**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑69‑300 SO AS TO PROVIDE ALL ANIMAL SHELTERS THAT PROVIDE VETERINARY SERVICES IN THIS STATE ARE SUBJECT TO SUPERVISION AND REGULATION BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO REQUIRE ANIMAL SHELTERS AND VETERINARIANS WHO PROVIDE VETERINARY SERVICES IN ANIMAL SHELTERS TO MAINTAIN AND REPORT CERTAIN DATA TO THE DEPARTMENT, TO REQUIRE THE DEPARTMENT MAKE THESE REPORTS AVAILABLE ON ITS INTERNET WEBSITE, TO PROVIDE THE RANGE OF VETERINARY SERVICES ALLOWED IN ANIMAL SHELTERS, TO PROVIDE CERTAIN RECORD KEEPING REQUIREMENTS, AND TO PROVIDE NECESSARY DEFINITIONS; BY ADDING SECTION 40‑69‑305 SO AS TO PROHIBIT DISPENSING PRESCRIPTION DRUGS TO OWNERS OF END‑USERS FOR THE TREATMENT OF BODILY INJURIES OR DISEASES OF ANIMALS IN SPECIFIC CIRCUMSTANCES AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 40‑69‑295, RELATING TO MOBILE VETERINARY FACILITIES, SO AS TO REQUIRE THESE FACILITIES MUST IDENTIFY THE CLOSEST LOCAL EMERGENCY VETERINARY SERVICES FACILITY AND COMMUNICATE IT IN A CERTAIN MANNER, TO PROHIBIT THE OPERATION OF MOBILE VETERINARY FACILITIES WITHIN SPECIFIC DISTANCES OF PRIVATELY OWNED VETERINARY PRACTICES, AND TO DEFINE NECESSARY TERMS; AND TO AMEND SECTION 56‑3‑9600, AS AMENDED, RELATING TO “NO MORE HOMELESS PETS” LICENSE PLATES AND A RELATED FUND ESTABLISHED TO SUPPORT LOCAL ANIMAL SPAYING AND NEUTERING EFFORTS, SO AS TO PROVIDE FOR THE OPERATION OF A RELATED GRANTS PROGRAM BY THE SOUTH CAROLINA ANIMAL CARE AND CONTROL ASSOCIATION OR ITS SUCCESSOR, TO REQUIRE THE DEPARTMENT OF AGRICULTURE SHALL PROVIDE AN ANNUAL ACCOUNTING AND SUMMARY OF THIS PROGRAM TO THE GENERAL ASSEMBLY, AND TO PROVIDE LOCAL NONPROFIT SPAYING AND NEUTERING PROGRAMS MUST PROVIDE CERTAIN INFORMATION TO THE ASSOCIATION BEFORE THEY MAY RECEIVE REIMBURSEMENTS FOR SERVICES FROM THE FUND, AND TO PROVIDE THE ASSOCIATION SHALL PROVIDE THE DEPARTMENT OF AGRICULTURE WITH CERTAIN INFORMATION ABOUT THE NUMBER OF INDIVIDUALS WHO BRING IN ANIMALS FOR SPAYING OR NEUTERING AND THE NUMBER OF ANIMALS BROUGHT IN BY EACH OF THESE INDIVIDUALS.

Whereas, the General Assembly finds that the proper care, treatment, and maintenance of pets is characteristic of a humane and beneficent society and is crucial to protecting public health; and

Whereas, the General Assembly further finds that it is a matter of public policy that the laws of this State should encourage the development and maintenance of adequate pet care resources accessible to all pet owners in the State; and

Whereas, the General Assembly finds that as pets require veterinary health services, particularly as they relate to controlling the pet population and basic public health protection services, all practitioners of veterinary medicine, as well as the facilities in which their services are offered to the public, should reflect the highest practical and ethical standards of veterinary health care; and

Whereas, the General Assembly finds that private clinics can, and typically do, provide low‑cost vaccinations to those in need and, at the same time, create important relationships with a local veterinarian; and

