~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 17, 2021

**H. 3539**

Introduced by Rep. Davis

S. Printed 2/17/21--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3539) to amend the Code of Laws of South Carolina, 1976, by adding Section 47‑9‑55 so as to prohibit the transportation of live swine on a public road, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

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

/ SECTION 1. Chapter 4, Title 47 of the 1976 Code is amended by adding:

“Section 47‑4‑65. (A) It is unlawful to transport live swine on a public road or waterway within the State unless the swine have an official form of identification approved by the State Veterinarian. Live swine transported without identification are presumed to have been taken from the wild and in violation of Section 50‑16‑25.

(B) It is unlawful for a person to misuse or alter a permit, tag, or other form of identification or attempt to obtain a permit, tag, or form of identification by fraud or misrepresentation. A person is deemed to have misused identification by using the identification that was not assigned to them or assigned to another owner, knowingly providing identification to a person other than the owner of the swine, or by engaging in any other activity to circumvent the provisions of this section.

(C) Absent an official form of identification, it is unlawful to transport live swine on a public road or waterway within this state unless accompanied by a document that may be presented in lieu of an official form of identification including a dated bill of lading, invoice, receipt, bill of sale, or similar document showing the quantity of swine to be sold or transported and the name of the wholesale producer or dealer from whom the live swine were purchased or received.

(D) Live swine that do not leave the premises of the swine owner are not subject to the identification requirement.

(E) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to the penalty prescribed in Section 47‑4‑130. Each violation constitutes a separate offense.

(F) Notwithstanding Chapter 3, Title 22, magistrates court has jurisdiction over actions arising under this section.”

SECTION 2. Section 50‑16‑25 of the 1976 Code is amended to read:

“Section 50‑16‑25. (A) ~~It is unlawful to possess, buy, sell, offer for sale, transfer, release, or transport for the purpose of release a member of the family Suidae (pig) into the wild. A person who holds a valid permit, issued by the Department of Natural Resources, for the taking, transporting, and releasing of a pig from a free roaming population or his agent may capture and release a free roaming pig so long as: (1) the permit holder has express permission from the landowner to capture and transport free roaming pigs from the tract on which the free roaming pig is to be captured, (2) the free roaming pig is captured, transported, and released pursuant to a permit issued by the Department of Natural Resources, and (3) the pig is released on the same tract on which the pig was captured or into a permitted pig enclosure utilized for hunting purposes. Under no circumstances may a free roaming pig be released in a county other than the county in which the pig was captured.~~

~~(B)~~ ~~All free roaming pigs captured pursuant to a permit must be tagged at the point of capture as prescribed by the department and the tags must remain affixed to the pigs. Pig hunting enclosures must be permitted by the department at a cost of fifty dollars annually.~~

~~(C)~~ ~~It is unlawful to transport a live pig captured in the wild except as permitted by this section~~ It is unlawful to:

(1) import, possess, buy, sell, offer for sale, transfer, or transport a live member of the family Suidae (pig) taken from the wild; or

(2) release a live member of the family Suidae (pig) into the wild.

(B) Each pig imported, bought, sold, offered for sale, possessed, transferred, transported, or released in violation of this section constitutes a separate offense.”

SECTION 3. Section 50‑9‑655 of the 1976 Code is repealed.

SECTION 4. This act takes effect on July 1, 2022. /

Renumber sections to conform.

Amend title to conform.

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑9‑55 SO AS TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE ON A PUBLIC ROAD OR WATERWAY WITHOUT AN OFFICIAL FORM OF IDENTIFICATION, AND TO PROVIDE AN EXCEPTION AND PENALTIES; TO AMEND SECTION 50‑16‑25, RELATING TO THE UNLAWFUL RELEASE OF PIGS, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO TRANSPORT A LIVE MEMBER OF THE FAMILY SUIDAE TAKEN FROM THE WILD; AND TO REPEAL SECTION 50‑9‑655 RELATING TO PIG TRANSPORT AND RELEASE PERMITS.

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

SECTION 1. Article 1, Chapter 9, Title 47 of the 1976 Code is amended by adding:

“Section 47‑9‑55. (A) It is unlawful to transport live swine on a public road or waterway within the State unless the swine have an official form of identification approved by the State Veterinarian. Live swine transported without identification are presumed to have been taken from the wild and in violation of Section 50‑16‑25.

(B) It is unlawful for a person to misuse or alter a permit, tag, or other form of identification or attempt to obtain a permit, tag, or form of identification by fraud or misrepresentation. A person is deemed to have misused identification by using the identification that was not assigned to them or assigned to another owner, knowingly providing identification to a person other than the owner of the swine, or by engaging in other activity to circumvent the provisions of this section.

(C) Live swine that do not leave the premises of the swine owner are not subject to the identification requirement.

(D) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred and twenty‑five dollars or imprisoned not more than thirty days, or both. Each violation constitutes a separate offense.

(E) Notwithstanding Chapter 3, Title 22, magistrates court has jurisdiction over actions arising under this section.”

SECTION 2. Section 50‑16‑25 of the 1976 Code is amended to read:

“Section 50‑16‑25. (A) ~~It is unlawful to possess, buy, sell, offer for sale, transfer, release, or transport for the purpose of release a member of the family Suidae (pig) into the wild. A person who holds a valid permit, issued by the Department of Natural Resources, for the taking, transporting, and releasing of a pig from a free roaming population or his agent may capture and release a free roaming pig so long as: (1) the permit holder has express permission from the landowner to capture and transport free roaming pigs from the tract on which the free roaming pig is to be captured, (2) the free roaming pig is captured, transported, and released pursuant to a permit issued by the Department of Natural Resources, and (3) the pig is released on the same tract on which the pig was captured or into a permitted pig enclosure utilized for hunting purposes. Under no circumstances may a free roaming pig be released in a county other than the county in which the pig was captured.~~

~~(B)~~ ~~All free roaming pigs captured pursuant to a permit must be tagged at the point of capture as prescribed by the department and the tags must remain affixed to the pigs. Pig hunting enclosures must be permitted by the department at a cost of fifty dollars annually.~~

~~(C)~~ ~~It is unlawful to transport a live pig captured in the wild except as permitted by this section~~ It is unlawful to:

(1) import, possess, buy, sell, offer for sale, transfer, or transport a live member of the family Suidae (pig) taken from the wild;

(2) transport a captured live feral hog over a county line; or

(3) release a live member of the family Suidae (pig) into the wild.

(B) Each pig imported, bought, sold, offered for sale, possessed, transferred, transported, or released in violation of this section constitutes a separate offense.”

SECTION 3. Section 50‑9‑655 of the 1976 Code is repealed.

SECTION 4. This act takes effect on July 1, 2021.

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