



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: S. 0871 Introduced on January 9, 2018
Author: Timmons
Subject: Execution Team
Requestor: Senate Corrections and Penology
RFA Analyst(s): Gardner and A. Martin
Impact Date: January 29, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	\$0	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill will have no expenditure or revenue impact on the General Fund, Other Funds, or Federal Funds.

Explanation of Fiscal Impact

Introduced on January 9, 2018

State Expenditure

This bill makes it illegal to disclose the identifying information of a current or former member of an execution team. While existing law allows disclosure of this information under court order, the bill mandates that the information is not subject to disclosure or discovery during the course of any legal proceeding. State agencies, political subdivisions, and government and quasi-government entities are also prohibited from disclosing this information. The bill provides that the purchase or acquisition of drugs, medical supplies, or medical equipment necessary to administer the death penalty are exempt from the South Carolina Procurement Code. In addition, the out-of-state acquisition of any drug intended for use in this circumstance is exempt from the licensing and regulatory requirements enforced by DHEC, LLR, and any other state agency. Moreover, any pharmacist or pharmacy that supplies, manufactures, or compounds any drug for this purpose is exempt from LLR licensing requirements. There have been no executions in South Carolina since 2011.

Department of Health and Environmental Control. Lethal injection often involves the use of a controlled substance. Controlled substances are defined in South Carolina law as drugs, substances, or immediate precursors in Schedules I through V of Title 44, Chapter 53. A person

or entity in the state that manufactures, distributes, or dispenses controlled substances must possess a valid controlled substances registration issued by the department and be properly registered with the U.S. Drug Enforcement Administration. As the department's prescription monitoring program does not currently track lethal injections, no expenditure impact on the General Fund is expected.

Labor, Licensing and Regulation. The bill exempts from licensure and regulation any pharmacy or pharmacist involved in the supplying, manufacturing, or compounding of any drug intended for use by the Department of Corrections in the administration of the death penalty. As the bill will not materially alter the department's oversight or regulatory activities, it will have no expenditure impact on the General Fund.

Department of Corrections. The agency reports that the implementation of this bill would have no impact on the General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director