**NO. 25**

**JOURNAL**

**OF THE**

**SENATE**

**OF THE**

**STATE OF SOUTH CAROLINA**

****

**REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2020**

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**TUESDAY, FEBRUARY 25, 2020**

**Tuesday, February 25, 2020**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Genesis 11:4a

“Then they said, ‘Come let us build ourselves a city and a tower with its top in the heavens, and let us make a name for ourselves…’”

Let us Pray. Almighty God Sovereign of history and Lord of our lives, when deliberations become deadlocked, we remember the words of Benjamin Franklin at the opening of the constitutional Convention in 1787.

He said, “ I have lived, sir, a long time and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men… and without His concurring aid we shall succeed in this political building no better than the Builders of Babel…and our projects will be confounded…”

Now, O Lord, at the beginning of this day remind the senators and all of us who serve with them that this is Your Senate, and that we are accountable to You.

We pray, therefore, that You will think Your thoughts through these senators; speak Your truth through their words; bring to fruition the very best for our State through what You lead them to decide.

Through the power of Your Holy Spirit we humbly pray, Amen

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Point of Quorum**

At 2:03 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator SCOTT moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Bennett Cash

Climer Corbin Cromer

Fanning Goldfinch Gregory

Hutto Johnson Loftis

Martin Massey Peeler

Rice Sabb Scott

Senn Setzler Shealy

Sheheen Talley Turner

Williams Young

A quorum being present, the Senate resumed.

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4933

Agency: Clemson University

Chapter: 27

Statutory Authority: 1976 Code Section 59-119-320

SUBJECT: Parking and Traffic Regulations

Received by Lieutenant Governor February 21, 2020

Referred to Committee on Education

**REGULATION WITHDRAWN**

The following was received:

Document No. 4919

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-5-65, 59-25-110,

59-25-115, 59-26-40, and 59-26-85

SUBJECT: Credential Classification

Received by Lieutenant Governor January 14, 2020

Referred to Committee on Education

Legislative Review Expiration: Permanently Withdrawn

Permanently Withdrawn February 21, 2020

**Leave of Absence**

At 2:04 P.M., Senator CROMER requested a leave of absence for Senator CAMPSEN until 3:04 P.M.

**Leave of Absence**

At 2:35 P.M., Senator McELVEEN requested a leave of absence for Senator KIMPSON for the day.

**Leave of Absence**

At 2:53 P.M., Senator ALLEN requested a leave of absence for Senator SABB for the balance of the day.

**Expression of Personal Interest**

Senator MCELVEEN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator MCLEOD rose for an Expression of Personal Interest.

**Remarks to be Printed**

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator MCLEOD, when reduced to writing and made available to the Desk, would be printed in the Journal.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S.1112 Sen. Shealy

S. 907 Sen. Senn

S.1071 Sen. Reese

**RECALLED AND ADOPTED**

H. 5222 -- Reps. Hiott, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb‑Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson‑Myers, Henegan, Herbkersman, Hewitt, Hill, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA’S FFA MEMBERS, FORMERLY KNOWN AS THE FUTURE FARMERS OF AMERICA, AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 22‑29, 2020.

Senator CAMPBELL asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Agriculture and Natural Resources.

The Concurrent Resolution was recalled from the Committee on Agriculture and Natural Resources..

Senator CAMPBELL asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Concurrent Resolution. The question then was the adoption of the Concurrent Resolution.

On motion of Senator CAMPBELL, the Concurrent Resolution was adopted and ordered returned to the House.

