**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3730**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Fry, West, G.R. Smith, Johnson, Hardee, Dillard, Robinson, Garvin, S. Williams, Sandifer, Martin, W. Newton and B. Newton

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Introduced in the House on January 23, 2019

Introduced in the Senate on April 10, 2019

Last Amended on April 9, 2019

Currently residing in the Senate Committee on **Judiciary**

Summary: Controlled substances, trafficking offenses

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/23/2019 House Introduced and read first time ([House Journal‑page 8](file:///h:\hj\20190123.docx))

1/23/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 8](file:///h:\hj\20190123.docx))

1/30/2019 House Member(s) request name added as sponsor: G.R.Smith, Johnson, Hardee, Dillard, Robinson, Garvin, S.Williams, Sandifer

4/4/2019 House Member(s) request name added as sponsor: Martin

4/4/2019 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 5](file:///h:\hj\20190404.docx))

4/9/2019 House Member(s) request name added as sponsor: W.Newton, B.Newton

4/9/2019 House Amended ([House Journal‑page 116](file:///h:\hj\20190409.docx))

4/9/2019 House Read second time ([House Journal‑page 116](file:///h:\hj\20190409.docx))

4/9/2019 House Roll call Yeas‑105 Nays‑0 ([House Journal‑page 126](file:///h:\hj\20190409.docx))

4/9/2019 House Reconsidered ([House Journal‑page 128](file:///h:\hj\20190409.docx))

4/9/2019 House Amended ([House Journal‑page 144](file:///h:\hj\20190409.docx))

4/9/2019 House Read second time ([House Journal‑page 144](file:///h:\hj\20190409.docx))

4/9/2019 House Roll call Yeas‑99 Nays‑0 ([House Journal‑page 146](file:///h:\hj\20190409.docx))

4/10/2019 House Read third time and sent to Senate ([House Journal‑page 14](file:///h:\hj\20190410.docx))

4/10/2019 Senate Introduced and read first time ([Senate Journal‑page 17](file:///h:\sj\20190410.docx))

4/10/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 17](file:///h:\sj\20190410.docx))

1/17/2020 Senate Referred to Subcommittee: Hutto (ch), Shealy, Young, McLeod, Senn

2/7/2020 Senate Referred to Subcommittee: Hutto (ch), Goldfinch, McLeod, Senn, Rice

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**VERSIONS OF THIS BILL**

[1/23/2019](file:///p:\pprever\2019-20\3730_20190123.docx)

[4/4/2019](file:///p:\pprever\2019-20\3730_20190404.docx)

[4/9/2019](file:///p:\pprever\2019-20\3730_20190409.docx)

AMENDED

April 9, 2019

**H. 3730**

Introduced by Reps. Fry, West, G.R. Smith, Johnson, Hardee, Dillard, Robinson, Garvin, S. Williams, Sandifer, Martin, W. Newton and B. Newton

S. Printed 4/9/19--H.

Read the first time January 23, 2019.

**A** **BILL**

TO AMEND SECTION 44‑53‑370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR “TRAFFICKING IN FENTANYL”.

Amend Title To Conform

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

SECTION 1. Section 44‑53‑190(B) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) Fentanyl‑related substances. Unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, any material, compound, mixture, or preparation, including its salts, isomers, esters, or ethers, and salts of isomers, esters, or ethers, that is structurally related to fentanyl by one or more of the following modifications:

(A) replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(B) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;

(C) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(D) replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(E) replacement of the N‑propionyl group by another acyl group.

This definition includes, but is not limited to, the following substances:

Methylacetyl fentanyl, Alpha‑methylfentanyl, Methylthiofentanyl, Benzylfentanyl, Beta‑hydroxyfentanyl, Beta‑hydroxy‑3‑methylfentanyl, 3‑Methylfentanyl, Methylthiofentanyl, Fluorofentanyl, Thenylfentanyl or Thienyl fentanyl, Thiofentanyl, Acetylfentanyl, Butyrylfentanyl, Beta‑Hydroxythiofentanyl, Lofentanil, Ocfentanil, Ohmfentanyl, Benzodioxolefentanyl, Furanyl fentanyl, Pentanoyl fentanyl, Cyclopentyl fentanyl, Isobutyryl fentanyl, Remifentanil, Crotonyl fentanyl, Cyclopropyl fentanyl, Valeryl fentanyl, Fluorobutyryl fentanyl, Fluoroisobutyryl fentanyl, Methoxybutyryl Fentanyl, Isobutyryl fentanyl, Chloroisobutyryl fentanyl, Acryl fentanyl, Tetrahydrofuran fentanyl, Methoxyacetyl fentanyl, Fluorocrotonyl fentanyl, Cyclopentenyl fentanyl, Phenyl fentanyl, Cyclobutyl fentanyl, Methylcyclopropyl fenantyl.”

SECTION 2. Section 44‑53‑370(e) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) four grams or more of any fentanyl or fentanyl‑related substance, as described in Section 44‑53‑190 or 44‑53‑210, or four grams or more of any mixture containing fentanyl or any fentanyl-related substance, is guilty of a felony which is known as ‘trafficking in fentanyl’ and, upon conviction, must be punished as follows:

(a) for a first offense, a term of imprisonment of not more than ten years and a fine of up to fifty thousand dollars; and

(b) for a second or subsequent offense, a term of imprisonment of not more than twenty years and a fine of up to one hundred thousand dollars.”

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

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