**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA STOP METHAMPHETAMINE PRODUCTION ACT”; BY ADDING SECTION 44‑53‑362 SO AS TO PROVIDE A PRACTITIONER WITH CONTROLLED SUBSTANCES PRESCRIPTIVE AUTHORITY IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR PRESCRIBING SUCH DRUG IN THE ABSENCE OF GROSS NEGLIGENCE; TO AMEND SECTION 44‑53‑230, RELATING TO DRUGS DESIGNATED AS SCHEDULE III CONTROLLED SUBSTANCES, SO AS TO INCLUDE EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE IN THIS DESIGNATION; TO AMEND SECTION 44‑53‑376, RELATING TO THE CRIMINAL OFFENSE OF DISPOSING OF WASTE FROM THE PRODUCTION OF METHAMPHETAMINE, SO AS TO REQUIRE A LOCAL GOVERNMENTAL ENTITY THAT LOCATES OR SEIZES A METHAMPHETAMINE LABORATORY OR DUMPSITE TO REPORT SUCH ACTION TO THE STATE LAW ENFORCEMENT DIVISION; TO AMEND SECTION 44‑53‑398, AS AMENDED, RELATING TO THE OVER‑THE‑COUNTER SALE AND PURCHASE OF EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE, INCLUDING, AMONG OTHER THINGS, REQUIREMENTS FOR PACKAGING, RETAIL SALE AND PURCHASE AMOUNTS, AND LOGGING AND TRANSMITTING SALES AND PURCHASE INFORMATION, SO AS TO DELETE ALL PROVISIONS REGULATING THE SALE AND PURCHASE REQUIREMENTS OF THESE CONTROLLED SUBSTANCES EXCEPT THE FELONY CRIMINAL OFFENSE, PENALTIES FOR VIOLATIONS, AND LEGITIMATE MEDICAL EXCEPTIONS FOR POSSESSION, MANUFACTURING, DELIVERING, DISTRIBUTING, DISPENSING, ADMINISTERING, PURCHASING, OR SELLING THESE CONTROLLED SUBSTANCES; TO AMEND SECTION 44‑53‑1640, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PRESCRIPTION MONITORING PROGRAM FOR SCHEDULE II, III, AND IV CONTROLLED SUBSTANCES, SO AS TO PROVIDE THAT INFORMATION SUBMITTED TO THIS MONITORING PROGRAM MUST BE SUBMITTED IN ACCORDANCE WITH CERTAIN NATIONAL PHARMACY AUTOMATION AND EXCHANGE OF INFORMATION STANDARDS; TO AMEND SECTION 44‑53‑1650, RELATING TO THE CONFIDENTIALITY OF INFORMATION SUBMITTED TO THE PRESCRIPTION MONITORING PROGRAM, INCLUDING PROCEDURES FOR RELEASING THIS INFORMATION, SO AS TO PROVIDE THAT LAW ENFORCEMENT MAY OBTAIN INFORMATION ON EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE SALES AND PURCHASES WITHOUT CONDUCTING A SPECIFIC DRUG RELATED INVESTIGATION ON A DESIGNATED PERSON; TO AMEND CHAPTER 32, TITLE 56, RELATING TO THE MOTOR VEHICLE DAMAGE DISCLOSURE ACT, SO AS TO REQUIRE A PERSON SELLING A MOTOR VEHICLE THAT WAS THE SITE OF A METHAMPHETAMINE LABORATORY OR DUMPSITE TO DISCLOSE THIS INFORMATION IN WRITING TO THE PURCHASER OF THE VEHICLE; TO AMEND SECTION 63‑7‑920, RELATING TO CHILD ABUSE AND NEGLECT INVESTIGATIONS AND PLACEMENT, SO AS TO PROHIBIT THE DEPARTMENT OF SOCIAL SERVICES FROM PLACING A CHILD WHO HAS BEEN EXPOSED TO METHAMPHETAMINE USE, MANUFACTURE, SALE, DISTRIBUTION, OR TRAFFICKING WITH A RELATIVE OR ASSOCIATE INVOLVED IN SUCH ILLEGAL ACTIVITY; AND TO REPEAL SECTION 23‑3‑1200 RELATING TO THE STATE LAW ENFORCEMENT DIVISION SERVING AS THE DEPOSITORY OF CERTAIN SCHEDULE II CONTROLLED SUBSTANCE INFORMATION.

