,000. Violators also would face civil liability for statutory, actual, and punitive damages as well as restraining orders initiated by law enforcement, the pregnant woman, or the pregnant woman’s parents if she has not yet reached 18 years of age. If an order issues, then these parties can recover their attorney fees and costs. Medical professionals also face disciplinary action, including potential revocation of their licenses, as well as having to pay the costs of any investigations, fines, or other professional disciplinary actions when they violate any listed restrictions.

Pregnant women are shielded from being held criminally or civilly liable.

In addition, the biological father would be responsible for paying 50 percent of the birth mother’s pregnancy expenses from the time of conception, in addition to having to pay child support, which would be calculated from the date of conception. Public funds could not be used to purchase fetal tissue, and no public funds could be use by the Planned Parenthood organization.

The House gave third reading and sent to the Senate **H. 3269**. Upon recommendation by the Legislation Oversight Committee, the legislation repeals a section of the S. C. Code, relating to the publication of **descriptions of uniforms and emblems** by the Department of Natural Resources. The section is no longer necessary.

## Committee Actions

**Judiciary**

**H. 3340** received a favorable report with amendment. This proposal would add anyone with an **autism spectrum disorder or other developmental disability diagnosis** to the list of people eligible for inclusion in the State Law Enforcement Division’s **Endangered Person Notification System**.

The Committee issued a favorable report on **H. 3591**,a bill to facilitate a ballot referendum on the question of whether an existing state constitutional provision prohibiting **public funding for religious or other private educational institutions** should be repealed. Historically known as *Blaine Amendments*, these state constitutional provisions were included in state constitutions to prohibit public money from going to religious or other private educational institutions.

**H. 3594** received a favorable report, with amendments, to set out in state statutes what would be considered **constitutional gun carrying** in South Carolina. It would do so by declaring that everyone has a constitutional right to carry their guns anywhere in South Carolina except in law enforcement, detention, or correction facilities; courthouses; polling places on election day; in business meetings by, or in the offices of, city, county, public school district, or special purpose district facilities; school or college events unrelated to firearms; daycare or preschool facilities; anywhere prohibited by federal law; religious sanctuaries including churches; healthcare facilities of any type unless permission is granted; anyone else’s residence; and any facility clearly marked with a sign complying with state specifications that disallows firearms on those premises. However, these prohibitions would not apply to anyone with permission of a property owner to carry on those premises, concealed weapon permit [CWP] holders, law enforcement officials, military, militia, and reserve officers while on duty; qualified retired law enforcement officers; and anyone listed under state law as having authority to carry pistols anywhere in South Carolina, including justices, judges, solicitors, workers compensation commissioners; and the Attorney General and his assistants. As amended by the committee, county clerks of court would be added to this list. Also, as amended by the committee, first time violators could face up to 5 years in jail, second time offenders would face from 5 to 20 years in jail, and third time or more violators would face 10 to 30 years in jail. CWP holders would have to report losing their permits within 48 hours, and pardons could ban gun possession, transport, or sales.

Also receiving a favorable report, with amendment, was **H. 3686** proposed legislation to conduct **antisemitism education and reviews** with state employees. State procedures and policies would be compared with the National Holocaust Alliance definition of antisemitism to see if they are neutral. All state personnel would receive anti-bias training and other instruction on recognizing acts of antisemitism.

**Medical, Military, Public and Municipal Affairs**

The Medical, Military, Public and Municipal Affairs Committee met on Tuesday, February 14, 2023, and reported out two bills.

The committee gave a favorable report to **H. 3797**, legislation that enacts the **“Military Temporary Remote School Enrollment Act”**. The legislation requires a school district to accept an application for enrollment and course registration by electronic means for a pupil whose parent or legal guardian is transferred to or is pending transfer to a military installation while on active duty pursuant to an official military order. The legislation further states that proof of residence, on official documentation, must be submitted to the school district within ten days after the arrival date. As a result of this legislation, the following proof of residence may be used: a temporary on-base accommodating facility; a purchased or leased home or apartment; or any federal government housing, military housing.

**H. 3802**, a bill that reduces the membership from nineteen to eleven of the **board of trustees for the Veterans’ Trust Fund of South Carolina**, was given a favorable with amendment report by the Committee. The bill deletes the provision of selecting one member from each of the congressional districts and outlines that the Governor, with advice and consent of Senate, shall appoint seven members from the state at large; two current serving members as country veterans’ affairs officers and two members representing veteran’s service organizations. The bill also outlines that of the eleven appointed members, at least six must be United States Armed Forces veterans. Any veteran who serves on the board, must have been honorably discharged from the armed services. The Secretary of the Department of Veterans' Affairs shall serve as the executive director of the trust fund and an ex officio nonvoting member of the board.

