



South Carolina House of Representatives

Legislative Update

G. Murrell Smith, Speaker of the House

Vol. 41

January 22, 2024

No. 3

(for the week of Jan. 16 - 18)

LEGISLATIVE UPDATE

Written by

House Research Staff (803.734.3230)

Richard Pearce, Esq., Sherry Moore, Andy Allen, Don Hottel, Dir.

Don Hottel (editing, indexing)

Office of Research and Constituent Services

1105 Pendleton St., Suite 212, Blatt Bldg., Columbia, S.C. 29201 (803) 734-3230

Contents

House Floor Actions 3

H. 4624 Gender Reassignment Procedures 3

Introductions 3

Agriculture, Natural Resources, and Environmental Affairs 3

H. 4871 Farm Animals Being Transported by a Motor Vehicle Rep. Haddon 3

H. 4874 Regulation of Captive Wildlife Rep. Hixon 3

Education and Public Works 4

H. 4864 “Teacher Bill of Rights” Rep. Rose 4

H. 4866 “Smart Heart Act” Rep. Lawson 4

H. 4872 Campus Security Departments Rep. Haddon 4

Judiciary 4

H. 4842 “South Carolina Age-Appropriate Design Code Act” Rep. Guffey 4

H. 4845 Military Chaplain Qualifications Rep. Murphy 4

H. 4870 Tianeptine Scheduling Rep. May 5

H. 4891 Failure to Stop for a Blue Light (Enhanced Penalties) Rep. Trantham 5

H. 4893 Quarterly and SEI Reporting Exemptions Rep. Forrest 5

H. 4894 Assault and Battery (Enhanced Penalties) Rep. Pope 5

Medical, Military, Public and Municipal Affairs 5

H. 4867 Telecommunicator CPR Training Rep. Lawson 5

H. 4873 Gene Therapy Product Regulations Rep. Ligon 6

H. 4890 Ambulances with Epinephrine Auto-Injectors Rep. Bernstein 6

Labor, Commerce, and Industry 6

H. 4843 Authority for Businesses to Use Decks, Docks, or Other Structures Located in Critical Coastal Areas Rep. Bailey 6

H. 4844 Requirements for Maintaining Marine Recovery Insurance on Boats Rep. Hartnett ... 6

H. 4865 “Medical Care for Children with Autism Act” Rep. Rose 6

H. 4869 Department of Insurance Revisions Rep. Sandifer 6

Index 7

House Floor Actions

H. 4624 Gender Reassignment Procedures

The House amended, gave third reading, and sent to the Senate **H. 4624**. The bill prohibits a health care professional from engaging in **gender transition procedures to a person under the age of 18 years old**. The bill exempts mental health providers offering mental health services. The bill outlines that “gender transition procedures” means puberty-blocking drugs, cross-sex hormones, or genital or nongenital gender reassignment surgery, provided or performed for the purpose of assisting an individual with a physical gender transition. The bill includes that with any initiated treatment provided before August 1, 2024, a health care professional may establish, if necessary, a period during which the treatment is systematically reduced (diminished) by January 31, 2025. However, a health care professional may provide certain appropriate medical services to a person who is under 18 years of age who was born with a medically verifiable disorder of sexual development.

The bill prohibits the use of public funds for gender transition procedures. Additionally, the bill prohibits the South Carolina Medicaid Program from reimbursing or providing coverage for practices prohibited under the provisions of the bill for individuals under 26 years of age. The bill states that public school officials shall not knowingly encourage a minor to withhold or that the official withhold information from the minor’s parent or legal guardian related to the minor’s perception that his or her gender is inconsistent with his or her sex.

The bill further outlines that a physician who knowingly performs genital gender reassignment surgery is guilty of inflicting great bodily injury upon a child. The bill provides penalties for violation.

Introductions

Agriculture, Natural Resources, and Environmental Affairs

H. 4871 Farm Animals Being Transported by a Motor Vehicle Rep. Haddon

No person may stop, hinder, obstruct, or otherwise interfere with a motor vehicle transporting farm animals.

H. 4874 Regulation of Captive Wildlife Rep. Hixon

Among many things, this bill adds a new provision for the Department of Natural Resources to promulgate regulations related to wildlife possession.

Legislative Update, 2024

Education and Public Works

H. 4864 “Teacher Bill of Rights” Rep. Rose

H. 4864 would enact the "Teacher Bill of Rights" to enumerate basic rights for all certified public school teachers in South Carolina. The rights cover a range of areas including professional judgment, legal protection, disciplinary measures, safe working environments, planning time, appropriate compensation, reduced paperwork, additional compensation for extra work, and support for new teachers.