Whereas, the South Carolina General Assembly finds that methamphetamine production, use, and addiction in South Carolina have reached epidemic proportions; and

Whereas, the nature and cycle of methamphetamine production, use, and addiction negatively and severely impacts the livability of communities throughout the State by, among other things:

(1) endangering children exposed to a methamphetamine laboratory, methamphetamine vehicle, or methamphetamine dwelling environment;

(2) increasing the rate of property crimes such as theft, identity theft, arson, and burglary;

(3) increasing the rate of violent crimes such as homicide, robbery, assault, and sexual abuse;

(4) creating and dumping toxic waste from methamphetamine laboratories;

(5) increasing the incidence of fire and explosion on both private and public properties; and

(6) causing methamphetamine‑induced mental illness, psychosis, and death; and

Whereas, the General Assembly further finds that:

(1) recent developments in methamphetamine manufacturing methods, purity levels, and methods of ingestion have substantially contributed to the extremely addictive nature and expanded use of methamphetamine;

(2) an adequate response to the methamphetamine epidemic sweeping the State and many parts of the nation requires a coordinated and significantly enhanced effort to effectively use scarce prevention, enforcement, and treatment resources;

(3) prevention, enforcement, and treatment providers in every community in the State need to work together in an effort to raise community awareness about, and reduce the incidence of, the manufacture, distribution, and use of methamphetamine; and

Whereas, establishing the following prevention and treatment efforts are critical to addressing the methamphetamine epidemic:

(1) these prevention efforts include, but are not limited to:

(a) community education and awareness;

(b) mobilization of community prevention coalitions;

(c) enhanced control of critical precursor substances;

(d) enhanced and stabilized funding for law enforcement agencies;

(e) stabilized funding for cleanup of unlawful methamphetamine laboratories;

(f) establishment of effective programs to address the problems of drug‑endangered children;

(g) early intervention in and prosecution of all methamphetamine cases to encourage early methamphetamine addiction treatment; and

(2) these treatment efforts include, but are not limited to:

(a) recognition and use of effective methamphetamine addiction treatment;

(b) standardization of the best practices for methamphetamine addiction treatment;

(c) enhanced and stabilized funding for methamphetamine addiction treatment resources; and

(d) enhanced and stabilized funding for secondary treatment services for children and family members of an individual undergoing methamphetamine addiction treatment; and

Whereas, law enforcement and social service agencies in the State should be encouraged to develop and implement written protocols for appropriate action if a child is present in a home where methamphetamine is manufactured, distributed, or used; these protocols should reflect that exposing a child to the manufacture, distribution, or use of methamphetamine is criminal conduct and that a response coordinated by law enforcement and social service agencies is essential to the health and welfare of the child; and

Whereas, the needs of a drug‑endangered child are best served through written protocols encouraging:

(1) creation of drug‑endangered children awareness training;

(2) assignment of child protective social workers to work with law enforcement agencies charged with responding to methamphetamine crime scenes;

(3) immediate response of child protective social workers to a methamphetamine crime scene involving a child;

(4) investigation of child abuse and neglect concurrent with the law enforcement investigation of the methamphetamine crime scene to which a child has been exposed;

(5) arrest and prosecution of the person responsible for exposing the child to the drug endangering environment;

(6) placement of the child in a safe and nurturing environment;

(7) decontamination of a child found in a methamphetamine laboratory setting;

(8) medical examinations and developmental evaluations of a child found in a methamphetamine laboratory setting;

(9) provision of health and mental health services to a drug endangered child; and

(10) short‑term and long‑term medical, social, and psychological follow‑up for a drug endangered child; and

Whereas, the Department of Health and Environmental Control, along with other stakeholders, should evaluate the need for cleanup and decontamination standards and applicable guidelines to ensure that sites where methamphetamine has been manufactured can be certified fit and safely occupied. Now, therefore,

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

SECTION 1. This act may be cited as the “South Carolina Stop Methamphetamine Production Act”.

SECTION 2. Article 3, Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Section 44‑53‑362. A practitioner with controlled substance prescriptive authority who prescribes such a drug is immune from civil, criminal, and administrative liability for injury, death, or loss to person or property on the basis that the practitioner prescribed the drug unless the practitioner prescribed the drug with the knowledge or intent that the drug would be used in a manner prohibited by the criminal laws of this State.”

SECTION 3. Section 44‑53‑230(b) of the 1976 Code is amended to read:

“(b) Any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

1. Benzphetamine

2. Chlorphentermine

3. Clortermine

4. (Deleted)

5. Phendimetrazine

6. Ephedrine

7. Pseudoephedrine

8. Phenylpropanolamine”

SECTION 4. Section 44‑53‑376 of the 1976 Code, as added by Act 275 of 2006, is amended by adding at the end:

“(E) Upon locating, finding, or seizing a methamphetamine laboratory or dumpsite within the State by a municipal, county, or state governmental entity, the governmental entity shall report the incident within three business days to the State Law Enforcement Division (SLED). SLED is authorized to request, receive, catalogue, classify, and maintain any and all information pertaining to the laboratory or dumpsite including, but not limited to, the location, the type of manufacturing method used, and suspect information. The information received by SLED must be maintained in a state government Internet website database that can be accessed by the public. A governmental entity that fails to report information to SLED pursuant to this subsection may be fined in an amount as may be provided for in regulations promulgated by SLED.”