Introduced Legislation

**Agriculture, Natural Resources and Environmental Affairs**

**H. 3951 Agricultural Lands Preservation Program Rep. Haddon**

This bill that creates a seven-member committee that will identify and provide permanent protection to strategically significant working farmland properties whose continued availability to commercial agricultural businesses is essential to the long‑term future of the economic sector under the Agricultural Lands Preservation Program.

**H. 3960 State Poultry Festival Rep. Forrest**

The bill adds that the South Carolina Poultry Festival in Lexington County is designated as the official State Poultry Festival.

**H. 3963 Antlered Deer Tags Revenue Rep. Nutt**

Current law outlines that revenue from the sale of antlered deer tags is to be used to administer the Coyote Management Program, this bill adds the Hog Management Program.

**H. 3991 Sunday Hunting Rep. B. J. Cox**

This bill adds that a person who is authorized to hunt or take wildlife on wildlife management area land may hunt on a Sunday.

**H. 3993 Sale of Exotic Farm-Raised Venison Rep. Brewer**

The bill adds an exception to the sale of exotic farm-raised venison provisions that it does not apply to the retail sale of white-tailed deer organ meat, packaged as pet treats, by official establishments certified by the State Livestock-Poultry Health Division, Clemson University, or the United States Department of Agriculture.

**Education**

[**H. 3962**](https://www.scstatehouse.gov/billsearch.php?billnumbers=3962&session=125&summary=B) **Materials Loaded On Vehicles Rep. Trantham**

This bill seeks to prevent the escape of materials loaded on vehicles; to clean the highways of escaped substances or cargo (does not apply to transportation of fertilizers or other products used in farming operations); to provide that no vehicles may be operated that allow the escape of large pieces of certain materials.

**S. 134 Public Access To School Board Meetings Sen. Hembree**

This bill promotes public access to school board meetings by requiring school boards to adopt and implement policies that provide live electronic transmission of such meetings (extending applicability of these provisions to the governing bodies of charter schools and special schools).

**S. 299 Joint Citizens and Legislative Committee on Children Sen. Shealy**

This bill relates to the Joint Citizens and Legislative Committee on Children, providing for the inclusion of the State Child Advocate to the Committee.

**S. 361 Preapproval Of Construction Contract Extensions Sen. Grooms**

This bill provides that the Department of Transportation Commission is not required to provide preapproval of construction contract extensions and to provide that the commission must ratify extensions at the next commission meeting.

**S. 363 Motor Vehicle Fender Modifications Sen. Rankin**

This bill prohibits motor vehicle modifications that result in the motor vehicle's front fender being raised four or more inches above the height of the rear fender.

**H. 3982 “Chase Away Childhood Cancer" Special License Plates Rep. Davis**

This bill relates to the issuance of "Chase Away Childhood Cancer" special license plates, providing the portion of the fees collected from the issuance of these license plates that exceeds their cost of production must be distributed to the South Carolina Alliance-Pediatric Cancer Workgroup.

**H. 3990 Opioid Antidotes Rep. Dillard**

This bill would require governing authorities of certain schools to develop a policy that mandates schools to maintain a supply of opioid antidotes to be administered by trained employees in an emergency.

**Judiciary**

**H. 3980 Reporting Perjury Incidents Rep. J. E. Johnson**

Judges and other judicial officials would have to report all cases of suspected false statements or misrepresentations,about conducting a business of insurance, to the Insurance Fraud Division of the Office of Attorney General should this legislative initiative become law.

**H. 3981 Conditional Orders of Discharge for Peace Breachers Rep. J. E. Johnson**

A proposal to allow anyone charged for the first time with a common law, state, or federal offense considered to be a breach of peace offense to avoid a conviction on their record. They could do so by complying with the terms of a conditional discharge order instead. Successful completion of all conditions would also enable these first-time offenders to obtain expungement orders.

**H. 3984 “Lizzy’s Law” Rep. Williams**

"Lizzy's Law" would require gun owners or gun possessors to report gun losses or thefts within 24 hours. Law enforcement agencies would be required to collect information about these lost or stolen guns. It also sets out proposed penalties for failing to report lost or stolen guns in a timely manner.

**S. 96 Jet Skiing After Safety Certification Sen. Campsen**

This pending legislation would prohibit anyone from operating a jet ski, ‘personal watercraft,’ or other specialty propcraft, as defined in this bill, until they have successfully completed a boating safety education class first.

**S. 380 Legal Guardianships With Supplemental Benefits Sen. Shealy**

This bill would allow, among other things, permanent legal guardianships to be established when adoptions are not an option for minors. Procedures for obtaining an appropriate court order in these cases are set out. Also in the bill are the responsibilities these legal guardians (as fictive kin) would assume upon being so appointed. A monetary fund would be established and administered by SCDSS to pay benefits to these legal guardians.