H. 4866 “Smart Heart Act” Rep. Lawson

H. 4866 would enact the "Smart Heart Act" to provide for the development and implementation of a cardiac emergency response plan in each public school and to also provide for an athletics emergency action plan in each public and private school. This bill would provide for automated external defibrillators in high schools, ensuring an automated external defibrillator onsite and within certain proximity of school athletic venues.

H. 4872 Campus Security Departments Rep. Haddon

H. 4872 relates to the establishment and conduct of campus security departments by private institutions of higher learning, so as to include the Governor's Schools (Science and Mathematics, Agriculture at John de la Howe and Arts and Humanities).

Judiciary

H. 4842 “South Carolina Age-Appropriate Design Code Act” Rep. Guffey

Specified entities (i.e., those with annual gross revenues exceeding \$25 million), operating in South Carolina and processing minors’ data, would have to do so in a way that is in these minors’ best interest. These covered entities would not be able to use minors’ personal data or their products, services, or features in a way that would benefit them to any minor’s detriment. They also could not harm, discriminate against, or invade minors’ privacy. Violators could be subject to an injunction, and liable for civil penalties or damages as well. They would also be responsible for completing data protection impact assessments for their online services, products, or features when they can be accessed by minors. Telecommunication services, broadband providers, and anyone distributing physical products to minors would be exempt from this proposed law.

H. 4845 Military Chaplain Qualifications Rep. Murphy

Military chaplains would have to be ordained and meet specific qualifications required by the three militia classes: the National Guard, state militia, or an organized militia. Confessions to military chaplains would be considered privileged. Disclosure of these

Legislative Update, 2024

confessions would be prohibited. If a military judge, or presiding other official finds no privilege exists, then these military chaplains could be compelled to testify about them. However, consent can be given by any confessor to share their confession.

H. 4870 Tianeptine Scheduling Rep. May

Tianeptine, an anxiety and anti-depression drug being dispensed in Europe, Asia, and Latin America, but not approved in the United States, would be considered a Schedule I controlled substance under this pending legislation. The FDA has identified its illegal use in the United States as a purported alternative to opioids, but warns the serious potential for abuse --and harmful side effects-- as its basis for not approving dispensing it in the United States.

H. 4891 Failure to Stop for a Blue Light (Enhanced Penalties) Rep. Trantham

Enhanced penalties could be applied when drivers fail to stop when signaled to do so by a law enforcement officers. First time offenders failing to stop in situations where no great bodily harm or death results, could be guilty of a felony and be imprisoned for up to five years. When great bodily harm has occurred, offenders could be imprisoned for up to fifteen years. When deaths have occurred, these drivers could be imprisoned for up to 30 years.

H. 4893 Quarterly and SEI Reporting Exemptions Rep. Forrest

If enacted, public members, elected officials, or appointees, who act for all practical purposes as volunteers, would be exempted from completing quarterly reports or annual Statements of Economic Interest (SEI) if they do not handle public funds, raise campaign funds, or receive any publicly funded compensation or benefits.

H. 4894 Assault and Battery (Enhanced Penalties) Rep. Pope

An enhanced sentence up to five years in jail would face assault and battery offenders when their criminal acts have been perpetrated on educational professionals or law enforcement officers performing their official duties, should this bill become state law.

Medical, Military, Public and Municipal Affairs

H. 4867 Telecommunicator CPR Training Rep. Lawson

Beginning January 1, 2025, all 911 telecommunicators that provide dispatch for emergency medical conditions shall be required to be trained, utilizing the most current nationally recognized high-quality telecommunicator cardiopulmonary resuscitation (T-CPR).

Legislative Update, 2024

H. 4873 Gene Therapy Product Regulations Rep. Ligon

The bill provides for the regulation of gene therapy by requiring certain labeling of gene therapy products. The bill define “gene therapy products” as any product with any capacity to alter, interfere with, or otherwise act in any manner similar or equivalent to genes.

H. 4890 Ambulances with Epinephrine Auto-Injectors Rep. Bernstein

Every ambulance must be equipped with a supply of epinephrine auto-injectors and must be staffed by at least one emergency medical technician or attendant certified to administer an epinephrine auto-injector.

