**A** **BILL**

TO AMEND SECTION 44‑53‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCESS FOR MAKING CHANGES TO CONTROLLED SUBSTANCE SCHEDULES, SO AS TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ADD A SUBSTANCE TO SCHEDULE I TEMPORARILY TO PROTECT PUBLIC HEALTH AND SAFETY.

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

SECTION 1. Section 44‑53‑160 of the 1976 Code, as last amended by Act 216 of 2018, is further amended by adding an appropriately lettered subsection at the end to read:

“( )(1) Notwithstanding the provisions of this section, the Director of the Department of Health and Environmental Control may at any time, by order, place a substance in Schedule I on a temporary basis if the director finds:

(a) it is necessary to avoid an imminent hazard to public safety;

(b) it is necessary for the preservation of public health, safety, or general welfare; and

(c) the substance is not listed in any schedule identified in Sections 44‑53‑210, 44‑53‑230, 44‑53‑250, and 44‑53‑270.

(2) Prior to finding that a substance is an imminent hazard to public safety as provided in item (1)(a), the director shall consider the substance’s actual or relative potential for abuse and its history and current patterns of abuse and the risk that delay in placing the substance in Schedule I poses to public safety.

(3) An order issued pursuant to item (1) takes effect when the order is published on the department’s publicly accessible website.

(4) Upon issuing an order pursuant to item (1), the department shall forward a copy of the order to the Board of Health and Environmental Control, the Chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Chairmen of the Medical, Military, Public and Municipal Affairs Committee and the Judiciary Committee of the House of Representatives, the Clerks of the Senate and House of Representatives, and the Code Commissioner, and shall post the schedules on the department’s website indicating the change and specifying the effective date of the change.

(5) Upon issuing an order pursuant to item (1), the director shall forward a copy of the order to the Attorney General of the United States to request that the Attorney General temporarily place the substance in Schedule I under the Controlled Substances Act, 21 U.S.C. Section 811(h).

(6) An order issued pursuant to item (1) is effective up to one year, during which time the order has the full force of law unless overturned by the General Assembly.”

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

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