**RECALLED**

H. 4702 -- Reps. Huggins, Martin, Wooten, Caskey, Calhoon, Forrest, Howard and Brawley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 55‑11‑440 SO AS TO PROVIDE THE RICHLAND‑LEXINGTON AIRPORT COMMISSION MAY MAKE APPLICATION FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING FOREIGN‑TRADE ZONES IN CERTAIN COUNTIES, SELECT AND DESCRIBE THE LOCATION OF THE ZONES FOR WHICH APPLICATION MAY BE MADE, PROMULGATE CERTAIN REGULATIONS, OWN, ERECT, MAINTAIN, AND OPERATE BUILDINGS IN A FOREIGN‑TRADE ZONE, AND DO ALL THINGS NECESSARY AND PROPER TO ACHIEVE COMPLIANCE WITH THE FOREIGN‑TRADE ZONES ACT.

Senator CROMER asked unanimous consent to make a motion to recall the Bill from the Committee on Labor, Commerce and Industry.

The Bill was recalled from the Committee on Labor, Commerce and Industry.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1122 -- Senator Gambrell: A CONCURRENT RESOLUTION TO APPLAUD THE BELTON-HONEA PATH HIGH SCHOOL COMPETITIVE CHEER TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXCEPTIONAL SEASON AND TO SALUTE THEM ON WINNING THE 2019 CLASS AAAA STATE CHAMPIONSHIP TITLE.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1123 -- Senator Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-80-65 SO AS TO PROVIDE PROCEDURES THROUGH WHICH A FIRE DEPARTMENT THAT ASSUMES THE COST OF TRAINING A FIREFIGHTER MAY BE REIMBURSED FOR THESE COSTS BY OTHER FIRE DEPARTMENTS THAT SUBSEQUENTLY HIRE THE FIREFIGHTER WITHIN A CERTAIN PERIOD OF TIME.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 1124 -- Senator McLeod: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ENTREPRENEUR AND PHILANTHROPIST, DR. FELIX KING EIREMIOKHAE FOR HIS OUTSTANDING, INNOVATIVE SUCCESS AND HIS REMARKABLE PHILANTHROPY IN THE NATION OF NIGERIA.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1125 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE THE REVEREND DR. STANLEY R. LADSON, SR., OF HOPKINS ON THE OCCASION OF HIS RECENT RETIREMENT FROM THE FORT JACKSON PROPERTY BOOK OFFICE, TO COMMEND HIM FOR HIS THIRTY-SEVEN YEARS OF OUTSTANDING CIVIL SERVICE, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Senate Resolution was adopted.

S. 1126 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE UPON THE OCCASION OF ITS TENTH ANNIVERSARY AND TO COMMEND THE DEPARTMENT FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

H. 5269 -- Reps. Henegan, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCoy, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND CELEBRATE THE 108TH ANNIVERSARY OF GIRL SCOUTS OF THE UNITED STATES OF AMERICA AND TO HONOR GIRL SCOUTS OF EASTERN SOUTH CAROLINA, GIRL SCOUTS OF SOUTH CAROLINA, MOUNTAINS TO MIDLANDS, AND THE GIRL SCOUT MOVEMENT FOR PROVIDING GIRLS WITH A SAFE, INCLUSIVE, ALL-GIRL SPACE TO ENHANCE THEIR SKILLS AND DEVELOP LEADERSHIP ABILITIES BY DECLARING THE WEEK OF MARCH 10, 2020, TO BE "GIRL SCOUTS' WEEK".

On motion of Senator HUTTO, with unanimous consent, the Concurrent Resolution was adopted and returned to the House.

H. 5282 -- Rep. Howard: A CONCURRENT RESOLUTION TO DECLARE MARCH 2020 AS BLEEDING DISORDERS AWARENESS MONTH IN THE STATE OF SOUTH CAROLINA AND TO INCREASE RECOGNITION OF THESE ILLNESSES.

The Concurrent Resolution was introduced and referred to the Committee on Medical Affairs.