SECTION 5. Section 44‑53‑398 of the 1976 Code, as last amended by Act 242 of 2010, is further amended to read:

“Section 44‑53‑398. (A) ~~Nonprescription products whose sole active ingredient is ephedrine, pseudoephedrine, or phenylpropanolamine may be offered for retail sale only if sold in blister packaging. The retailer shall ensure that such products are not offered for retail sale by self‑service but only from behind a counter or other barrier so that such products are not directly accessible by the public but only by an employee or agent of the retailer.~~

~~(B)(1)~~ ~~A retailer may not sell to an individual in any single day a nonprescription product or a combination of nonprescription products containing more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine; and a retailer may not sell to an individual in a thirty‑day period a nonprescription product or a combination of nonprescription products containing more than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine.~~

~~(2)~~ ~~An individual may not purchase in any single day a nonprescription product or a combination of nonprescription products containing more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine; and an individual may not purchase in a thirty‑day period a nonprescription product or a combination of nonprescription products containing more than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine.~~

~~(C)~~ ~~It is unlawful for a retailer to purchase any product containing ephedrine, pseudoephedrine, or phenylpropanolamine from any person or entity other than a manufacturer or a wholesale distributor registered by the United States Drug Enforcement Administration.~~

~~(D)(1)~~ ~~A retailer selling nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine shall require the purchaser to produce a government issued photo identification showing the date of birth of the person and require the purchaser to sign an electronic log showing the date and time of the transaction, the person’s name and address, the type, issuing governmental entity, identification number, and the amount of the compound, mixture, or preparation. The retailer shall determine that the name entered in the log corresponds to the name on the identification and that the date and time entered are correct and shall enter in the log the name of the product and the quantity sold. The retailer shall ensure that the product is delivered directly into the custody of that purchaser. The log must include a notice to purchasers that entering false statements or misrepresentations in the log may subject the purchaser to criminal penalties.~~

~~(2)~~ ~~Before completing a sale of a product regulated by this section, the retailer electronically shall transmit the information entered in the log to a data collection system provided by the National Association of Drug Diversion Investigators, or a successor or similar entity. The system must collect this data in real time and generate a stop sale alert if the sale would result in a violation of subsection (B) or a federal quantity restriction, which must be assessed on the basis of sales or purchases made in any state to the extent that information is available in the data collection system. If the retailer receives a stop sale alert, the retailer must not complete the sale unless the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert. A product regulated by this section may not be sold without being reported to the data collection system unless the system is experiencing temporary technical difficulties that prevent a retailer from reporting the information to the system, and in that case, the retailer shall enter the necessary information in a written log, which must subsequently be entered into the electronic log within three business days of each business day that the electronic log was not operational. A retailer using a written log under these circumstances is immune from liability during the time the system is temporarily disabled.~~

~~(3)~~ ~~Any information entered in the electronic log that is retained by a retailer, or information maintained by a retailer pursuant to subsection (J)(2), is confidential and not a public record as defined in Section 30‑4‑20(C) of the Freedom of Information Act. A retailer or an employee or agent of a retailer who in good faith releases information in a log to federal, state, or local law enforcement authorities is immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or wilful misrepresentation.~~

~~(E)~~(1) Except as authorized by ~~this section~~ subsection (A)(2), it is unlawful for ~~any~~ a person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute, any substance containing any amount of ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts of optical isomers which have been altered from their original condition so as to be powdered, liquefied, dissolved, solvated, or crushed.

(2)~~This~~ Subsection (A)(1) does not apply to ~~any of the substances identified within this subsection which~~ a substance containing any amount of ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts of optical isomers that are possessed or altered for a legitimate medical purpose as directed by a person licensed under Title 40 and authorized to prescribe ~~legend~~, dispense, or administer prescription drugs.