Whereas, the General Assembly finds that mobile veterinary services that offer vaccinations are a great convenience and can reach potentially underserved rural and low‑income pet owners, and while they are an effective supplement to a pet’s health care, they should not be considered a replacement for the full range of services received at a permanent privately owned veterinary facility; and

Whereas, the General Assembly finds that the availability of follow‑up care is critical and mobile clinics are not able to provide that care. The limited use of mobile clinics to focus on basic vaccinations is valuable, but should target underserved areas and not areas where complete and follow‑up care is available. Now, therefore,

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

SECTION 1. Article 1, Chapter 69, Title 40 of the 1976 Code is amended by adding:

“Section 40‑69‑300. (A) For purposes of this section:

(1) ‘Animal shelter’ means:

(a) a facility operated by or under contract with the State or a county, a municipal corporation, or other political subdivision of the State for the purpose of impounding, care, adoption or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals;

(b) a veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for the purpose set forth in subitem (a) in addition to its customary purposes; or

(c) a facility operated, owned, or maintained by an incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals but for the purpose of impounding, care, adoption or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals.

(2) ‘Veterinary services’ means the examination, diagnosis, and treatment of animal patients, administration of vaccines, diagnostic, imaging, surgery, laboratory, pharmacology, and provision of hospitalization and emergency treatment.

(B) Notwithstanding another provision of law, all animal shelters operating in this State that provide veterinary services are subject to the supervision and regulation of the Department of Labor, Licensing and Regulation.

(C) A veterinarian providing veterinary services in an animal shelter, and each animal shelter itself, shall prepare, or cause to be prepared, a written or electronic record concerning the animals in their respective care. An animal shelter shall maintain records for a minimum of three years after the last entry. A copy of a record relating to an animal whose ownership is being transferred must be provided to the owner at the time of adoption or fostering.

(D) An animal shelter shall prepare and maintain records documenting the number of animals admitted to the facility and the method by which those animals exit the facility, whether by adoption, fostering, natural death, euthanasia, transfer to another state, or other means of discharge. The report also must contain the mailing address and street address of the current place of business, and working telephone number of the animal shelter. The shelter shall compile this data in a report and submit the report to the Department of Labor, Licensing and Regulation before January thirty‑first of each year. The department shall make these reports available on its Internet website.

(E)(1) Nothing in this section prohibits an animal shelter from providing veterinary services to pets they own, are fostering, or are holding. Nothing in this section prevents a veterinarian working in a shelter from providing veterinary medical services to his own pet using shelter facilities. An animal shelter, consistent with this chapter and related regulations, may offer and provide the following services to any member of the public:

(a) sterilization, pursuant to Section 47‑3‑480, and any procedures considered necessary by the attending veterinarian at the time of sterilization as well as any necessary follow‑up;

(b) microchip implantation, pursuant to Section 47‑3‑55(C);

(c) vaccinations;

(d) prevention of all parasites and the treatment of intestinal parasites, fleas, ticks, and mange;

(e) emergent and life threatening services;

(f) humane euthanasia; and

(g) for pets adopted from an animal shelter, for thirty days after the date of adoption, any wellness follow‑up services or recheck of a condition that existed at the time of adoption.

(2) Other than veterinary services provided pursuant to item (1), an animal shelter only may provide veterinary services to low‑income pet owners. To demonstrate low‑income status, a pet owner must provide the animal shelter with:

(a) written documentation, executed under oath or threat of perjury, attesting to the fact that the pet owner is unable to pay for the services rendered; or

(b) written documentation from one of the following sources:

(i) Medicaid;

(ii) SNAP/TANF;

(iii) pay stub or proof of income demonstrating income below the federal poverty guidelines published by the U.S. Department of Health and Human Services; or

(iv) other documentation that the shelter considers appropriate, including proof of unemployment.