**INVITATIONS ACCEPTED**

The PRESIDENT ordered the following invitations placed on the Calendar:

**Wednesday, March 4, 2020 - 8:00am-10:00am**

Members and Staff, Breakfast, 112 Blatt, by the **South Carolina EMS Association**

**Wednesday, March 4, 2020 - 11:30am-1:30pm**

Members Only, Luncheon, 112 Blatt, by the **Southern Association for College Admission Counseling**

**Wednesday, March 4, 2020 - 6:00pm-8:00pm**

Members and Staff, Reception, Columbia Convention Center, by the **Myrtle Beach Area Chamber of Commerce**

**Thursday, March 5, 2020 - 8:00am-10:00am**

Members and Staff, Breakfast, 112 Blatt, by the **South Carolina Broadcasters Association**

**Thursday, March 5, 2020 - 8:00am-10:00am**

Members Only, Breakfast, Halls Chophouse, 1221, by the **SC State University Alumni Association**

**Wednesday, March 18, 2020 - 7:30am**

Members only, Breakfast, Columbia Convention Center, by the **State Prayer Breakfast**

**Thursday, March 19, 2020 - 8:00am-10:00am**

Members and Staff, Breakfast, 112 Blatt, by the **Leadership South Carolina**

**Thursday, March 19, 2020 - 8:00am-10:00am**

Members only, Breakfast, Trinity Episcopal Cathedral, Stirling Room, by the **The Fellowship of South Carolina Bishops**

**Tuesday, March 24, 2020 - 5:00pm-7:00pm**

Members and Staff, Reception, 114 College Street, by the **SC Beer Wholesalers Association**

**Tuesday, March 24, 2020 - 5:30pm-7:30pm**

Members Only, Reception, Halls Chop House, by the **SC Poultry Federation**

**Tuesday, March 24, 2020 - 5:30pm-8:00pm**

Members and Staff, Reception, 701 Whaley Street, by the **Conservation Coalition of South Carolina "Oyster Roast"**

**Wednesday, March 25, 2020 - 8:00am-10:00am**

Members and Staff, Breakfast, 112 Blatt, by the **Piedmont Municipal Power Agency/SC Association of Municipal Power Systems**

**Wednesday, March 25, 2020 - 11:30pm-1:30pm**

Members Only, Luncheon, State House grounds, by the **South Carolina Technical College System**

**Wednesday, March 25, 2020 - 5:00pm-8:00pm**

Members and Staff, Reception, Spirit Communications Park, by the **BlueCross BlueShield of South Carolina Softball Game**

**Thursday, March 26, 2020 - 8:00am-10:00am**

Members Only, Breakfast, 112 Blatt, by the **SC Coalition for Mathematics and Science "STEM Education Day at the Capitor"**

**Tuesday, March 31, 2020 - 11:00am-2:00pm**

Memebers and Staff, Luncheon, State House grounds, by the **Boeing of South Carolina, SC Manufacturing Alliance, and BMW**

**Tuesday, March 31, 2020 - 6:00pm-8:00pm**

Members Only, Reception, Columbia Museum of Art, by the **Home Builders Association of South Carolina**

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**SECOND READING BILL**

S. 1121 -- Senators Hutto and M.B. Matthews: A BILL TO CONSOLIDATE HAMPTON COUNTY SCHOOL DISTRICT NO. 1 AND HAMPTON COUNTY SCHOOL DISTRICT NO. 2 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE HAMPTON COUNTY SCHOOL DISTRICT; TO ABOLISH HAMPTON COUNTY SCHOOL DISTRICT NO. 1 AND HAMPTON COUNTY SCHOOL DISTRICT NO. 2 ON JULY 1, 2021; TO PROVIDE THAT THE HAMPTON COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE HAMPTON COUNTY LEGISLATIVE DELEGATION, AND BEGINNING IN 2022, THE SEVEN MEMBERS OF THE HAMPTON COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED AT LARGE BY A PLURALITY VOTE OF THE QUALIFIED ELECTORS RESIDING IN HAMPTON COUNTY IN NONPARTISAN ELECTIONS TO BE CONDUCTED AT THE SAME TIME AS THE GENERAL ELECTION AND EVERY TWO OR FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS’ TERMS; TO ESTABLISH THE BOARD’S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2021 AND 2022, AND TO PROVIDE THAT BEGINNING IN 2023, THE GOVERNING BODY OF HAMPTON COUNTY SHALL APPROVE AN ANNUAL TAX LEVY IN ORDER TO OBTAIN FUNDS FOR SCHOOL PURPOSES AS PROVIDED IN THIS ACT.

