**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑43‑165 SO AS TO EXEMPT DEPARTMENT OF MENTAL HEALTH CENTERS FROM CERTAIN PHARMACY PERMITTING AND PHARMACIST‑IN‑CHARGE REQUIREMENTS; TO PROVIDE THAT DEPARTMENT OF MENTAL HEALTH CENTERS MUST BE RECOGNIZED AS COVERED ENTITIES FOR THE PURPOSE OF DISPENSING DRUGS; TO PROVIDE THAT DEPARTMENT OF MENTAL HEALTH CENTERS MAY TRANSPORT MEDICATIONS IN THE SAME MANNER AS FREE CLINICS AND PRIVATE PHYSICIANS; AND TO AUTHORIZE DEPARTMENT OF MENTAL HEALTH CENTERS TO USE CONTRACT LABOR AS DESIGNATED AGENTS OR EMPLOYEES TO CARRY OUT DUTIES RESERVED FOR AGENTS OR EMPLOYEES OF THE DEPARTMENT.

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

SECTION 1. Chapter 43, Title 40 of the 1976 Code is amended by adding:

“Section 40‑43‑165. (A) South Carolina Department of Mental Health centers are exempt from provisions of this chapter that require:

(1) all facilities distributing or dispensing prescription drugs to be permitted by the Board of Pharmacy;

(2) each pharmacy to have a pharmacist‑in‑charge;

(3) a pharmacist to be physically present in the pharmacy or health care delivery site in order to serve as the pharmacist‑in‑charge;

(4) a pharmacist to serve as a pharmacist‑in‑charge for only one pharmacy at a time.

(B) South Carolina Department of Mental Health centers and facilities must be recognized as covered entities pursuant to Section 40‑43‑60(I) allowing licensed practitioners, as defined by Section 40‑43‑30(45), to dispense drugs or devices that are the lawful property of the practitioner or the corporate entity.

(C) South Carolina Department of Mental centers and facilities may transport medications in the same manner as allowed by law for free clinics and private physician practices.

(D) South Carolina Department of Mental centers and facilities may utilize contract labor to act and perform as designated agents or employees to carry out duties reserved for agents or employees of the South Carolina Department of Mental Health.”

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

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