**S. 474 Fetal Heartbeat and Protection From Abortion Act Sen. Grooms**

This Senate bill seeks to prevent abortions once a fetal heartbeat can be detected. It includes exceptions for pregnancies after an incident of rape or incest. A woman pregnant after these assaults would have up to 12 weeks to have a procedure performed. A physician would have to report these incidents to the county sheriff after performing these procedures. Records from these procedures would have to be maintained for seven years. Failure of medical professionals to do so could result in felony charges with penalties of up to two years in jail and fines of up to $10,000. Entities failing to maintain these records could face fines of up to $50,000. In addition, women carrying a child suffering from a fatal fetal anomaly, or who are in a medical emergency (both situations being determined by a physician or another person who performs the procedure or induces the abortion) could seek a procedure as well.

**Labor, Commerce, and Industry**

**S. 33 Watercraft Liability Insurance Requirements Sen. Hutto**

This bill establishes requirements for watercraft of more than seventy horsepower, jet skis and other personal watercraft, and specialty prop-craft to carry liability insurance coverage that provides at least $50,000 of combined liability coverage for bodily injury to others, or the destruction of the property of others, resulting from any one occurrence. Penalties are provided for the operation of watercraft without complying with the insurance coverage requirements.

**H. 3947 Automobile Insurance Policy Requirements Rep. White**

This bill provides that all new automobile insurance policies issued in South Carolina must include an appraisal clause. At the time of renewal of an existing automobile insurance policy, the insurer must include an appraisal clause. The legislation includes provisions that an insurance policy that covers a person operating a rented or leased vehicle, regardless of the limitations or exclusions in the operator’s policy, shall be primary to the rental company’s motor vehicle insurance policy. The limits of the primary policy must be exhausted before there may be a recovery under a policy issued to or against other financial responsibility maintained by a rental company. The legislation provides that, when automobile repairs undertaken pursuant to an automobile insurance policy require the use of automobile paint, the insurer must pay the state sales tax on automobile paint.

**H. 3950 Earthquake Insurance Coverage Rep. Gatch**

This bill establishes requirements for insurers to offer insurance coverage for loss or damage resulting from an earthquake on policies issued in South Carolina.

**H. 3952 Consumer Protection Code Enhancements Rep. G. M. Smith**

This bill revises the South Carolina Consumer Protection Code to include among its underlying purposes and policies the promotion of education for consumers and best practices for businesses and the mediation of complaints between a consumer and a business when possible. The Administrator and the Department of Consumer Affairs must attempt to resolve consumer disputes and other matters before taking investigatory, enforcement, or punitive actions. The legislation revises the investigatory powers of the Administrator of the Department of Consumer Affairs to establish requirements for presenting of probable cause before beginning an investigation and for verifying complaints as substantial and legitimate before proceeding with an investigation. Before a cease-and-desist order is issued to a business, the Administrator is required to notify the business of the reasons and factors that gave probable cause for considering the complaint to be legitimate. The Administrator is charged with establishing whether the matter is a singular incident or is an intentional business practice that violates the law. The business must be allowed thirty days to cure the issue. If the issue is not resolved within this period, the Administrator must attempt mediation before issuing a cease-and-desist order. The Department of Consumer Affairs is required to make an annual report to the General Assembly detailing the disposition of all court cases and legal actions it has engaged in, and the costs of such legal actions, including any reimbursements paid to the subject of the action. The legislation revises provisions relating to motor vehicle sales contract closing fees to require the closing fee to be prominently displayed with the advertised price.

**H. 3953 Department of Consumer Affairs Transferred to the Executive Branch Rep. G. M. Smith**

This bill transfers of the Department of Consumer Affairs to the executive branch of state government. The legislation dissolves the Commission on Consumer Affairs and provides instead for the head of the Department to be an Administrator as is appointed by the Governor upon the advice and consent of the Senate.

**H. 3977 Authority for Posting Insurance Policies or Endorsements on Insurers’ Websites Rep. Sandifer**

This bill provides that, if a standard property and casualty insurance policy or endorsement does not contain personally identifiable information, an insurer may mail, deliver, or post the policy or endorsement on the insurer’s website. The legislation provides the conditions that must be met if the insurer elects to post an insurance policy or endorsement on the website in lieu of mailing or delivering the document to the insured.

**H. 3985 Hospitals Prohibited from Charging Uninsured Patients Higher Fees Rep. Williams**

This bill provides that a hospital licensed in South Carolina may not charge uninsured patients fees for services rendered that are more than the maximum fees charged for the same services rendered to insured patients.

**H. 3986 Access to Restrooms in Retail Facilities Rep. Williams**

This bill provides that the restroom facilities in any place of business in South Carolina of a retailer selling tangible personal property must be available for use by purchasers or prospective purchasers entering this place of business upon their request. Where there is more than one restroom in that place of business, a “restroom may be designated for use by one particular sex.”