On motion of Senator HUTTO.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**INTERRUPTED DEBATE**

S. 419 -- Senators Hembree, Malloy, Turner, Setzler, Sheheen and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO ASTO ENACT THE “SOUTH CAROLINA CAREER OPPORTUNITY AND ACCESS FOR ALL ACT”, TO PROVIDE FOR A STATEWIDE COLLEGE AND CAREER READINESS GOAL, STUDENT EMPOWERMENT, THE CREATION OF THE ZERO TO TWENTY COMMITTEE, ENHANCEMENTS TO WORKFORCE PREPARATION, EDUCATOR DEVELOPMENT AND SATISFACTION, HELP FOR STUDENTS IN UNDERPERFORMING SCHOOLS, LOCAL SCHOOL BOARD ACCOUNTABILITY, AND MISCELLANEOUS PROVISIONS. (Abbr. Title)

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

**RECESS**

At 2:40.M., on motion of Senator MALLOY, the Senate receded from business not to exceed 15 minutes.

At 2:55.M., the Senate resumed.

**Amendment No. 125**

Senator FANNING proposed the following amendment (WAB\  
419C200.SM.WAB20), which was tabled:

Amend the bill, as and if amended, Section 59‑18‑1635(A), as contained in SECTION 49, by deleting the subection and inserting:

/ (A) The State Superintendent of Education may seek a state‑of‑education emergency declaration in a school for which he has a capacity to serve under the following circumstances:

(1) the school is chronically underperforming;

(2) the school’s accreditation is denied; or

(3) after consulting with the county’s legislative delegation, the State Superintendent of Education determines that a school’s turnaround plan results are insufficient, subject to the weighted vote of the county’s legislative delegation. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

Senator HEMBREE moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 34; Nays 6**

**AYES**

Alexander Bennett Campbell

Campsen Cash Climer

Corbin Cromer Davis

Gambrell Goldfinch Gregory

Grooms Hembree Hutto

Leatherman Loftis Malloy

Martin Massey McElveen

Nicholson Peeler Rankin

Rice Senn Setzler

Shealy Sheheen Talley

Turner Verdin Williams

Young

**Total--34**

**NAYS**

Allen Fanning Jackson

Johnson *Matthews, Margie* McLeod

**Total--6**

The amendment was laid on the table.

**Amendment No. 126**

Senator FANNING proposed the following amendment (WAB\  
419C202.SM.WAB20):

Amend the bill, as and if amended, Section 59‑18‑1635, as contained in SECTION 49, by adding an appropriately lettered subsection to read:

/ ( ) If the State Superintendent of Education fails to show progress with school after four consecutive years, the public must be notified in writing of the failure of the State Superintendent. Further, the school shall immediately revert back to the control of the local school district. /

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke on the amendment.

**Motion Under Rule 15A Adopted**

At 3:51 P.M., Senator MASSEY moved under the provisions of Rule 15A to vote on the entire matter of S. 419.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 25; Nays 17**

**AYES**

Alexander Bennett Campbell

Campsen Cash Climer

Corbin Cromer Davis

Gambrell Goldfinch Gregory

Grooms Hembree Leatherman

Loftis Massey Peeler

Rice Senn Shealy

Talley Turner Verdin

Young

**Total--25**

**NAYS**

Allen Fanning Hutto

Jackson Johnson Malloy

Martin *Matthews, John Matthews, Margie*

McElveen McLeod Nicholson

Rankin Reese Setzler

Sheheen Williams

**Total--17**

Having received the necessary vote, the motion under Rule 15A was adopted.

