**A** **BILL**

TO AMEND SECTION 39-25-210 OF THE 1976 CODE, RELATING TO PERSONS ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, OR PACKAGING FOOD WHO ARE SUBJECT TO INSPECTION BY THE DEPARTMENT OF AGRICULTURE, TO PROVIDE THAT A PERSON WHO ENGAGES IN THE BUSINESS OF MANUFACTURING, PROCESSING, WAREHOUSING, OR PACKAGING FOOD MUST BE ISSUED A REGISTRATION VERIFICATION CERTIFICATE BY THE DEPARTMENT OF AGRICULTURE, AND TO PROVIDE FOR ANNUAL RENEWALS AND FEES ASSOCIATED WITH THE CERTIFICATES.

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

SECTION 1. Section 39-25-210 of the 1976 Code is amended to read:

“Section 39-25-210. (A)(1) A person subject to inspection pursuant to this chapter may not engage in the business of manufacturing, processing, warehousing, or packaging food in any manner without first registering with the department and receiving a registration verification certificate issued by the department. ~~This section shall not apply to facilities inspected and regulated by the United States Department of Agriculture (USDA) or the Clemson Livestock‑Poultry Health Meat Inspection Division.~~

(2)(a) Registration ~~is required beginning January 1, 2011,~~ and registration verification certificates must be renewed annually ~~thereafter~~ on or before the first day of January on forms provided by the department. An applicant who renews his registration and registration verification certificate on or after the first day of March shall be assessed a late filing penalty equal to fifty percent of the annual fee associated with the applicant’s tier.

(b)(i) To be issued a registration verification certificate, a person subject to inspection pursuant to this chapter must apply to the department in writing on a form provided by the department. The department shall establish three fee tiers based upon the level of risk associated with the applicant’s activities, the number of employees employed by the applicant, the procedural complexity of inspecting the applicant’s business, and the time associated with inspecting the applicant’s business.

(ii) The annual registration verification certificate fee for:

(A) Tier 1 shall be one hundred dollars;

(B) Tier 2 shall be two hundred dollars; and

(C) Tier 3 shall be three hundred dollars.

(3) The department must charge a one-time twenty-five-dollar fee for a person’s initial registration verification certificate. The one-time fee charged pursuant to this item shall be charged in addition to the annual registration verification certificate fee associated with the applicant’s tier.

(B) A person who wilfully violates the provisions of this section is subject to a civil penalty of up to one thousand dollars for each violation as determined by the department. Any person violating this section is also guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than thirty days.

(C) This section shall not apply to facilities inspected and regulated by the United States Department of Agriculture or the Clemson Livestock‑Poultry Health Meat Inspection Division.”

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

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