~~(F)~~ ~~It is unlawful for a person to enter false statements or misrepresentations on the log required pursuant to subsection (D)(1).~~

~~(G)~~ ~~This section preempts all local ordinances or regulations governing the retail sale or purchase of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine except such local ordinances or regulations that existed on or before December 31, 2004.~~

~~(H)(1) Except as otherwise provided in this section, it is unlawful for a retailer knowingly to violate subsection (A), (B)(1), (C), (D)(1), or (D)(2), and it is unlawful for a person knowingly to violate subsection (B)(2), (E), or (F).~~

~~(2)~~ ~~A retailer convicted of a violation of subsection (A) or (B)(1) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than five thousand dollars and, upon conviction for a second or subsequent offense, must be fined not more than ten thousand dollars.~~

~~(3)~~ ~~A retailer convicted of a violation of subsection (C) is guilty of a misdemeanor and, upon conviction for a first offense, must be imprisoned not more than one year or fined not more than one thousand dollars, or both and, upon conviction for a second or subsequent offense, must be imprisoned not more than three years or fined not more than five thousand dollars, or both.~~

~~(4)~~ ~~A retailer convicted of a violation of subsection (D)(1), (D)(2), or (J)(2) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than one thousand dollars and not less than five hundred dollars. Upon conviction for a second offense, a retailer must be fined not more than five thousand dollars and not less than one thousand dollars. Upon conviction for a third or subsequent offense, a person must be fined not more than ten thousand dollars and not less than five thousand dollars.~~

~~(5)~~(B) A person convicted of a violation of subsection ~~(B)(2) or (E)~~ (A)(1) is guilty of a felony and, upon conviction for a first offense, must be imprisoned not more than five years and fined not more than five thousand dollars. The court, upon approval from the solicitor, may request as part of the sentence, that the offender enter and successfully complete a drug treatment program. For a second or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not less than ten thousand dollars.

~~(6)~~ ~~A person convicted of a violation of subsection (F), upon conviction for a first offense, is guilty of a misdemeanor and must be fined not more than one thousand dollars and, upon conviction for a second or subsequent offense, is guilty of a felony and must be fined not more than five thousand dollars.~~

~~(7)~~ ~~It is an affirmative defense to a violation of subsection (A), (C), or (D)(1) if a retailer provided the training, maintained records, and obtained employee and agent statements of agreement required by subsection (I) for all employees and agents at the retail location where the violation occurred and at the time the violation occurred.~~

~~(8)~~ ~~It is an affirmative defense to completing a sale following receipt of a stop sale alert received pursuant to subsection (D)(2) if the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert.~~

~~(I)~~ ~~A retailer shall provide training on the requirements of this section to all agents and employees who are responsible for delivering the products regulated by this section into the custody of purchasers or who deal directly with purchasers by obtaining payments for the products. A retailer shall obtain a signed, written agreement from each employee or agent that the employee or agent agrees to comply with the requirements of this section. The retailer shall maintain records demonstrating that these employees and agents have been provided this training and the documents executed by the retailer’s employees and agents agreeing to comply with this section.~~

~~(J)(1)~~ ~~The following are exempt from the electronic log requirements of this section but shall maintain a written log containing the information required to be entered in the electronic log, as provided for in subsection (D)(1):~~

~~(a)~~ ~~a retailer that only sells single dose packages of nonprescription ephedrine, pseudoephedrine, or phenylpropanolamine;~~

~~(b)~~ ~~a pharmacy that does not have a compatible point of sale system.~~

~~(2)~~ ~~A retailer who maintains a written log pursuant to this subsection shall retain the written log for two years after which the log may be destroyed. The log must be made available for inspection within twenty‑four hours of a request made by a local, state, or federal law enforcement officer.~~

~~(3)~~ ~~A retailer who violates the requirements of maintaining a written log as provided for in subsection (J)(2) is subject to the penalties provided for in subsection (H)(4).~~

~~(K)~~ ~~The sheriff or chief of police shall monitor and determine if retailers, other than licensed pharmacies, are in compliance with the provisions of this section by ensuring that a retailer:~~

~~(1)~~ ~~is entering all sales of a product regulated by this section in an electronic log as required by this section;~~

~~(2)~~ ~~if not maintaining an electronic log, is exempt as provided for in subsection (J)(1), and is continuing to maintain the written log as provided for in subsection (J);~~

~~(3)~~ ~~is not selling products regulated by this section.~~

~~(L)~~ ~~This section does not apply to:~~

~~(1)~~ ~~pediatric products labeled pursuant to federal regulation as primarily intended for administration to children under twelve years of age according to label instructions;~~

~~(2)~~ ~~products that the Board of Pharmacy, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors; and~~

~~(3)~~ ~~a purchase of a single sales package containing not more than sixty milligrams of pseudoephedrine.~~

~~(M)~~ ~~For purposes of this section "retailer" means a retail distributor, including a pharmacy, where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale and does not include an employee or agent of a retailer.~~”