(3) The animal shelter shall retain documentation required under subsection for five years. The department shall prescribe the form used for documentation purposes in item (2)(a). An animal shelter must maintain a record of the number of pet owners receiving free or reduced cost veterinary services, excluding services provided pursuant to item (1), and that record must be available for review upon request by the Department of Labor, Licensing and Regulation.

(4) An animal shelter shall post criteria required pursuant to items (1) and (2) in a conspicuous location inside the facility.”

SECTION 2. Chapter 69, Title 40 of the 1976 Code is amended by adding:

“Section 40‑69‑305. (A) Dispensing a prescription drug to the owner of an end‑user for the treatment of a bodily injury or disease of an animal is unlawful unless the prescription is:

(1) labeled with all information required by state and federal law; and

(2) prescribed by a veterinarian licensed under this chapter.

(B) A person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than two hundred dollars or imprisonment for not more than thirty days, or both.”

SECTION 3. Section 40‑69‑295 of the 1976 Code is amended to read:

“Section 40‑69‑295. (A) Regardless of mode of transportation, a mobile facility must have a permanent base of operation with a published address and telephone facilities for making appointments or responding to emergency situations. The mobile practice or facility must identify the closest local emergency veterinary services facility to the mobile location. The contact information of the local emergency veterinary services facility must be posted at the mobile location and be included in the paperwork given to the pet owner documenting the services rendered.

(B) A mobile practice affiliated with, operated by, or supported by a public or private nonprofit animal shelter is prohibited from operating within:

(1) two miles of the nearest privately owned veterinarian practice in counties designated as Tier IV counties and Tier III counties pursuant to Section 12‑6‑3360(B)(1) and (2), respectively; and

(2) one mile of the nearest privately owned veterinarian practice in counties designated as Tier II counties and Tier I counties pursuant to Section 12‑6‑3360(B)(3) and (4), respectively.

(C) As used in this section:

(1) ‘mobile veterinary practice’ means any form of clinical veterinary practice that may be transported or moved from one location to another for delivery of services to a pet; and

(2) ‘pet’ means a domesticated animal kept as a pet but does not include livestock, as defined in Section 47‑9‑210(1).”

SECTION 4. Section 56‑3‑9600 of the 1976 Code, as last amended by Act 347 of 2008, is further amended to read:

“Section 56‑3‑9600. (A) The Department of Motor Vehicles may issue ‘No More Homeless Pets’ special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630 registered in their names, which may have imprinted on the plate ‘No More Homeless Pets’. The special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of seventy dollars.

(B) Notwithstanding ~~any other~~ another provision of law, of the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Department of Agriculture to support local animal spaying and neutering programs. The South Carolina Department of Agriculture may use up to ten percent of the fees deposited in the special account for the administration of the program. Local private nonprofit tax exempt organizations offering animal spaying and neutering programs may apply for grants from this fund to further their tax exempt purposes. Grants must be awarded not more than once a year, and an applicant must receive as a grant an amount of the total revenues in the fund multiplied by the percentage that the applicant’s caseload in the preceding calendar year was of the total caseload of all applicants in that year. The South Carolina Animal Care and Control Association (SCACCA), or its successor organization, on behalf of the tax exempt organizations, shall coordinate the grant program, make the request for reimbursement from the Department of Agriculture, and distribute the individual grants to the participating tax exempt organizations.

(C) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization’s license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

(E) The Department of Agriculture annually shall provide an accounting and summary of this program to the Chairman of the Senate Agriculture and Natural Resources Committee and to the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee before September first.

(F) A local private nonprofit animal spaying and neutering program that requests reimbursement for services related to this program shall provide to the SCACCA the name and address of each person who brought the animal to the program. Before the Department of Agriculture may send a reimbursement to the SCACCA, the SCACCA shall provide the Department of Agriculture a list of each individual who brought a pet in for spaying or neutering and the number of animals brought in by that individual for spaying or neutering.”

SECTION 5. 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 6. This act takes effect upon approval by the Governor.

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