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**S. 16 --REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

On motion of Senator ALEXANDER, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator ALEXANDER spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cash

Climer Corbin Cromer

Davis Fanning Gambrell

Goldfinch Gregory Grooms

Hembree Hutto Jackson

Johnson Loftis Malloy

Martin Massey *Matthews, John*

*Matthews, Margie* McElveen McLeod

Peeler Rankin Reese

Rice Senn Setzler

Shealy Sheheen Talley

Turner Verdin Young

**Total--39**

**NAYS**

**Total--0**

The Committee of Conference Committee was adopted as follows:

**S. 16 -- Conference Report**

The General Assembly, Columbia, S.C., February 12, 2020

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 16 -- Senators Rankin and Cash: A BILL TO AMEND SECTION 40-43-86(P) OF THE 1976 CODE, RELATING TO EMERGENCY REFILLS OF PRESCRIPTIONS BY PHARMACISTS, TO INCREASE THE AMOUNT OF A PRESCRIPTION THAT MAY BE REFILLED WHEN AUTHORIZATION FROM THE PRESCRIBER IS NOT OBTAINABLE FROM A TEN-DAY SUPPLY TO A THIRTY-DAY SUPPLY, AND TO PROVIDE CONDITIONS.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: (Reference is to Printer’s Version 1/24/19.)

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 40-43-86(P) of the 1976 Code is amended to read:

“(P) If a pharmacist receives a request for a prescription refill and the pharmacist is unable to obtain refill authorization from the prescriber, the pharmacist may dispense, once within a twelve‑month period, an emergency refill of up to a ~~ten‑day~~ fourteen-day supply of the prescribed medication if:

(1) the prescription is not for a controlled substance;

(2) the medication is essential to the maintenance of life or to the continuation of therapy;

(3) in the pharmacist’s professional judgment, continuing the therapy for up to ~~ten~~ fourteen days will produce no undesirable health consequences or cause physical or mental discomfort;

(4) the pharmacist properly records the dispensing; and

(5) the dispensing pharmacist notifies the prescriber of the refill and the amount of the refill, not to exceed a ~~ten‑day~~ fourteen-day supply, within a reasonable time, but no later than ten days after the once in twelve months refill dispensing.

In the event that a pharmacist is unable to dispense an emergency refill for the time period specified in this subsection due to the medication’s packaging, the pharmacist is permitted to dispense up to a thirty-day quantity of the medication so long as the requirements contained in this subsection are otherwise met.”

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

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Amend title to conform.

/s/Sen. Thomas C. Alexander /s/Rep. Robert Lee Ridgeway III

/s/Sen. Ronnie W. Cromer /s/Rep. Lawrence Kit Spires

/s/Sen. John L. Scott Jr. /s/Rep. Julia Anne Parks

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**Motion Adopted**

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

**MOTION ADOPTED**

On motion of Senator JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Willie Sowell, Jr. of Manning, S.C. A beloved husband, father and grandfather. He faithfully served his country until his retirement in 1976 after 20 years of dedicated service. A proud Vietnam Veteran, an advid church goer, and a friend to all that needed a friend. He will be dearly missed by all that knew and loved him in the community and surrounding areas.

**MOTION ADOPTED**

On motion of Senator LEATHERMAN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Rena Grant. of Hopkins, S.C. She was a dedicated employee of the State of South Carolina. She faithfully served the House Ways and Means Committee as a Financial Analyst. She will be dearly missed on the House Floor and by her State House Family.

**ADJOURNMENT**

At 3:57 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 2:00 P.M.

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**SENATE JOURNAL INDEX**

S. 16 **13**, **14**

S. 419 10

S. 1121 **9**

S. 1122 **5**

S. 1123 **5**

S. 1124 **5**

S. 1125 **6**

S. 1126 **6**

H. 4702 **4**

H. 5222 **3**

H. 5269 **6**

H. 5282 **7**