Labor, Commerce, and Industry

H. 4843 Authority for Businesses to Use Decks, Docks, or Other Structures Located in Critical Coastal Areas Rep. Bailey

This bill provides that, notwithstanding any statutory or regulatory provision of law to the contrary, businesses containing decks, docks, or other structures located in coastal waters, tidelands, beaches, or dune areas may utilize these decks, docks, or structures for purposes that directly relate to the operation of the business provided a plan for utilization is submitted and approved by the local zoning board that has jurisdiction where the business is located.

H. 4844 Requirements for Maintaining Marine Recovery Insurance on Boats Rep. Hartnett

This bill establishes requirements under which an owner of a boat that is anchored in the waters of South Carolina more than 14 days must maintain marine recovery insurance on the boat. Penalties are provided for violations.

H. 4865 “Medical Care for Children with Autism Act” Rep. Rose

This bill establishes provisions to define “autism spectrum disorder” as a pervasive developmental disorder as defined by the most recent publication of the Diagnostic and Statistical Manual of Mental Disorders (DSM) or as defined in any previous edition of the DSM. The legislation revises provisions governing health insurance coverage for autism spectrum disorder, including the removal of an age requirement.

H. 4869 Department of Insurance Revisions Rep. Sandifer

This bill revises various provisions relating to the regulation of insurers by the Department of Insurance. These revisions include: confidentiality provisions for workpapers and other materials involved in pending investigations; authority for conducting a market analysis and participate in multistate examinations of market practices; and, more expansive provisions clarifying that an insurer or producer, by or through employees, affiliates, or third-party representatives, may offer value-added products or services at no or reduced cost.

Index

<p>A</p> <p>ambulances (H. 4890) epinephrine auto-injectors, to be equipped with, 6</p> <p>assault and battery (H. 4894) enhanced penalties when involving educational professionals or law enforcement officers, 5</p> <p>autism spectrum disorder (H. 4865) establishes provisions to define, 6</p>	<p>restrictions and exemptions; prohibits health care professional from engaging in gender transition procedures to a person under the age of 18 years old; no public funds, 3</p> <p>gene therapy products (H. 4873) regulation of, 6</p>
<p>C</p> <p>campus security departments (H. 4872) adding the Governor’s Schools, 4</p>	<p>H</p> <p>H. 4624, 3 H. 4842, 4 H. 4843, 6 H. 4844, 6 H. 4845, 4 H. 4864, 4 H. 4865, 6 H. 4866, 4 H. 4867, 5 H. 4869, 6 H. 4870, 5 H. 4871, 3 H. 4872, 4 H. 4873, 6 H. 4874, 3 H. 4890, 6 H. 4893, 5 H. 4894, 5</p>
<p>D</p> <p>decks, docks, or structures (H. 4843) for purposes that directly relate to the operation of the business provided a plan for utilization is submitted and approved by the local zoning board, 6</p>	
<p>E</p> <p>epinephrine auto-injectors, 6, <i>See</i> ambulances</p>	
<p>F</p> <p>failure to stop when signaled (H. 4891), 5</p> <p>farm animals (H. 4871) transport of, 3</p>	
<p>G</p> <p>gender reassignment procedures (H. 4624)</p>	<p>M</p> <p>marine recovery insurance (H. 4844), 6 military chaplains (H. 4845), 5 minors’ data (H. 4842), 4</p>
	<p>O</p> <p>opioids (H. 4870), 5</p>

Legislative Update, 2024

R

regulation of insurers (H. 4869), 6
Rep. Bailey, 6
Rep. Forrest, 5
Rep. Guffey, 4
Rep. Haddon, 3, 4
Rep. Hartnett, 6
Rep. Hixon, 3
Rep. Lawson, 4, 5
Rep. Ligon, 6
Rep. May, 5
Rep. Murphy, 4
Rep. Pope, 5
Rep. Rose, 4, 6
Rep. Sandifer, 6
Rep. Trantham, 5

S

Schedule I controlled substance, 5
Smart Heart Act (H. 4866)
 cardiac emergency response plans, 4
South Carolina Age-Appropriate Design
 Code Act (H. 4842)
 minors' data, 4
Statements of Economic Interest (SEI), 5

T

Teacher Bill of Rights (H. 4864), 4
telecommunicator cardiopulmonary
 resuscitation (T-CPR) (H. 4867), 5
tianeptine (H. 4870), 5

W

wildlife possession (H. 4874), 3

Tuesday, January 23, 2024

The House Research Office uses the 17th edition of the Chicago Manual of Style, with practical modifications [i.e., 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 various stages and dates in the process).