**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑53‑80 SO AS TO PROVIDE THAT A PERSON WHO ILLEGALLY AND KNOWINGLY POSSESSES OR POSSESSES WITH THE INTENT TO DISTRIBUTE A DRUG AVAILABLE ONLY BY PRESCRIPTION IS GUILTY OF TRAFFICKING IN PRESCRIPTION DRUGS AND TO PROVIDE PENALTIES; TO PROVIDE THAT A VIOLATION UNDER THIS SECTION THAT CONSTITUTES A VIOLATION OF THE CONTROLLED SUBSTANCES LAWS IS SUBJECT TO THE PROVISIONS OF THE CONTROLLED SUBSTANCES LAWS; AND TO PROVIDE THAT IF A PERSON HAS MULTIPLE PRESCRIPTIONS FOR THE SAME PRESCRIPTION DRUG, THIS IS PRIMA FACIE EVIDENCE OF THE PERSON’S INTENT TO ENGAGE IN TRAFFICKING IN PRESCRIPTION DRUGS.

Whereas, the incidence of prescription drug abuse has been on the rise in South Carolina, as well as across the county, and more frequently elderly persons are being targeted for thievery of their medications in institutional settings, as well as in their homes; and

Whereas, not only does this deprive the elderly person of their necessary medications, but it also puts more illicit prescription drugs into the hands of dealers to prey upon addicts and abusers; and

Whereas, although the prosecution of prescription drug offenses is also on the rise, especially compared to the prosecution of all drug offenses, some prescription drug offenses are less easily prosecuted because of the constant introduction of new prescription drugs into the market and the ever‑changing combination of drugs those in the drug culture create, such that these drugs often fall into a gray area of the law; and

Whereas, it is the intent of this legislation to assist in reducing prescription drug abuse in South Carolina by establishing for all law enforcement, prosecutors, and citizens of South Carolina that the unlawful possession of any prescription medication will not be tolerated and can result in incarceration and fines. Now, therefore,

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

SECTION 1. Article 1, Chapter 53, Title 44 of the 1976 Code is amended by adding:

“Section 44‑53‑80. (A)(1) It is unlawful for a person to illegally and knowingly possess, possess with the intent to manufacture, cultivate, distribute, dispense, deliver, sell, purchase, or transport into this State any drug available only by prescription.

(2) A person who violates item (1) is guilty of trafficking in prescription drugs and, upon conviction, with respect to:

(a) fewer than one hundred dosage units or the equivalent quantity, is guilty of a misdemeanor and must be imprisoned not more than one year;

(b) one hundred dosage units or more or the equivalent quantity but fewer than two hundred dosage units or the equivalent quantity, is guilty of a misdemeanor and must be imprisoned not more than three years;

(c) two hundred dosage units or more or the equivalent quantity but fewer than four hundred dosage units or the equivalent quantity, is guilty of a felony and must be imprisoned not fewer than three years and not more than five years and must be fined not less than twenty‑five thousand dollars;

(d) four hundred dosage units or more or the equivalent quantity but fewer than six hundred dosage units or the equivalent quantity, is guilty of a felony and must be imprisoned not fewer than seven years and not more than ten years and must be fined not less than fifty thousand dollars;

(e) six hundred dosage units or more or the equivalent quantity, is guilty of a felony and must be imprisoned not fewer than fifteen years and must be fined not less than two hundred thousand dollars.

(B) If a person has multiple prescriptions for the same prescription drug, this is prima facie evidence of the person’s intent to engage in trafficking in prescription drugs.

(C) Notwithstanding that a person who violates subsection (A)(1) is guilty of trafficking in prescription drugs, if the elements of the violation of subsection (A)(1) constitute a violation of Article 3, with respect to a controlled substance, the provisions, including the penalty provisions of Article 3, apply.”

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

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