**H. 3989 “Solar, Agricultural, Farmland, and Environmental Act” Rep. Ott**

The Solar, Agricultural, Farmland, and Environmental Act establishes a certification process that must be followed prior to the construction of a photovoltaic energy facility on farmland. When the Public Service Commission approves an application, ten percent of the total project costs must be placed in a newly created Agricultural and Farmland Viability Protection Fund used for agricultural and farmland protection activities, consisting of: (1) education to impacted communities about easements, green bank opportunities, and funding sources that may be used to conserve agricultural land; (2) conservation of agricultural lands in South Carolina; or (3) direct remittances to a conservation bank.

**H. 3992 Delinquent Unemployment Compensation Tax Rates Rep. Blackwell**

This bill provides that an employer who has an installment payment agreement approved by the Department of Employment and Workforce shall be permitted to pay its unemployment compensation tax at a reduced rate. However, any such employer’s tax rate shall immediately revert to the tax class 20 rate if the employer fails to make any one of the succeeding deferred payments or fails to submit any succeeding wage report and payment in a timely manner as required by the Department approved installment payment agreement.

**Medical, Military, Public and Municipal Affairs**

**S. 317 Veterans Trust Fund Sen. Shealy**

Among many things, this bill reorganizes the Board of Trustees for the Veterans Trust Fund by reducing the number of members from nineteen to eleven.

**H. 3978 Neonatal Testing of Children Rep. M. M. Smith**

In instances where a child has a time-critical abnormal newborn screening result, the Department shall notify the child's primary care provider, if known, and may provide information about those abnormal screening results to a qualified pediatric specialist for the timely provision of follow-up services, including further testing, treatment, counseling, and education as needed.

**H. 3979 Certificate of Need (CON) Review Rep. M. M. Smith**

The bill provides for an exemption of review for the relocation of a licensed hospital in the same county in which the hospital is currently located if there is no increase in the manner of licensed beds immediately following the relocation.

**H. 3988 Practice of Pharmacy Rep. Davis**

Among many things, the bill provides that the practice of pharmacy also means initiation, ordering, and administration of a test, including COVID tests, that is waived under the federal clinical laboratory improvement amendments (CLIA) of 1988 and authorized by the Food and Drug Administration. Pharmacists may delegate the authority to administer tests provided for in this subsection to a trained pharmacy technician or pharmacy intern.

**Ways and Means**

**H. 3948 Property Tax Exemption for Renewable Energy Resources Rep. Ballentine**

This bill revises the renewable energy resource property tax exemption so that it includes solar energy equipment, facilities, or devices that support, collect, generate, transfer, monitor, or store thermal or electric energy.

**H. 3949**  **Sales Tax Exemption for Solar Energy Equipment** **Rep. Ballentine**

This bill establishes a sales tax exemptionfor solar energy equipment, facilities, or devices that support, collect, generate, transfer, monitor, or store thermal or electric energy.

**H. 3964 Tax Credit for Contracts with Small Businesses that Create Jobs Rep. W. Jones**

This bill establishes an income tax credit for a taxpayer that contracts with a small business headquartered in South Carolina to complete projects or perform services if the contract of the small business results in the small business hiring additional full‑time employees to perform the services. The tax credit has a maximum duration of three years may be applied to no more than 20 new employees. In the first year the amount of the credit is $3,000 for each additional employee, and the amount is adjusted to $2,500 in a second year, and $1,000 in a third year.

**H. 3976 Resolution on Supplementing Legislators’ In-District Compensation Rep. King**

This concurrent resolution memorializes the General Assembly to supplement the in-district compensation of all legislators by an additional $25,000 each year to account for inflation.

**H. 3983**  **Paid Leave for Attending Public School Functions or Engaging in Volunteer Teaching Activities** **Rep. Williams**

This bill establishes provisions that allow employers annually to grant employees specified amounts of additional paid leave to attend certain public school functions or engage in volunteer teaching activities in public schools during the employee’s work hours. Employers who grant this additional paid leave are entitled to an individual or corporate income tax deduction in any calendar year equal to ten dollars per employee per hour of paid leave taken for that year for this purpose.

Friday, February 17, 2023

The House Research Office uses the 17th edition of the Chicago Manual of Style (with practical modifications, esp. regarding numbers).

These summaries are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) nor the House of Representatives. They are for the use of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent. These Legislative Updates are on the South Carolina General Assembly home page (<http://www.scstatehouse.gov>). Go to Publications, then Legislative Updates. This lists all the Legislative Updates by date as a Word document and a document with hypertext links to the bills. Also available under Publications is a Bill Summary Index to the Legislative Updates (bills are listed in numeric order and provide the different summary versions at the different stages and dates in the process).