SECTION 6. Section 44‑53‑1640(B)(2) of the 1976 Code, as added by Act 396 of 2006, is amended to read:

“(2) A dispenser shall submit the information required pursuant to subsection (B)(1) in accordance with transmission methods and protocols, as provided for in the ~~‘ASAP Telecommunications Format for Controlled Substances, May 1995 Version’, developed by the American Society for Automation in Pharmacy~~ most recent standards adopted by the American Society for Automation in Pharmacy and the most recent standards adopted by the National Information Exchange Model, and with the frequency established by drug control, but shall report at least every thirty days, between the ~~1st~~ first and the ~~15th~~ fifteenth of the month following the month the prescription was dispensed.”

SECTION 7. Section 44‑53‑1650(D)(4) of the 1976 Code, as added by Act 396 of 2006, is amended to read:

“(4) a local, state, or federal law enforcement or prosecutorial official engaged in the administration, investigation, or enforcement of the laws governing licit drugs: ~~and~~

(a) who is involved in a bona fide specific drug related investigation involving a designated person; or

(b) who requests in writing data on Schedule III controlled substances containing ephedrine, pseudoephedrine, or phenylpropanolamine:

(i) sold by a dispenser to a patient;

(ii) purchased or received, or both, by a patient;

(iii) or both, (i) and (ii).

Data requested pursuant to this subitem is not required to be made in connection with a specific drug‑related investigation involving a designated person.”

SECTION 8. Chapter 32, Title 56 of the 1976 Code is amended to read:

“CHAPTER 32

Motor Vehicle Damage Disclosure Act

Section 56‑32‑10. This chapter applies to new motor vehicles as defined in Section 56‑28‑10(5) and to all motor vehicles, as defined in Section 56‑28‑10(4), if the vehicle was the site of the seizure of a methamphetamine laboratory or dumpsite, or both, and was required to be reported to the State Law Enforcement Division, pursuant to Section 44‑53‑376(E).

Section 56‑32‑20. (A) A motor vehicle manufacturer shall disclose, in writing to a motor vehicle dealer at the time of delivery of a new motor vehicle, damage and repair to the new motor vehicle that occurred while the vehicle was in the possession or under the control of the manufacturer if the damage exceeds three percent of the manufacturer’s suggested retail price as calculated at the rate of the dealer’s authorized warranty rate for labor and parts. A manufacturer is not required to disclose to a dealer that the glass, tires, bumper, or in‑dash equipment of or in a motor vehicle was damaged if the damaged item has been replaced with original or comparable new equipment.

(B) A motor vehicle dealer shall disclose, in writing to a purchaser of a new motor vehicle before entering into a sales contract, ~~any~~ damage and repair to the new motor vehicle if the cost of the damage exceeds three percent of the manufacturer’s suggested retail price calculated at the rate of the dealer’s authorized warranty rate for labor and parts. A dealer is not required to disclose to a purchaser that the glass, tires, bumper, or in‑dash equipment of or in a new motor vehicle was damaged if the equipment or item has been replaced with original or comparable new equipment.

(C) A person selling, providing, or tendering a motor vehicle that was the site of the seizure of a methamphetamine laboratory or dumpsite, or both, which was required to be reported to the State Law Enforcement Division, pursuant to Section 44‑53‑376(E), shall disclose to the purchaser in writing at the time of sale of the motor vehicle damage and repair to the motor vehicle that occurred while the vehicle was in the possession of, or under the control of, the owner who had possession of the vehicle, whether actual or constructive, at the time a methamphetamine laboratory or dumpsite was located within the confines of the vehicle.

(D) If disclosure is not required under this section, a purchaser may not revoke or rescind a sales contract ~~nor~~ or bring a civil action based solely upon the fact that the new motor vehicle was damaged and repaired before completion of the sale.

~~(D)~~(E) For purposes of this section, ‘manufacturer’s suggested retail price’ means the retail price of the new motor vehicle suggested by the manufacturer including the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the motor vehicle dealer.”

SECTION 9. Section 63‑7‑920(A) of the 1976 Code is amended by adding at the end:

“(4) In reports of abuse or neglect that require investigation by the department in which a child may have been exposed to methamphetamine use, possession, sale, distribution, manufacturing, or trafficking, or any combination of these, the department shall consult with the investigating law enforcement agency to ensure the child is not placed with a relative or associate who is involved in the same or an associated illegal activity.”

SECTION 10. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 11. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 12. Section 23‑3‑1200 of the 1976 Code is repealed.

SECTION 13. This act takes effect upon approval by the Governor.

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